



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.33 p.m. – 5.55 p.m.

Gibraltar, Wednesday, 14th February 2018

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| <i>The House adjourned at 5.55 p.m.</i> | 65 |

The Gibraltar Parliament

The Parliament met at 3.33 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament Wednesday, 14th February 2018. (i) Oath of Allegiance; (ii) Confirmation of Minutes. The Minutes of the last meeting of Parliament which were held on 18th and 29th January, 2018.

5

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

The Minutes are confirmed and signed.

COMMUNICATIONS FROM THE CHAIR

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

10

The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table, the amended Annual Report of the Gibraltar Police Authority for the year ended 31st March, 2017.

15

Mr Speaker: Ordered to lie.

Hon. Chief Minister: I have spoken to hon. Members opposite about the need to table this amended version of the report.

20

Clerk: The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I have the honour to lay on the table, the Accounts for the Gibraltar Port Authority for the financial year ended 31st March 2015.

25

Mr Speaker: Ordered to lie.

Questions for Oral Answer

CULTURE, THE MEDIA, YOUTH AND SPORT

Q95/2018

Rocks dumped at Coaling Island – Origination, purpose and assessment

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
We commence with Question 95/2018, the Hon. T N Hammond.

30

Hon. T N Hammond: Mr Speaker, where do the rocks being dumped in the sea at Coaling Island originate and can Government state for what purpose they are being dumped there and if the works have been subjected to a full Environmental Impact Assessment and if this has been presented to the DPC?

35

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

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the rocks being placed off Coaling Island originate from the works at Lathbury Parade ground to construct the new sports facilities.

40

A substantial amount of limestone bedrock is being broken out which is similar to the rocks used for sea defence structures and this is being temporarily stockpiled for use in future sea defence works.

No Environmental Impact Assessment has been undertaken as these works are not reclamation but before works started, various key entities were consulted including the Department of the Environment and the Gibraltar Port Authority. The Town Planning Department were also informed.

45

Arising from these consultations, a number of surveys were carried out including a protected species survey and a seabed survey. A number of environmental measures have also been put in place including the deployment of a protective boom fitted with a silk curtain fender.

50

Hon. T N Hammond: I understand then that if the rocks are being stockpiled there, there would be an intention to lift them out again at some point in the future and it just strikes me, would it not have been more straightforward to have conducted such stockpiling on the east side reclamation?

55

Hon. S E Linares: Mr Speaker, the volume of the rocks generated is substantial, therefore on plan the excavation footprint is the size of a football pitch and the running track over a depth exceeding six metres.

The stockpile of the rocks on land would have required a very large footprint which is simply not available so it would not have fitted on the east side because of the amount of rocks that have been excavated.

60

So that is the answer as to putting it on the east side, so we could not have stockpiled it on the east side.

65

Hon. T N Hammond: Mr Speaker, can the Minister give a flavour of how extensive the surveys he has said were conducted in order to protect the potential marine environment in that area, and why wasn't there an option of actually conducting a proper Environmental Impact Assessment which would have assured us that there is no environmental damage being conducted to potentially endangered species in that area?

Hon. S E Linares: Well, Mr Speaker, for a start I am quite satisfied that they did do the survey before they were stockpiled where they were. So much so, that we actually had some species removed from the place because they are protected species. So that is how extensive the survey went and we even had some limpets removed from some rocks before the stockpiling of these rocks.

So, I am quite satisfied that this was done, and as I said in the answer to the original question there was no need for an EIA at this point. The EIA would have to be done once the rocks are moved to become part of the reclamation, but not for stockpiling at this present time.

Hon. T N Hammond: Just one more question, Mr Speaker, as the Minister raised the subject of limpets, about which I am not an expert. But I am aware that the last time limpets were relocated the entire rocks were moved, it was not a case of removing the limpets from the rocks because clearly that would damage and potentially kill the limpets.

Is the Minister saying that entire rocks were removed from the area and if so, at what cost?

Hon. S E Linares: No, Mr Speaker, in this case although it took about three or four days to remove them, it was not removing the whole rock it was actually removing the species to some other area, which is pretty easy to do if you know how to deal with limpets.

Hon. E J Reyes: Mr Speaker, may I out of curiosity; I am always thirsting for knowledge. The Minister said at the end of the answer to the original question that they had placed a *silk* curtain. Could he enlighten us non-environmentalists what a silk curtain is?

Hon. S E Linares: Mr Speaker, in my answer I have silk but I am corrected and apparently it is silt, for the silt. *(Interjections)*

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can be of assistance, I believe that what you have is a silk curtain that holds in silt. *(Laughter)*

So, in order for there not to be a silt curtain, in other words in order for there not to be silt going everywhere, you put in a silk curtain which holds in the silt.

Yes, and I do not know whether the protected species was a Member of the GSD for example, there are very few of them about, or a limpet or whatever it is, but the silk curtain prevents the silt affecting the protected species.

Mr Speaker: Next question.

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

I just have a couple of supplementaries, can the Minister actually quantify in terms of cubic metres how much he expects in terms of rock, to be – using his own words – stockpiled there?

I am conscious of the fact that the Minister said this is not a reclamation project in itself and these are stones that will be used later on, I presume what he is telling the House is that there will be an exercise at some point in the future to actually go back, pick them up from where they have been dropped and move them somewhere else which would obviously involve some cost.

But having actually having witnessed the dumping by lorries of these rocks into that area, there is obviously going to be a time when there is a limit to how many rocks can be dumped in

the same area and there is going to have to be some form of reclamation in order to continue to fill in the area.

120 Can the Minister advise whether there is a project, these rocks are presumably going to break the surface, and *de facto* reclaim the area and it is going to appear as land; or is there anything involved in this stockpiling of rocks which effectively will set up a land road surface in that area?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has asked whether we have the information as to the cubic metres of rock that we expect will be taken from the site. We do
125 have that information, it is 65,000 cubic metres that are expected.

Now, Mr Speaker, the hon. Gentleman in relation to the rest of his question knows, and I do not think it arises from this but I am happy to assist the House and not require him to ask a specific question, knows that we have already announced that there is going to be a reclamation in front of Coaling Island, so the reasoning is therefore for using this site that we will be able to
130 move the rocks to form part of the revetment.

Now 65,000 cubic metres of rock might sound like a lot, but it may not even be enough to finish the revetment of the sort of reclamation that we envisage being in that area, although part of it may involve caissons being used rather than just rock revetment. And given the cost of double handling rock and other such materials, we will reduce the cost considerably by having
135 the rocks in that location, and simply having to displace the rocks rather than having to once again truck them down to the area if we had put them on the east side, for example, which would have cost twice again because of the double handling that would have been involved.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for the additional
140 information. Just for the sake of completeness, am I correct in understanding then that these rocks will have to be dredged up at some point in the future and located in wherever the sea wall would be in the future?

Hon. Chief Minister: Well I think the hon. Gentleman is using the wrong nomenclature, I do
145 not think you can dredge a rock. I think you can displace a rock, you can move a rock but as he and I know once something heavy is under water it is much easier to move, including me for example!

So, the hon. Gentleman will understand that moving a rock that is under water is easier than moving a rock from Lathbury to the east side and then moving it from the east side to Coaling
150 island.

Q96/2018

Gibraltar Broadcasting Corporation – Subtitles for local programmes

Clerk: Question 96/2018, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what steps, if any, are being taken
155 by the Gibraltar Broadcasting Corporation to ensure that subtitles for local programmes on television are available for the hearing impaired?

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

160 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, GBC already provides closed captioning for the hearing impaired on its 'video on demand' service via the GBC Player that can be found on the Corporation's website. Subtitles are available within 48 hours of the programme first airing on GBC TV.

The corporation is currently investigating the possibility of introducing an element of subtitles on air, although this does not include live programmes, which would require a significant investment in technology and recruitment of additional specialist personnel.

165

Hon. E J Phillips: Mr Speaker, I thank the Minister for the answer to that particular question. A number of people have approached me with hearing impediments in relation to this particular issue in relation to subtitles and obviously the GRA have issued several guidance notes, first of all in December 2013 in respect of accessibility for people with hearing and visual disability, and latterly on 17th March 2017 in which certain observations were made to the technical aspects of subtitling.

170

Is the Minister aware of those particular guidance notes issued by the GRA? I invite him to at some point, perhaps not today, comment on those to me privately. I would like to know whether or not subtitles can be provided on GBC news, for instance, because many people with hearing impediments get the news quite late, as you say 48 hours later, and it would be very helpful for members of our community that do have hearing difficulties to follow the news when it is delivered. If the Minister could give some information about the possible costings, or the 'significant' costs that the Minister alludes to, that would be helpful.

175

Hon. S E Linares: Well, Mr Speaker, initially it is not possible to give the costings of what is still at the investigation process, but I know GBC is investigating and the part where it says that it is the 'on air' is like for example the news could well be subtitled when it goes on at 11 o'clock rather than the 8.30 one. So those are the things that are being looked at.

180

I am aware of what the GRA is saying and I am also aware because we have had representations from the fraternity of people who have a hearing impediment. So, it is a thing that GBC is taking seriously but again it has to be in proportion to the financing and the availability of technology and also whether it is actually a thing that if we can provide it in another way, we would do so.

185

Q97/2018

Europa Point shooting facilities – Government's relocation plans

Clerk: Question 97/2018, the Hon. E J Reyes.

190

Hon. E J Reyes: Mr Speaker, further to the answer provided to Question 595/2017, is the Minister for Sport now in a position to inform this House of Government's plans for the relocation of the shooting facilities presently sited at Europa Point?

195

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

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, it is now public knowledge since the whole of the project was presented to the Development and Planning Commission, which is a public forum, for guidance and advice.

200 The area in the North Mole has been identified to build the shooting range. The building will include stores, car parking spaces and offices which are much needed in the area.

Q98/2018

**Gibraltar Sports and Leisure Authority –
Grade 9 administrative vacancy**

Clerk: Question 98/2018, the Hon. E J Reyes.

205 **Hon. E J Reyes:** Further to the answer provided to Question 8/2018, can the Minister for Sport update this House in respect of the Grade 9 that was an Administrative Assistant post, which was vacant within the Gibraltar Sports and Leisure Authority?

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

210 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the GSLA, the Gibraltar Sports and Leisure Authority, has currently advertised this post internally within the public sector.

Q99/2018

**Gibraltar Sports and Leisure Authority –
Staff vacancies to be filled**

Clerk: Question 99/2018, the Hon. E J Reyes.

215 **Hon. E J Reyes:** Can the Minister for Sport inform this House of any staff vacancies or posts which are currently waiting to be filled on a substantive basis within the Gibraltar Sports and Leisure Authority?

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

220 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, there are currently five vacancies of Pool Operative/Lifeguard. Closing date was yesterday Tuesday, 13th February.

225 **Hon. E J Reyes:** Mr Speaker, may I ask the Minister to confirm that we can deduce from that that there is no other post that has been covered in an acting basis by someone of a lower grade acting for a higher grade? Is that a correct assumption?

Hon. S E Linares: Yes, sir.

Q100/2018

**Gibraltar Sports and Leisure Authority –
Cancellations since 1st January 2018**

230 **Clerk:** Question 100/2018, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sport inform this House how many cancellations have been necessary at any of the Gibraltar Sports and Leisure Authority's facilities since 1st January 2018, indicating the location, date and reason for the cancellation.

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

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, allocations at the Victoria Sports Hall were cancelled due to water ingress on the following dates: 9th January 2018, 14th January, 28th January and 4th February 2018.

240

Hon. E J Reyes: Mr Speaker, last time I asked this question I had to clarify, and the Minister kindly sought out the information. What I really mean when I put down Gibraltar Sports and Leisure Authority's facilities, last time I said it was my intention to include the swimming facilities – what is sometimes commonly known as the GASA facilities – but perhaps I can quantify this one further.

245

I know that perhaps technically a facility may fall under a school grounds, for example, St Anne's School, but yet after school hours it is commonly known and recognised that it becomes a Gibraltar Sports and Leisure Authority facility. I do not know whether the Minister has that information at hand or he may need to find it.

250

Hon. S E Linares: No, Mr Speaker, because if the hon. Member would have asked that, I think it would have been the Hon. Minister for Education who would have answered that although the GSLA, as he well knows, is in charge of the allocations of the school, it is not in charge of the maintenance or the upkeep of the facility.

255

Therefore, if the question is the Gibraltar Leisure Authority's *facilities*, technically the schools are not the GSLA's facilities they are the Department of Education's facilities. But if the hon. Member wants to know about that he can well put the question, but it is not the GSLA's facilities, these are school facilities belonging to the Department of Education and therefore it is the Department of Education that deals with all the maintenance or issues like water ingress for example, if there is any in any of the school halls, and not the GSLA.

260

So, when he posed the question it was the GSLA's facilities and this is the only one where there has been water ingress.

Q101/2018
Sports-related grants –
Payment details

Clerk: Question 101/2018, the Hon. E J Reyes.

265

Hon. E J Reyes: Can the Minister for Sport provide updated details of all payments made during this current financial year in respect of any sports related grants?

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

270

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite, a schedule in respect of all payments made during this current financial year in respect of any sports-related grants.

Answer to Question 101/2018

| | |
|--|------------|
| Gibraltar Darts Trophy | 132,499.20 |
| World Pool & Snooker Championships | 168,176.00 |
| Commonwealth Games Reception | 2,592.00 |
| Gibraltar Kennel Club | 10,012.50 |
| Gibraltar Classic Vehicle Association | 1,200.00 |
| Gold Coast Expenses | 5,965.00 |
| U 23 Qualifiers International Darts Competition | 110.00 |
| World Pool Masters | 160,000.00 |
| Gibraltar International Backgammon Tournament | 70,500.00 |
| Hockey Challenge Cup | 850.00 |
| Extra cleaning services contracted for the Gibraltar Song Festival | 192.00 |
| International Bike Rally | 241.64 |
| Harley Davidson Club | 4,500.00 |
| Maccabi Gibraltar | 4,000.00 |
| Extra cleaning services contracted for Boxing event | 38.40 |
| Eurafrica Trail Event | 2,3339.39 |
| Gibraltar International Junior Chess Championships | 40,000.00 |
| King's Bowl Bowling Tournament | 16,000.00 |
| Extra cleaning services contracted for Philharmonic event | 250.00 |
| Gibraltar Squash Open | 6,000.00 |
| Gibraltar Chess Trophy Sponsorship | 200,000.00 |
| Commonwealth Queen's Baton Relay Reception | 1,200.00 |

Grants awarded to Sporting Associations, 2017/2018

| | |
|-----------------------------|-----------|
| Netball Association | 13,340.51 |
| Target Shooting | 5,745.93 |
| Shooting Association | 11,933.61 |
| Darts Association | 15,812.50 |
| Hockey Association | 15,587.41 |
| Ten Pin Bowling Association | 2,631.06 |
| Athletics Association | 6,302.11 |
| Basketball Association | 46,644.10 |
| Triathlon Association | 3,025.00 |
| Rowing Association | 2,381.56 |
| Swimming Association | 4,380.34 |
| Pool Association | 5235.00 |
| Backgammon Association | 3038.36 |
| Sea Angling | 5,518.54 |

Sports Grants awarded for International Competitions, 2017/18

Island Games 178,257.67

Grants awarded for Sports Development Projects, 2017/2018

280

| | |
|-------------------------|----------|
| Cricket Association | 1,394.13 |
| Cycling Association | 311.00 |
| Shooting Federation | 3,349.04 |
| Badminton Association | 3,242.14 |
| Rowing Association | 4,750.75 |
| Hockey Association | 3,684.00 |
| Athletics Association | 4177.25 |
| Basketball Association | 814.04 |
| Karate Association | 961.00 |
| Taekwondo Association | 311.99 |
| Ice Skating Association | 397.23 |

Q102/2018
Cultural grants –
Payment details

Clerk: Question 102/2018, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Culture provide updated details of all cultural grants awarded during this current financial year?

285

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

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, since my answer to Question W196/2017, one further cultural grant of £3,000 has been awarded to the Gibraltar IDF Dance Association in their participation at the IDF World and European Championships 2017 and 2018.

290

I take this opportunity to remind the hon. Member that updated information is regularly posted on the HMGoG website.

Q103-106/2018
Gibraltar Football Association –
Victoria Stadium: agreements, payments, compensation, instalments, delays

Clerk: Question 103, the Hon. E J Reyes.

295

Hon. E J Reyes: Mr Speaker, can the Minister for Sport update this House with details of agreements entered into and payments made to date by the Gibraltar Football Association in respect of all facilities which they lease at Victoria Stadium?

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

300

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 104 to 106.

Clerk: Question 104, the Hon. R M Clinton.

305

Hon. R M Clinton: Mr Speaker, can the Government advise if it has agreed to pay any compensation to operators of catering establishments in the Victoria Stadium Complex, as a result of the anticipated sale to the Gibraltar Football Association and if so, to whom and in what amount?

310

Clerk: Question 105, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government confirm that the two £5 million instalments payable by the GFA in this current financial year, are still expected to be paid before 31st March 2018?

315

Clerk: Question 106, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government confirm the lengthy negotiations since the announcement was made in April 2017 in finalising the sale of the lease for the Victoria Stadium to the GFA will not result in the taxpayer being worse off?

320

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

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, HM Government announced on 18th April 2017 that it had reached an agreement with the GFA on the sale of the Victoria Stadium.

325

The announcement stated the GFA would pay £16.5 million for the purchase of the land in three instalments with funds exclusively provided by UEFA and FIFA. Two instalments of £5 million each will be paid in the current financial year 2017/2018, with a third payment of £6.5 million paid in the 2018/2019. That is exactly what is going to happen.

330

At present HMGoG is working closely with the GFA in relation to the terms and conditions of the sale. There have not been lengthy negotiations, as stated in the question from the hon. Member. What there has been is careful co-ordination between the Government and the Gibraltar Sports and Leisure Authority and the GFA as to how to manage the transition period.

335

As hon. Members know, the Sports Hall is part of the sale. Therefore, all sporting associations who regularly use these facilities including the track and field are to continue to use them and will do so for a period of time, while all the other *wonderful* facilities are being constructed.

There is only one operator having a catering establishment in the Victoria Stadium and we are still negotiating terms and conditions with the directors.

340

The taxpayer will certainly not be worse off but much better off. Better off with football acquiring a new Cat 4 National Football Stadium; two alternative pitches for domestic games at all levels; sufficient training facilities and pitches to meet all demand within Gibraltar and at least two indoor futsal pitches.

345

Gibraltar clubs will be better off since they no longer need to train in Spain, they will be able to base all their training needs in Gibraltar. Rugby and cricket will be better off and be able to enjoy their own state-of-the-art facilities at Europa Point. Indoor sports and cultural entities will be better off since they will be able to enjoy new and more modern multi-purpose hall at Europa Point, in addition to the continued use of the Tercentenary Hall and the rest of the Bayside area.

350 HM Government will also have funds available to invest in hockey and other sports like paddle tennis as has been seen with the new refurbished courts at Bayside. All this will assist basketball, netball, volleyball, badminton and squash, amongst others.

Darts will be better off since they finally will have the area they desperately need and deserve, which they have been seeking since 1958, given their international achievements.
355 Athletics will be better off when they obtain an enhanced 400 m track at Lathbury Parade. Swimming will be better off with a new, much needed, 54 m indoor pool.

Premises for associations and clubs, offices, lecture theatres, treatment rooms and boardrooms are all being included in all these facilities being developed.

A specific new facility has already started for our Special Olympians who have done us proud
360 so many times. And all facilities will be made available to our schools.

The taxpayer is already benefitting through a huge economic activity and investment on the infrastructure without costing a penny to the taxpayer.

The benefit will be seen when we see 2,500 athletes coming to our shores for the Island Games in 2019; 2,500 athletes will be filling all our hotels. Friends and family who will be
365 accompanying the athletes and who will drink and eat in our bars and restaurants during the nine days they will be here. Therefore, all businesses will be better off.

After the Island Games, all our facilities will be the legacy of the Games with these new facilities capable of bringing to Gibraltar many more people in the form of events such as athletics meets, Rugby 7s and 15s tournaments, international swimming competitions and more
370 netball tournaments, the Association is keen to host amongst others.

The fact that international football will be played here is yet another benefit to our taxpayers and our economy generally. All in all, a win-win situation not only for the taxpayer but for our children, our young people and even our elderly.

I would at this point like to give my sincere thanks to all. To all sports associations who are
375 being very co-operative in working with us together, so that all the facilities will comply with all international requirements and also for being patient and helpful during this two-year transitional period in which there are disruptions due to all the construction going on.

Hon. E J Reyes: Mr Speaker, in my own question which was number 103, the Minister has
380 reminded us of the agreements entered into with the Gibraltar Football Association and even the target payment dates and so on.

But my question does say the payments *made to date* by the Association and I have not heard the Minister confirm the figure of what payments have been made to date.

Hon. S E Linares: Mr Speaker, as I said in my lengthy answer, there has not been any figures
385 yet because of the leases. We are looking at leases, we are looking at contracts, we are looking at agreements as my answer stated.

So, whether the hon. Member says has any monies passed, the answer is no; but we are guaranteed and part of the agreement was that it will be paid before the end of this financial
390 year – the amounts that were two instalments.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer. If he could perhaps come back to my specific question in respect of the catering, the one catering
395 establishment in the stadium complex: can the Minister advise whether this catering establishment has a licence agreement from the Government or a lease, and has the occupier or the operator of this catering establishment indicated the Government any sums of money they would be seeking in terms of compensation at this stage?

Furthermore, I would remind the Minister and I am grateful for his clarification that he
400 expects the £10 million by the end of the financial year, but by my calculation he has 45 days to get it in.

405 **Hon. S E Linares:** Mr Speaker, as in the occupier of the one operator having a catering establishment in the Victoria Stadium, he has a lease and we are negotiating with him because part of the lease is where the GFA will be, so there are negotiations with it; but at the moment we are still negotiating with the directors as to how we work that one out.

Hon. E J Phillips: A question, Mr Speaker, so you are negotiating with this individual relating to the level of compensation? Is that part of it?

410 **Hon. S E Linares:** Not necessarily, Mr Speaker.

Hon. E J Phillips: Either you are or you are not. I am not too sure of the answer to that question – ‘not necessarily’ is not really an answer, with respect.

415 **Hon. S E Linares:** Well, Mr Speaker, when it is negotiations it can be either one or the other. We are in negotiations, that was the crux of the answer. If you are in negotiations, you do not give away whether it is one or the other; we are still negotiating.

420 **Mr Speaker:** Next question.

Hon. R M Clinton: Sorry, Mr Speaker I will be brief, my colleague may want a question as well.

425 Just coming back to finalise on the lease: are the negotiations for the complete surrender of the lease or partial surrender of the lease?

Hon. S E Linares: Well, Mr Speaker, as I said these are negotiating issues.

430 **Mr Speaker:** The answer that the Minister gave in his first answer was: ‘there is only one operator having a catering establishment in the stadium, we are still negotiating terms and conditions with the directors’. That is in the main body of his answer. (*Interjection*)
Next question.

Q107/2018
University of Gibraltar Halls –
Expected cost and name of contractor

Clerk: Question 107/2018, the Hon. L F Llamas.

435 **Hon. L F Llamas:** Mr Speaker, can the Government state the expected cost for the building of the University of Gibraltar halls and the name of the contractor?

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

440 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the exact cost of the project to develop accommodation in the area of the University of Gibraltar has not yet been determined. We are still in negotiations with the contractor in relation to certain items.
The name of the contractor is Casais.

445 **Hon. L F Llamas:** Mr Speaker, I can understand that perhaps there will be small items of construction in terms of materials, etc. used which may affect the final monies paid for this project. But certainly the Government will have entered a contract with a contractor to provide

this facility and therefore, there must be a ballpark figure towards this project already allocated, and a vehicle through which it will be financed.

450

Chief Minister (Hon. F R Picardo): Mr Speaker, we repeatedly have to deal with these issues in the House. I mean it is almost as if hon. Members want us to get the worst possible deal for the taxpayer.

455

Now, if hon. Members are being told that we have not been able to finalise a figure, it is because we are trying to get a better deal for the taxpayer than the one that has already been presented to us. But some works can be done whilst other aspects of the contract are finalised. That is where we are.

460

We had lengthy exchanges in this respect in particular in relation to the magnificent car-parking facility now provided in the centre of town, where we said repeatedly we would provide the information once we finalised the amounts to be paid, but we were pushing to ensure that we got the best deal for the taxpayer.

465

Now, when you enter into an agreement with the contractor, the contractor is still negotiating with sub-contractors, and if a price is given in which the contracting party – the Government – has agreed with the contractor, then the sub-contractor is able to work out how much he can squeeze the contractor for.

Those are the issues, Mr Speaker. As soon as everything has been dealt with and finalised we will be in a position to give a final figure and do so when it is not in the interest of the taxpayer to continue a negotiation to squeeze the best possible price.

470

That is what we insist on doing, I would have thought we would have enjoyed the hon. Members' opposite support for that.

Hon. L F Llamas: Mr Speaker, can the Government explain what procurement procedure has taken place in the development of this project?

475

Hon. Chief Minister: Yes, Mr Speaker, we have sought quotes from a number of entities.

Hon. L F Llamas: And can the Government confirm whether this was the cheapest quote?

480

Hon. Chief Minister: Mr Speaker, I believe this was the cheapest quote for the work that the Government required.

Hon. L F Llamas: And finally, Mr Speaker, has the Government undertaken an assessment as to how these halls will be populated once the project is completed?

485

Hon. Chief Minister: Of course, Mr Speaker.

Hon. L F Llamas: And is the Government able to disclose that assessment?

490

Hon. Chief Minister: Mr Speaker, why would we disclose that assessment at this stage if we are not yet at the stage where the facility is finalised? What is it that the hon. Gentleman wants to know? Perhaps if he asks us specifically about that, we may be able to share some information with him, but he almost wants us to come up with the marketing brochure that we might use at the end, now.

495

I mean it does not make any sense, Mr Speaker, this is an attempt to waste everybody's time.

Mr Speaker: Next question.

Hon. E J Reyes: Mr Speaker, sir may I?

500 **Mr Speaker:** Yes.

Hon. E J Reyes: Is this an opportune moment, if there are no further supplementaries to this question I would like to go back to Question 101 when you deem it.

505 **Mr Speaker:** The one where the –

Hon. E J Reyes: The one where they had the schedule, but I think we need to finish the supplementary on this one first.

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

I am grateful to the Chief Minister for expanding on the answer. I just have one question for him, if he can advise the House the cost of building these units which I understand will be Halls of Residence for the University of Gibraltar, are these to be borne by the Government entirely i.e. through the Improvement and Development Fund, or is there some other mechanism? And am I correct in my understanding then that it is the intention of the Government to gift this building to the University of Gibraltar?

Hon. Chief Minister: Mr Speaker, there are a number of questions there, not just one. The Government is looking at various options to finance this build.

520

Mr Speaker: The Hon. Edwin Reyes.

Hon. E J Reyes: Thank you, Mr Speaker, sir.

In the schedule provided as an answer to Question 101 I have tried to have a quick look to a previous answer I had via Written Question 195/2017. I notice first, Mr Speaker, the headings seem to have changed which makes it rather difficult to track but I thought – and I would like the Minister to confirm – he said this is an updated list of what has been paid in this year.

And if one looks at the 2017 answer for example, there was a £709 expenditure towards pistol shooting which in February 2018 does not appear in my schedule, it seems to have disappeared. Therefore, I am giving the Minister the benefit of the doubt, it cannot have been updated if it is missing data that was there before. Either the figure increases or it remains the same, but it seems to have disappeared.

And whereas in the previous schedule of last time, the Minister very kindly and very helpfully put down grants awarded for hosting special sports and leisure events, for example he had the backgammon tournament of which I know there has been a lot happening in that respect recently, I cannot find the backgammon tournament in the update of February 2018.

Maybe because that heading is missing as the heading of support granted to sporting societies, probably means the same as grants awarded to sports associations. But I need the Minister to confirm that where one reads societies it means the same as associations and there is no heading at the top of these - the answer to schedule Question 101 – whereas there was in the previous one.

If the Minister does have that information now, Mr Speaker, in the spirit of wanting just that information I do not mind delaying it and the Minister can come back at a convenient stage when you allow such a thing to be tabled properly and double checked.

545

Hon. S E Linares: Well, Mr Speaker, first and foremost the backgammon is on the list, it is Gibraltar International Backgammon Tournament £70,500. It is nine down the line of the schedule. Gibraltar International Backgammon Tournament, that is the first one.

The second one that the hon. Member is saying about, the target shooting, remember this is the current one so therefore if the target shooting had £700-odd when you asked the question

before, it means that now they probably have applied for more money and it is updated from £700 to Target Shooting £5,745.

555 But given that the hon. Member is not happy with certain things, I have no problem in going through it with the hon. Member, like we have done before, and go through and see which are the ones ... because from the two he has mentioned they are there, and I have an explanation and I have just said it. But if he wants, I mean it is up to him how he wants to tackle this.

560 **Hon. E J Reyes:** Well, Mr Speaker, I did not use the words target shooting, I used the specific title here which is pistol shooting, because target shooting is what appears in the 2018 answer and I have been looking for what was given in the 2017 answer which was pistol. In 2017 it was given under the heading Grants Awarded for Sports Development Projects, and under Grants Awarded for Sports Development Projects neither pistol nor target – sorry, it just says Shooting Federation which is... and my interpretation is that it encompasses the triple pistol, clay and so on.

565 So at first glance it is extremely difficult to decipher this. But I think the Minister has extended an invitation for us to meet behind the Chair. We can do so and then if one has to modify anything in *Hansard* –

570 **Mr Speaker:** I prefer that since my understanding is that pistols would be firing at a target. In any case you might as well settle it behind my Chair.

575 **Hon. S E Linares:** Yes, Mr Speaker, I am happy to do so because yes there is. I can see where the hon. Member could be well confused where it says Target Shooting in one place and then there is another one that says Shooting Federation in another. And anyway, there are three different associations and clubs of shooting, so we will shoot each other behind the Chair.

Mr Speaker: Well, let us get on with Question Time.

INFRASTRUCTURE AND PLANNING

Q108/2018

Black cabs –

Purchase agreement

580 **Clerk:** Question 108, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, further to Question 231/2017, are the black cabs now available for purchase in left-hand drive and has Government finalised its agreement with the Gibraltar Taxi Association regarding their purchase?

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

590 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, no left-hand drive variants are available yet of the new black cabs, the TX Model and no agreements have been finalised with the Gibraltar Taxi Association.

Hon. T N Hammond: Mr Speaker, does the Minister have an update on when the left-hand drives might be becoming available?

595 **Hon. P J Balban:** Mr Speaker, the left-hand drives are starting to become available now, as we speak. In fact, there is an order which has been placed and the first 25 units are currently in production for a company, for a client in Holland. This is the first 25 units at the moment and there is actually no availability for anyone else because obviously they manufacture right-hand drive vehicles and they have just started to move into left-hand drive territory.

600 **Hon. T N Hammond:** I thank the Minister for that update and I presume therefore that we are a lot further than we were when I last asked this question in terms of being able to procure the vehicles.

Therefore, in that light has the Minister engaged or has Government engaged with the Taxi Association reference the purchase at all yet?

605 **Hon. P J Balban:** Mr Speaker, the first thing that we have to do is to ensure that when these cars become available, they are suitable for Gibraltar's roads and until the thorough checks are carried out then we are not in a position to actually finalise or progress down the route of negotiation with the GTA.

610 **Mr Speaker:** Next question.

Q109/2018
Parking schemes –
Parking permits per household

Clerk: Question 109, the Hon. L F Llamas.

615 **Hon. L F Llamas:** Mr Speaker, without disclosing the household itself, can the Government provide a schedule on the number of parking permits issued per household since the recent launch of the parking schemes and the residential building or road that the household belongs to?

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

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand over.

Schedule to Q109 of 2018

| Housing Block | 1 Permit | 2 Permits | 3 Permits |
|------------------------|----------|-----------|-----------|
| Alameda House | 44 | 4 | |
| Governors Meadow House | 38 | 11 | 1 |
| Kingsway House | 54 | 10 | |
| Picton House | 38 | 10 | |
| Queens Hotel | 12 | | |
| Red Sands House | 32 | 8 | 2 |
| Sandpits Road | 9 | 1 | |
| Ross House | 38 | 4 | |
| Sandpits House | 8 | 2 | 1 |

| | | | |
|-----------------|----|---|--|
| Trafalgar House | 38 | 5 | |
| Victoria House | 31 | 7 | |

625 **Mr Speaker:** Given that the hon. questioner wishes to come back if necessary, Question 110.

COMMERCE

Q110/2018

**Gibraltar Financial Services Commission –
Statutory Review**

Clerk: Question 110, the Hon. T N Hammond on behalf of the Hon. D A Feetham.

630 **Hon. T N Hammond:** Mr Speaker, when will the Statutory Review of the Gibraltar Financial Services Commission carried out in 2016, be published?

Clerk: Answer, the Hon. the Minister for Commerce.

635 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, it is Government's intention to publish the Statutory Review shortly.

That does not mean that I am accepting in any way that it is a 2016 Statutory Review, because obviously that is not when it was completed.

640 **Hon. T N Hammond:** I appreciate this may not directly arise from the question, but can the Minister advise how much the exercise has cost to date?

Hon. A J Isola: Mr Speaker, no, I cannot, but what I can tell him is that I recall it was well within the budget that the FSC had provided for in its accounts.

645 **Hon. T N Hammond:** Mr Speaker, I know we have been around this particular buoy before: when the Minister says shortly, are we talking days, weeks, months, years? *(Interjection)*

650 **Hon. A J Isola:** Mr Speaker, shortly. It is due very shortly – I mean, shortly. *(Interjection and laughter)*

Mr Speaker: Next question.

Q111/2018

**Gibraltar International Bank –
Banking facilities for cryptocurrencies**

Clerk: Question 111, the Hon. T N Hammond on behalf of the Hon. D A Feetham.

655 **Hon. T N Hammond:** Mr Speaker, has the Gibraltar International Bank obtained alternative clearing facilities to enable it to offer banking facilities to cryptocurrency-related service providers?

Clerk: Answer, the Hon. the Minister for Commerce.

660

Minister for Commerce (Hon. A J Isola): Mr Speaker, this work is commercially confidential.

Mr Speaker: Next question.

Q112/2018

**Data-cable security vulnerability –
Safety of Gibraltar’s networks**

665

Clerk: Question 112, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, following recent reports in the UK media relating to data-cable security vulnerability, is the Government confident that Gibraltar’s networks are safe from sabotage and attacks?

670

Clerk: Answer, the Hon. the Minister for Commerce.

Minister for Commerce (Hon. A J Isola): Mr Speaker, Government’s Data/Voice communications infrastructure at the data centre and official buildings have appropriate physical security measures in place. These range from security personnel on-site, CCTV and access control systems.

675

Mr Speaker: Next question.

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q113/2018

**Wastewater treatment plant –
Question deferred**

680

Clerk: Question 113, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government confirm that the entire £22 million cost of the announced wastewater treatment plant will be borne by the Improvement –
(*Interjections*)

685

Mr Speaker: In the absence of the Minister, is any other Minister answering this question, otherwise we can defer it? (*Interjection*)

I think we will defer it, shall we? (*Interjections*) We move on to Question 139.

HEALTH, CARE AND JUSTICE

Q139/2018

**Illegal use of fireworks –
Government intended action**

690 **Clerk:** Question 139, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

Hon. E J Phillips: Mr Speaker, what does the Government intend to do about the illegal use of fireworks in Gibraltar?

695 **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 supports the celebration of the festive season, which on New Year's Eve has traditionally meant the discharging of fireworks. Government nevertheless believes that this should be done in a safe, legal and responsible manner and has, for some years supported the awareness campaigns conducted by the GFRS and the Royal Gibraltar Police.

700 As in previous years Customs, the Royal Gibraltar Police and the Gibraltar Fire and Rescue Service jointly engaged in their annual awareness campaign. These highlight that fireworks are prohibited imports, except under licence granted by the Collector of Customs, warning about the possible criminal offences concerning the use and possession of fireworks in certain circumstances, and setting out the Firework Code for the safe handling and use of fireworks. The campaign is promoted through social and traditional media outlets.

705 As part of this campaign, GFRS fire prevention officers distributed firework safety awareness flyers and placed posters at prominent locations. As an innovation and in a bid to curtail the indiscriminate discharge of fireworks in the run up to the New Year's Eve celebrations Government introduced a sales embargo window for legally imported fireworks that restricted their sale between 27th and 31st December.

710 This largely reduced the previously prevalent practice of discharging fireworks during the month of December and was hailed as a success by the Royal Gibraltar Police and the GFRS. Her Majesty's Customs also continue with their enforcement activity at the land frontier supported by RGP Dog Section officers with the explosives detection capability dogs. This served as a valuable and powerful deterrent in respect of the illegal importation of fireworks.

715 Government remains committed to the safe, legal and responsible use of fireworks during the festive season and will continue to promote similar campaigns in the future.

720

Hon. E J Phillips: Mr Speaker, just one further question in relation – I thank the Minister for Justice for that answer. Does the Minister have any information relating to the numbers of dangerous fireworks confiscated by Customs during that particular period?

725 **Hon. N F Costa:** Mr Speaker, I do not have the answer to that specific question but I will be happy to seek it from Customs. What I do have is supplementary information to say that no one had been arrested for the discharge of fireworks.

730 **Hon. E J Phillips:** The one thing that we could do during that particular period would be to have a sort of amnesty bin where people are permitted to dump any fireworks that they have purchased, at Customs when they come in, with relevant warnings erected at Customs during this particular season. It may be an idea that the Government may wish to consider.

735 **Hon. N F Costa:** Well, Mr Speaker, I know as I said in the answer that the RGP and Customs do deploy dogs during the particular season, they are very much aware of the attempt to import

any unlawful fireworks, but as I also said in the answer, any fireworks can be imported legally under the licence of the Director of Customs. But in respect of the particular question that he asks me, I do not have the information with me, but I will be happy to ask for it.

740 **Mr Speaker:** Next question.

Q140/2018
Criminal justice system reforms –
Electronic tagging

745 **Clerk:** Question 140, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

Hon. E J Phillips: Can the Government confirm whether they are considering introducing electronic tagging of individuals as part of its reforms of the criminal justice system?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, no.

Mr Speaker: Next question.

Q141/2018
Sexual harassment in the workplace –
Promotion of legislation

755 **Clerk:** Question 141 the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state whether or not it intends to promote legislation before the House to strengthen measures in relation to sexual harassment in the workplace?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Crimes Act 2011 provides for offences which would capture the eventuality of sexual harassment type behaviour in any location, including the work place. These offences can be found under section 215 if the harassment includes physical contact.

In cases where the harassment involves verbal abuse or visual representations, as well as following or monitoring of an individual, offences exist under sections 88, 89 and 92 of the Act.

770 These offences are all captured under Schedules 3 and 4 of the Crimes Act, which, in turn, means that any conviction which carries a sexual element could trigger notification requirements, by virtue of sentencing thresholds or the application of Sexual Offences Prevention Orders on the offender.

775 The Act ensures the protection of victims of sexual assaults and sexual harassment type of behaviours, by ensuring legislation exists which criminalises this behaviour and allows for the monitoring of those convicted offenders through the Multi Agency Public Protection Arrangements process.

Sexual harassment in the workplace is firmly prohibited by section 14 of the Equal Opportunities Act 2006. The Equal Opportunities Act defines sexual harassment as 'any form of

780 verbal, non-verbal or physical conduct of a sexual nature or that is related to gender
reassignment or sex that has the purpose or effect of violating an individual's dignity; or creating
an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. This
definition reflects international standards including an EU definition that we are obliged to
conform to.

785 A complaint for sexual harassment may be made to the Employment Tribunal. The Equal
Opportunities Act 2006 includes a separate harassment claim in cases where an individual is
treated less favourably because of that individual's rejection of or submission to the conduct.

Additionally, an individual subjected to less favourable treatment because they have made or
intend to make a complaint under the Equal Opportunities Act has a right to claim for unlawful
victimisation.

790

Hon. E J Phillips: Mr Speaker, I am grateful to the Minister for explaining to me the statutory
provisions in relation to criminal offences and indeed those that relate to equal opportunities
and the ability of complainants to seek recourse through the Employment Tribunal in relation to
complaints of sexual harassment in the work place; I am familiar with those.

795 My question really was to see whether there was any indication from the Government
whether any of those laws would be strengthened. What I mean by that is in recent years, the
United Kingdom Government have been debating whether or not additional protection should
be afforded to those who have suffered sexual harassment in the workplace by ensuring that
those companies and those employers in that situation who have compromise claims, as it were,
800 before the Industrial Tribunal or the Employment Tribunal, will not be allowed to hide away
from those compromise agreements and that it would be recorded within an organisation such
as the Employment Tribunal, the fact that a complaint had been registered against that
employer.

805 So effectively, what I am asking the Government is whether Government intends to promote
legislation to further protect individuals who have a complaint against sexual harassment against
an employer for instance in the workplace, and whether or not it would consider whether those
compromise agreements that had been entered into by the employer and the employee should
not be obviously disclosed to the general public, but the fact that it be recorded that sexual
harassment has been compromised in those circumstances with that particular type of
810 employer.

And what I put to him that of course, it is important that those who seek employment with
our employers in Gibraltar understand that there have been complaints made against them in
the past. That is what I am getting at. Of course there is debate in many countries relating to this
particular point of compromising claims, but I would ask the Government to clarify whether it
815 intends to bring legislation to promote that.

Hon. N F Costa: Mr Speaker, it is not an area or a subject that I have discussed with any of my
teams. It is not a matter that has been referred to me either by employers or the Royal Gibraltar
Police. However, given that he raised it in this House I will refer the matter to the Royal Gibraltar
820 Police and we will discuss it.

But it seems in any case as though the subject relates more to employment law, rather than
any amendment to the criminal law, in which case I will allow my hon. colleague to –
(*Interjection*)

825 **Hon. E J Phillips:** Just to clarify the point yes, I was aiming particularly, given the fact that my
question related to the workplace and strengthening measures in relation to sexual harassment,
clearly as Minister for Justice, Mr Speaker, the Minister is answering the question from the
context of the criminal law and indeed on equal opportunities. But the question is directed
specifically to the employment situation, that is correct.

830

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, as the Hon. the Minister for Justice has indicated, this is not a matter that the Government has given consideration to, it is a matter that we may well now need to consider.

835 As I understand the hon. Member's point, it is that where there is a compromise arrangement, that there should be some form of register, some form of record which is publicly available to anybody that might possibly be seeking employment with that employer in the future. It is something that we will clearly need to consider, discuss and debate.

840 But two immediate issues come to mind of concern in relation to such a scheme. Firstly, the fact that there is going to be, or that there would be legislation requiring these compromise agreements at least to form part of a register, even not the detail of the compromise agreement. That may actually lead to a great deal of reluctance by employers to enter into a compromise agreement in relation to sexual harassment if there is going to be a record that the employer has, in some way, acknowledged sexual harassment by entering into this compromise agreement. So that might add to the detriment of the employee by making employers reluctant

845 to enter into such a compromise agreement.

And the second issue is in relation to the register which could be a public record. I really do not see how this could actually work in practice. If there is a compromise agreement, a compromise agreement could be made in relation to a complaint, an allegation which may not necessarily be proven, which may not necessarily be subject to any particular finding, simply an

850 internal issue between the employer and the employee which they decide to compromise in a particular way.

And as the hon. Member will know, having I am sure done many compromise agreements in the employment scenario in different aspects, that does not necessarily lead to any acknowledgement or acceptance of the facts. Therefore, a register where the employer could be

855 seen to be acknowledging something simply on the basis of an allegation, that would be something which could perhaps lead to conclusions which may not necessarily be 100% correct, simply on the basis of tarnishing or judging entities simply on the basis of allegations which may have been made and which, because of the compromise agreement, have not gone to an industrial tribunal or any kind of formal setting or any kind of judicial setting without there being

860 a particular finding.

So those are two areas of concern. I am not saying that this is not something we are going to consider, but having heard the hon. Member for the first time on this issue now, these are two red lights that spring to mind and could cause some concern, certainly on our part.

865 **Hon. E J Phillips:** I am grateful for the answer by the Minister and this is a hotly discussed topic in the United Kingdom at the moment for obvious reasons. But I would certainly argue that having legislation or provisions like this that would strengthen the rules against sexual harassment in the workplace, would effectively prevent it from happening in the first place.

870 There is one argument to suggest that strengthening our measures would prevent employers from abusing their positions and prevent this from happening in the first place.

But look, it is a difficult subject I agree, but I take it that the Government is not as a result of that, intending to look at this in any detail at this stage.

875 **Mr Speaker:** Any other supplementaries?

Hon. Ms M D Hasson Nahon: Mr Speaker.

880 **Hon. G H Licudi:** Mr Speaker, I will answer that particular point. The Government has not closed its mind to the possibility of considering this, but there is a matter of public interest and public concern which we would have to look into.

Mr Speaker: The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, in the wake of the issues arising out of sexual harassment in Westminster, would the Government be looking at implementing a code of conduct for Parliament and parliamentarians on sexual harassment?
885

Minister for Commerce (Hon. A J Isola): Mr Speaker, it is not something that is under consideration at this moment in time.

Mr Speaker: Sorry, what was that?
890

Hon. A J Isola: It is not something that is under consideration at this moment in time.

Mr Speaker: It isn't?
895

Hon. A J Isola: It is not, not that we are aware.

Mr Speaker: Perhaps it ought to be.

Hon. A J Isola: Perhaps it may, Mr Speaker.
900

Mr Speaker: Because there was a report, a Commission that I myself chaired which was debated here and it was a subject that is supposed to be dealt with by a Select Committee of this House and that Select Committee is not able to meet for the simple reason that most of its Members, notably on the Government side, the Chief Minister and the Deputy Chief Minister are otherwise occupied.
905

But I would put it to hon. Members that it is about time that perhaps a lower powered Select Committee were to be formed, involving other Ministers and other Members of the Opposition that could deal with these matters.

Mr Speaker: The question of a Parliamentary Code of Conduct is well overdue in my view. Otherwise, I think that the work that Commission did has been wasted. The years go by and it has not been done. I know that the Chief Minister is committed to it but he is physically, and his Deputy, unable to deal with the matter.
910

Therefore, I would put it to the Ministers who are here now, that it is up to them, two or three of them, to take on this burden. The Minister for Labour, the Minister for Justice, they could take over the work of the Select Committee and get on with the work. There is a need, I think, for a Parliamentary Code of Conduct.
915

Hon. A J Isola: Mr Speaker, thank you for that. We will certainly ensure that it is discussed at Cabinet at our next meeting on Monday morning.
920

Mr Speaker: I commend that precisely.

Hon. N F Costa: Mr Speaker, just in relation to... for our part, we stand ready to participate in that.
925

Hon. Ms M D Hassan Nahon: Mr Speaker, by when could we expect some kind of briefing or answer on these Cabinet discussions?

Hon. A J Isola: Mr Speaker, it is not customary for us to give briefings on Cabinet discussions, but when a conclusion is arrived at, I am sure that it will be communicated appropriately.
930

Chief Minister (Hon. F R Picardo): If I can be of assistance, Mr Speaker.

935 **Mr Speaker:** Well, we are left pending the Hon. Dr Cortes.

Hon. Chief Minister: Mr Speaker, if I can be of assistance on this point as Leader of the House in respect of the issue of the Parliamentary Code of Conduct: there is a Code of Conduct prepared by the Government, it sits behind hon. Gentlemen, we have it here, it is available
940 online, the Government is entirely committed to it, Mr Speaker.

The only reason we have not progressed that is because the GSD asked us to take it to a Select Committee, Mr Speaker, and that is the reason why the Select Committee was created.

It is true I have heard you from inside that the Government has unfortunately been dealing with other matters which have made it impossible for us to progress the Select Committee – and
945 indeed, the fragmentation of the Opposition has made it impossible to progress with the Select Committees as constituted and therefore it will be necessary to ensure fairness, particularly in the context of a Code of Conduct for Members of the House, not just for Ministers, to amend the composition of the Select Committee to include both the independent hon. Members.

That is an issue that the Hon. the Deputy Chief Minister has already dealt with today in the
950 context of the composition of the Committee on Brexit and we intend to deal with in the context of the Committee on the Codes of Conduct and I am quite happy to commit to the House that we shall try and do that before the House breaks for Easter, Mr Speaker, so that we are able to finalise these matters that quickly.

This is something that I have wanted to see happen from the moment that I was elected to
955 this House and indeed, I was committed to see happen from the moment that I became Chief Minister. The entreaty from the GSD was that we should not progress with the Code without them having the opportunity to deal with it in the Select Committee. I think we are there, I do not think there is anything more to debate in this context, but I want to give hon. Members, in particular the Independent Members, the opportunity to contribute.

960 **Hon. E J Phillips:** Mr Speaker, just on the point that the Chief Minister makes in relation to this, we have said categorically that we stand ready to participate in this process quite clearly, but it is certainly wrong to suggest that ... He describes it as a fragmented Opposition, but it is quite clear we stand ready to participate in this process.

965 The world did not stop the day that the United Kingdom decided to leave the EU –

Mr Speaker: It very nearly did –

Hon. E J Phillips: But it did not, Mr Speaker, but it does not mean that –

970

Mr Speaker: It very nearly did –

Hon. E J Phillips: But it does not mean that the rest of Gibraltar needs to stop functioning. We need to carry on, Mr Speaker, doing our daily business and accept the –

975

Mr Speaker: Twenty-four hours in a day.

Hon. Chief Minister: Yes, Mr Speaker, the world did not stop the day that Brexit happened. In fact the Government has demonstrated that we are continuing with a whole raft of local
980 legislation, with a whole raft of initiatives. (*Interjection*) We are doing so many that the hon. Gentlemen say that we are rushing it.

But, Mr Speaker, that Select Committee did have to stop the minute that the GSD started to fall apart and the first time it lost a Member, we had to include her in that Committee; the second time it has lost a Member up to now, we are going to have to include him in that
985 Committee and if they lose any others, Mr Speaker, we are committed to Independent Members

having a say, in particular on a code that regulates Members. So although Brexit did not stop the Select Committee, Mr Speaker, the breakup of the GSD did interfere with it.

Mr Speaker: Next question, 113. (*Interjections*)

990 I assumed that automatically Mr Cortes would want to carry on, but if between them they prefer that the Hon. Neil Costa should carry on, I am quite happy to do so.

Very well, okay so call the next question.

995

Q142/2018
Access to CCTV footage –
Protocols

Clerk: Question 142, the Hon. E J Phillips.

1000 **Hon. E J Phillips:** Mr Speaker, can the Government state what protocols are in place to limit access to CCTV footage?

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

1005 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker,
The Royal Gibraltar Police (RGP) controls and operates the Gibraltar Government's Public CCTV Scheme, which includes CCTV cameras located at various points throughout Gibraltar. This CCTV system operates with fixed and Pan, Tilt and Zoom (PTZ) cameras. The Code of Practice governs the evidential integrity and effective management of inter alia the Public CCTV system operated by the RGP. The Public CCTV system has been registered with the Data Protection
1010 Commissioner (DPC) and a copy of the Code of Practice has been made available to the DPC. Access to the Public CCTV system is password protected and auditable. The processing, storage and security of the data is performed in strict compliance with the provisions of the Data Protection Act 2004. A copy of the Code of Practice is also available on the Gibraltar Government Website.

1015 CCTV operators are not authorised to operate any of the cameras or system until they have received suitable training and are familiar with the Code of Practice. Everyone involved in the management and operation of the RGP and CCTV systems will be issued with a copy of the Code of Practice. They will be fully conversant with the contents of the Code and appropriate
1020 procedures, which may be updated from time to time, and with which they are expected to comply. The data controller runs a list of those persons who are authorised to view live images and amends the list accordingly. Viewing of live images from the Public CCTV cameras is restricted to secure areas at New Mole House.

1025 The CCTV system is operated with respect for all individuals and in such a way as to avoid infringement of individual privacy. The RGP recognises that it is its responsibility to ensure that the systems must always comply with all relevant legislation, to ensure its legality and legitimacy. The external Public CCTV systems will only be used insofar as it is necessary for public safety, the prevention and detection of crime or public disorder. The Code of Practice also ensures that evidence is secured, retained and made available as required so that there is absolute respect for everyone's right to a fair trial.

1030 The RGP's Professional Standards Department (PSD) is responsible for the effective management of the systems, ensuring the integrity and probity of the operating system for evidential purposes. The Professional Standards Department conducts audits on the operation of the RGP systems and compliance with this Code of Practice. Audits include examination of the monitoring room records and the content of recorded material.

1035 All cameras are positioned within an area suitably signed to alert the general public of their presence. The CCTV system has a 'privacy mask' feature, which allows for all windows and private areas to be masked out. This privacy mask setting will be applied to black out private areas, which are not intended to be viewed or recorded. The CCTV system will therefore only view and record images of public areas that are within its field of view.

1040 A member of the public wishing to register a complaint with regard to any aspect of the RGP systems may do so in accordance with the Data Protection Act 2004. Any performance issues identified will be considered under the disciplinary procedures to which all police CCTV operators are subject.

1045 **Mr Speaker:** Next question.

Hon. T N Hammond: Mr Speaker, sorry, just one thing. Can the Minister just confirm then because I seem to recall asking a question along these lines some time ago and it became apparent that the RGP were not the only operators of CCTV systems in Gibraltar and that perhaps the Customs and the Environment Agency and others ... Do the same rules apply or have they all now been brought under the single agency of the RGP?

Hon. N F Costa: Yes, Mr Speaker, I have conferred with the Hon. the Chief Minister and the Hon. the Minister for the Environment and they are stand-alone systems.

1055 **Hon. T N Hammond:** And can the Minister confirm whether the same rules that he has just described as applying to the RGP system apply to those systems also, or are there no rules?

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
1060 Mr Speaker, if I may assist, there is close liaison between the Department of the Environment and the RGP and we follow their Code of Practice. In fact, the people or person, I think it is one person who actually looks at CCTV footage, is already in contact with the RGP and has received training from the RGP.

1065 **Mr Speaker:** Next question.

Q143-148/2018

Care Agency and Elderly Residential Services – Employment details and fixed-term contracts

Clerk: Question 143, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

1070 **Hon. E J Phillips:** Mr Speaker, as at 31st December 2017, how many individuals were employed directly by the Care Agency and Elderly Residential Services?

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

1075 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 144 to 148.

Clerk: Question 144, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

1080 **Hon. E J Phillips:** Can the Government state how many workers as at 31st December 2017 employed directly by the Care Agency were on fixed-term contracts?

Clerk: Question 145, the Hon. E J Phillips on behalf of the Hon D A Feetham.

Hon. E J Phillips: Mr Speaker, as at 31st December 2017, in what Department within the GHA were the workers employed by the GHA on fixed-term contracts working in?

1085

Clerk: Question 146, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

Hon. E J Phillips: Can the Government state how many workers as at 31st December 2017 employed directly by the GHA were on fixed-term contracts?

1090

Clerk: Question 147, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

Hon. E J Phillips: Can the Government state how many workers as at 31st December 2017 working within Mount Alvernia were on fixed-term contracts?

1095

Clerk: Question 148, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

Hon. E J Phillips: Of the previous three 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.

1100

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, as at 31st December last year, the Care Agency employed 538 individuals, of which 316 were deployed within the Elderly Residential Services.

1105

The total number of workers as at 31st December of last year employed directly by the Care Agency on fixed-term contracts, was 24.

As at 31st December of last year, workers employed by the GHA on fixed-term contracts were working in the following departments – Ambulance Services; Medical Department; Nursing Department; Physiotherapy Department; and Radiology Department.

1110

As at 31st December of last year, there were 113 workers employed directly by the GHA on fixed-term contracts. It is pertinent to note that out of those 113 workers, 68 are contracts of consultants and doctors who have been on fixed-term contracts, some, for over 20 years.

1115

The Government is confident that all consultants will enter into new and specifically negotiated contracts during the course of this year. To date, 18 consultants have now entered into their new contracts.

As at 31st December of last year, there were two workers employed on fixed-term contracts working within Mount Alvernia.

1120

I now hand over to the hon. Gentleman a schedule setting out (a) how many successive fixed-term contracts each worker has been engaged on; and (b) the date each were engaged on their first contract.

Answer to Question 148 of 2018

GHA

| FTC worker | Number of successive fixed-term contracts | Date first engaged |
|------------|---|--------------------|
| 1 | 31 | 05/02/1997 |
| 2 | 31 | 25/02/1997 |

| | | |
|----|----|------------|
| 3 | 7 | 02/02/1998 |
| 4 | 23 | 05/02/2001 |
| 5 | 21 | 05/02/2003 |
| 6 | 35 | 27/05/2003 |
| 7 | 18 | 06/08/2003 |
| 8 | 16 | 04/02/2004 |
| 9 | 30 | 01/02/2005 |
| 10 | 8 | 08/08/2005 |
| 11 | 27 | 05/09/2005 |
| 12 | 33 | 01/07/2006 |
| 13 | 34 | 07/08/2006 |
| 14 | 12 | 01/09/2006 |
| 15 | 12 | 02/10/2006 |
| 16 | 29 | 01/09/2007 |
| 17 | 11 | 01/10/2008 |
| 18 | 26 | 09/11/2009 |
| 19 | 19 | 01/11/2010 |
| 20 | 15 | 01/12/2010 |
| 21 | 12 | 01/06/2011 |
| 22 | 5 | 05/09/2011 |
| 23 | 1 | 08/01/2012 |
| 24 | 13 | 01/02/2012 |
| 25 | 6 | 06/06/2012 |
| 26 | 9 | 03/09/2012 |
| 27 | 5 | 06/01/2014 |
| 28 | 4 | 09/01/2014 |
| 29 | 4 | 01/02/2014 |
| 30 | 2 | 25/02/2014 |
| 31 | 4 | 28/09/2014 |
| 32 | 2 | 13/10/2014 |
| 33 | 2 | 20/10/2014 |
| 34 | 1 | 05/01/2015 |
| 35 | 3 | 11/01/2015 |
| 36 | 3 | 12/01/2015 |
| 37 | 3 | 25/01/2015 |
| 38 | 4 | 03/02/2015 |
| 39 | 3 | 10/03/2015 |
| 40 | 1 | 13/04/2015 |
| 41 | 3 | 19/04/2015 |
| 42 | 4 | 14/06/2015 |
| 43 | 3 | 01/07/2015 |
| 44 | 3 | 02/07/2015 |
| 45 | 4 | 14/07/2015 |
| 46 | 3 | 30/07/2015 |
| 47 | 1 | 01/08/2015 |
| 48 | 3 | 03/08/2015 |
| 49 | 1 | 10/08/2015 |
| 50 | 3 | 11/08/2015 |

| | | |
|----|---|------------|
| 51 | 3 | 23/08/2015 |
| 52 | 3 | 27/08/2015 |
| 53 | 2 | 14/09/2015 |
| 54 | 5 | 01/10/2015 |
| 55 | 1 | 01/10/2015 |
| 56 | 1 | 26/10/2015 |
| 57 | 3 | 22/11/2015 |
| 58 | 3 | 22/11/2015 |
| 59 | 5 | 03/12/2015 |
| 60 | 1 | 04/01/2016 |
| 61 | 3 | 06/03/2016 |
| 62 | 3 | 14/03/2016 |
| 63 | 3 | 01/04/2016 |
| 64 | 3 | 14/06/2016 |
| 65 | 2 | 20/06/2016 |
| 66 | 3 | 17/07/2016 |
| 67 | 3 | 03/08/2016 |
| 68 | 2 | 29/08/2016 |
| 69 | 4 | 11/09/2016 |
| 70 | 2 | 11/09/2016 |
| 71 | 2 | 24/10/2016 |
| 72 | 3 | 28/10/2016 |
| 73 | 2 | 30/10/2016 |
| 74 | 3 | 30/10/2016 |
| 75 | 2 | 31/10/2016 |
| 76 | 1 | 16/01/2017 |
| 77 | 2 | 17/01/2017 |
| 78 | 1 | 23/01/2017 |
| 79 | 1 | 20/02/2017 |
| 80 | 2 | 14/03/2017 |
| 81 | 1 | 01/04/2017 |
| 82 | 1 | 01/04/2017 |
| 83 | 1 | 24/04/2017 |
| 84 | 1 | 01/05/2017 |
| 85 | 1 | 02/05/2017 |
| 86 | 1 | 02/05/2017 |
| 87 | 1 | 26/06/2017 |
| 88 | 1 | 24/07/2017 |
| 89 | 1 | 24/07/2017 |
| 90 | 1 | 01/08/2017 |
| 91 | 1 | 01/08/2017 |
| 92 | 1 | 07/08/2017 |
| 93 | 1 | 14/08/2017 |
| 94 | 1 | 29/08/2017 |
| 95 | 1 | 01/09/2017 |
| 96 | 1 | 01/09/2017 |
| 97 | 1 | 04/09/2017 |
| 98 | 1 | 05/09/2017 |

| | | |
|-----|---|------------|
| 99 | 1 | 11/09/2017 |
| 100 | 1 | 12/09/2017 |
| 101 | 1 | 15/09/2017 |
| 102 | 1 | 17/09/2017 |
| 103 | 1 | 02/10/2017 |
| 104 | 1 | 02/10/2017 |
| 105 | 1 | 05/10/2017 |
| 106 | 1 | 09/10/2017 |
| 107 | 1 | 10/10/2017 |
| 108 | 1 | 23/10/2017 |
| 109 | 1 | 30/10/2017 |
| 110 | 1 | 06/11/2017 |
| 111 | 1 | 07/11/2017 |
| 112 | 1 | 13/11/2017 |
| 113 | 1 | 18/12/2017 |

Care Agency

| FTC worker | Number of successive fixed-term contracts | Date first engaged |
|------------|---|--------------------|
| 1 | 3 | 17/08/15 |
| 2 | 3 | 05/06/15 |
| 3 | 1 | 22/05/17 |
| 4 | 6 | 19/10/12 |
| 5 | 6 | 04/11/13 |
| 6 | 4 | 26/03/15 |
| 7 | 3 | 11/09/15 |
| 8 | 5 | 21/07/14 |
| 9 | 3 | 10/08/15 |
| 10 | 1 | 04/12/17 |
| 11 | 3 | 26/05/15 |
| 12 | 1 | 14/09.17 |
| 13 | 3 | 28/07/14 |
| 14 | 1 | 02/10/17 |
| 15 | 1 | 02/10/17 |
| 16 | 3 | 18/05/15 |
| 17 | 1 | 17/07/17 |
| 18 | 1 | 07/08/17 |
| 19 | 1 | 05/09/17 |
| 20 | 1 | 27/11/17 |
| 21 | 1 | 27/11/17 |
| 22 | 1 | 05/06/17 |

Mount Alvernia

| FTC worker | Number of successive fixed-term contracts | Date first engaged |
|------------|---|--------------------|
| 1 | 2 | 01/04/16 |
| 2 | 2 | 11/05/16 |

Q149/2018

**St Bernard's Hospital A & E Department –
Three new Charge Nurses**

1125

Clerk: Question 149, the Hon. E J Reyes.

Hon. E J Reyes. Mr Speaker, further to the answers provided to Question numbers 658/2017 and 733/2017, can the Minister for Health say on which dates the three Charge Nurses took up their posts on a substantive basis at St Bernard's Hospital A & E Department?

1130

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the three Charge Nurses took up the substantive posts at the A & E Department on 2nd January this year.

1135

Q150-152/2018

**Hearing aids –
Funding and patient numbers**

Clerk: Question 150, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state its position with respect to the funding of hearing aids for those suffering from hearing impairment and associated hearing conditions?

1140

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 151 and 152.

1145

Clerk: Question 151, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the position in respect of the funding of the maintenance of hearing aids issued by the GHA?

1150

Clerk: Question 152, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the number of adults seen by the Audiology Department in the GHA in 2016 and 2017?

1155

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

1160 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the GHA offers hearing aids free of charge to all entitled patients following clinical assessment.

The GHA finances the maintenance and repairs of all hearing aids issued. If the manufacturers advise that the age or condition of a particular hearing aid is beyond economical repair, the patient is reassessed and issued with a new device.

The Audiology Department saw 1,251 adult patients in 2016 and 1,267 last year.

1165

Hon. E J Reyes: Mr Speaker, may I?

Hon. N F Costa: You are affected!

1170 **Hon. E J Reyes:** Perhaps I should declare a vested interest because I am one of those who fit into the figure of 1,251 in 2016 and 1,267 of 2017.

The Minister said that it provides free of charge hearing aids to those suffering from hearing impediments yet, Mr Speaker, I know that some payments are to be made in respect of acquiring your first hearing aid.

1175 Are there certain conditions of why, for example, I have had to make a contribution? The way it was explained to me by the audiologist is that I was not paying the full cost, it was subsidised but certainly, payments have been made by many patients, of which I am one of those personally affected.

1180 **Hon. N F Costa:** Mr Speaker, according to the information I have been provided, and I have no reason to doubt the information provided, there should be no cost whatever to any of our patients who are entitled patients.

1185 The only thing I can think of – although of course I will need to go back to the Department and ask them specifically what the hon. Gentleman has raised in this House today – may be that the specification for a particular hearing aid is such, but that the patient wishes to have a different model or a different type of hearing aid and the difference is paid between the patient's choice and what is being advised.

1190 That is the only thing that I can think of but it may be completely mistaken of me to have said so, it may not be that at all, so I will go back to the Department and I will ask the question that the hon. Gentleman has raised today.

Hon. E J Reyes: Thank you, Mr Speaker.

Having now heard the Minister, that could well be a possibility as well. You may be entitled to something but then there is a medical sort of recommendation that you want something else.

1195 It is not a pressing matter, I think he understands we are not trying to quiz him or anything but for members of the public at large who do unfortunately suffer this hearing impediment, if the Minister can simply find out and get himself informed, then it gives future patients as well the opportunity of saying, 'Well look, I could go for this other version.'

1200 Some people are a bit worried about what it looks like and they would like a hearing aid that would not be seen. At my age I am not bothered about that, I just want one that works, especially if it works with the loop system which makes a vast difference in your life.

1205 **Hon. N F Costa:** Yes, Mr Speaker, as I said I will be happy to go back to the Audiology Department and as I say, given the remarks that the hon. Gentleman has made, it may be that there is a difference of opinion between the clinician and the patient as to what model the person wishes to be ordered and the view of the clinician may differ from that of the patient who may, in instances that have come to my desk, request a smaller hearing aid which the clinical advice is will not be sufficient for their purposes and that may be the reason why payments are made but I will confirm the answer for him.

Q153/2018
Mammography appointments –
Cancellations without notice

1210

Clerk: Question 153, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state why mammography appointments have been cancelled without advance notice to patients?

1215

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

1220

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, routine mammography screening appointments were regrettably cancelled recently due to the unexpected failure of the equipment.

All patients affected have been contacted and advised of the reason for the cancellation. Patients have been informed both by post and by phone of the new rescheduled appointment date.

1225

Hon. E J Phillips: Mr Speaker, this arises from just over five persons that became very concerned about the fact that they had not received such notification, or early notification as has been described, and effectively turned up to the hospital expecting to have this procedure done. They were then informed that it would be some time in April for these appointments and for the machinery to come back on line, as it will fixed.

1230

Obviously their concern was that obviously this is a delicate procedure for many women that have to undergo this procedure and therefore we wanted clarification as to why there would have been a mishap with five of them at least, I have been told at the very least, have been affected by this. But if the Government is assuring us that they have been communicated separately and through multi mediums, that is fine.

1235

Hon. N F Costa: Mr Speaker, I think the point that I wish to stress is that we are talking about routine mammography screening appointments, so we are not talking about urgent referrals or anything of the sort. This relates to appointments for routine screening.

1240

As a result of the breakdown of the mammography equipment, the appointments for these routine slots had to be rescheduled, I always insist when re-arranging meetings whether you bring them forward or back that you call the person and I am assured that the Department made a point of calling every single lady.

1245

Of course, there may have been cases where we have been unable to contact the lady for whatever reason, maybe the number we have is a landline and not a mobile, or indeed we have called the mobile and there has been no one to pick up and then a letter would have been sent and there would have been no oral contact.

But I always make it a point of making sure that people are called to be told of any rescheduled appointment, for the reason as he says, these appointments are important and we would rather minimise any disruption to patients.

1250

Mr Speaker: Next question.

Q154/2018
Orthopaedic Clinic –
Average waiting time routine consultation

Clerk: Question 154, the Hon. E J Phillips.

1255

Hon. E J Phillips: Mr Speaker, can the Government state the average waiting time for persons referred to the Orthopaedic Clinic for a routine consultation?

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

1260

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the average waiting time for persons referred to the Orthopaedic Clinic for a routine consultation is 11 months.

Mr Speaker: Next question.

Q155-156/2018
Operations –
Number carried out and cancelled 2016-17

1265

Clerk: Question 155, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the total number of operations carried out in 2016 and 2017?

1270

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 156.

1275

Clerk: Question 156, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state by percentage, cancellations of operations due to bed shortages from the years 2016 and 2017?

1280

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, a total number of 3,632 operations were carried out during 2016 and a total number of 3,649 operations were carried out during 2017.

1285

The percentage of cancellations of elective operations due to bed shortages for years 2016 and 2017 are as follows: 2016, 1.79%; and 2017, 0.06%.

Mr Speaker: Next question.

Q157/2018

**Mental health conditions –
Diagnosis statistics for children and young adults**

1290

Clerk: Question 157, the Hon. E J Phillips.

1295

Hon. E J Phillips: Can the Government state what statistics it has to hand in relation to the number of children and young adults, ages 12 to 25, diagnosed with depression and other mental health conditions?

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

1300

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Government has statistics in relation to the type of mental health condition and the number of children and young adults diagnosed with depression and other mental health conditions. These are available on our Primary Care Electronic Patient Record.

Q158/2018

**Obesity levels –
Policy for reduction**

1305

Clerk: Question 158, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, further to Question 56/2018, can the Government confirm what its policy is in reducing the high levels of obesity in our community?

1310

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, child obesity is an important matter for concern, but the overall levels of adult obesity in Gibraltar is also significant.

1315

The Government's strategy on the reduction of obesity is therefore designed to meet the needs of different ages, different strata of society and different lifestyles.

The Public Health department addresses these needs using a multi-dimensional approach, including health education, public engagement and direct interventions.

There are numerous ongoing activities, some examples as follows.

1320

In health education, the GHA Public Health Department presents several leaflets on obesity prevention, healthy diets and other health improvement topics in its website www.healthygibraltar.org and updates these regularly.

Posters on healthy diets and lifestyle are placed on display at the Primary Care Centre and within St Bernard's Hospital. These are available to the public and regularly updated.

1325

A number of TV infomercials are regularly aired on GBC on topics such as the Change4Life initiatives, dietary fats, sugars and salt. All of these have been produced in the last two years.

Articles on healthy eating and lifestyle are written for the *Chronicle* and *Insight Magazine* on a regular basis.

The health promotion officers have delivered a series of healthy eating lifestyle sessions to young adults at the Gibraltar College.

1330

A healthy eating campaign is currently being offered to Year 10 students of Bayside School.

The Health Promotion Officers contributed to the Citizen's Advice Bureau's 'Stay Safe' campaign for senior citizens of the South District, providing information on healthy living and answering questions.

1335 The Health Promotion Officers regularly appear on Radio Gibraltar's *Health File* presenting key facts on contemporary topics like obesity and answering questions.

The Public Health department is working with Dieticians to expand the food and snacks offered in the Hospital canteen with healthy options.

The Public Health Department is working with Hospital managers and Dieticians to substitute healthy products in the vending machines within GHA premises.

1340 Highly calorific food products contribute to obesity and a number of leaflets highlighting the health, environmental and economic benefits of reducing dietary consumption of meat have been designed and distributed throughout Gibraltar.

1345 The Department is working with the Ministry of Environment on the 'Conscious Eating – A green Gibraltar' Initiative which promotes eating for health reasons as well as to protect the environment.

Mr Speaker, further, may I inform this House, with respect to Question 56 of this year, that I mistakenly referred the hon. Gentleman to the 'Health Matters' report of 2015, when, in fact, it is the 'Health and Lifestyle' report, which is available online in the GHA website and which contains information on obesity. My apologies.

1350

Hon. E J Phillips: I am grateful to the Minister for clarifying the position, it is just obviously when the Minister said that I should do my homework properly and read it, which I had done, and then ... I am grateful for the correction.

1355 But it is right, after reading this document, there is no short, medium or long-term strategy of the Government. It is effectively a statistical analysis conducted of a survey on the health of Gibraltar effectively relating to obesity, smoking prevalence, eating habits etc. But it is quite clear from this document that we need to do more as a community to reduce obesity. Some of the levels that have been described in this document and the summary as well, which is more alarming, which suggests that there is serious concern for the population of Gibraltar, it brings significant health risks and the likelihood of disease of these people and consequently increases the future burden of health care.

1360 Therefore, that is why I put the question as to what is the short-term, medium- and long-term strategy by the Government in relation to this and I am grateful to the Minister for answering the specific questions.

1365 But coming to the question that I was going to put, quite recently there was some debate as to whether increasing activity for our children in schools may well be an option from the usual 30-minute activity levels up to an hour per day. Has the Government considered any of those measures that could assist in obesity levels generally, reducing them?

1370 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have been roped in by my learned colleague in view of my responsibility for public health and for education.

1375 This is certainly something I hesitate to say that we are reviewing physical activity in schools because I am going to be accused of doing yet more things because obviously it is now a crime for me to try and do anything more than I am doing already.

But certainly, this is something that we are reviewing, the important effect of obesity on the health and obviously on future budgets on healthcare is very important and this is certainly one thing that is being looked at.

1380 **Hon. E J Phillips:** Mr Speaker, I am grateful to the Minister of Education's clarification in relation to those points relating to children.

1385 But quite clearly, our levels of obesity are higher than those in Spain according to this survey and Gibraltar has the highest prevalence of obesity in adults at the age of 45 in relation to the countries that were included within this survey, i.e. England, Scotland and other countries such as Malta, and some of the Channel Islands.

1390 So it is a significant problem concerning the health of Gibraltar generally, not only in relation to children but also older males as well and therefore, these are the reasons why I have targeted these questions and hopefully, put it on the public agenda because it is quite concerning when you read in detail, the Health and Lifestyle Report as to the consequences of obesity on our healthcare system – not only for those children, but for our growing elderly population as well and the burdens that it will create.

That is why I am trying to ascertain the short- and medium-term commitments by the Government in relation to reducing obesity across the wide ranges of the ages and demographic.

1395 **Mr Speaker:** Next question.

Q159/2018
CCTV cameras at Dr Giraldi Home –
Location

1400 **Clerk:** Question 159, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state that the location of CCTV cameras situated at Dr Giraldi Home are restricted to the kitchen, communal areas and sitting room?

1405 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the CCTV cameras situated at the Dr Giraldi Home are located in communal areas which include lounges, kitchens and offices.

1410 **Hon. E J Phillips:** Can the Minister confirm whether or not any of those cameras would be facing rooms, residential rooms for these particular people who are residing there?

1415 **Hon. N F Costa:** Yes, Mr Speaker, the answer is no. They will never be pointed towards the personal living areas.

1420 **Hon. E J Phillips:** And just so that we get the position clear, because we talked about protocols in relation to previous questions of CCTV, I assume, and perhaps the Minister could correct me if I am wrong, that the protocols deployed by other agencies in relation to the use and limit of the view that CCTV cameras are applied also in the Dr Giraldi Home.

1425 **Hon. N F Costa:** Mr Speaker, first to say that the CCTV is not yet operational, the cameras are not yet in operation and the Care Agency are developing their own protocol relying of course, on the experience of other agencies. But because we are dealing with a residential setting, we thought it was best to have a particular protocol designed for that setting, rather than just relying on other agency protocols.

1430 **Hon. E J Phillips:** Mr Speaker, when were the CCTV cameras installed? I take the point that they are not operational so they are not switched on, but when were they installed?
Does the Minister have that information to hand?

Hon. N F Costa: They were all installed in the week commencing 29th January this year.

Mr Speaker: Next question.

Q160/2018
GHA clinics –
Specialist clinicians

1435 **Clerk:** Question 160, the Hon. L F Llamas.

1440 **Hon. L F Llamas:** Mr Speaker, can the Government since December 2011, provide details of specialist clinicians who have been providing GHA clinics including (a) the clinics, trusts or hospitals the specialist is from and (b) the time period the specialist has been or is hosting the GHA clinics?

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

1445 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, since December 2011, the details of specialist clinicians who have been providing GHA clinics including (a) the clinic, trust or hospital the specialist is from and (b) the time period the specialist has been or is hosting the GHA clinics, is in the schedule I now hand over to the hon. Gentleman.

Answer to Question 160/2018

COLORECTAL SCREENING PROGRAMME
ST GEORGE'S HOSPITAL

| Date | Month | Year |
|-------|-----------|------|
| 24-25 | NOVEMBER | 2014 |
| 16-17 | MARCH | 2014 |
| 07-08 | JUNE | 2015 |
| 27-29 | SEPTEMBER | 2015 |
| 06-08 | DECEMBER | 2015 |
| 29-01 | FEB/MARCH | 2016 |
| 18-19 | JULY | 2016 |
| 25-27 | SEPTEMBER | 2016 |
| 20-22 | NOVEMBER | 2016 |
| 26-28 | MARCH | 2017 |
| 16-18 | JULY | 2017 |
| 08-11 | OCTOBER | 2017 |

ST GEORGE'S HOSPITAL

| Date | Month | Year |
|-------|----------|------|
| 14-15 | JULY | 2014 |
| 12-13 | OCTOBER | 2014 |
| 12-13 | JULY | 2015 |
| 16-18 | AUGUST | 2015 |
| 16-17 | NOVEMBER | 2015 |

| | | |
|-------|-----------|------|
| 26-28 | JUNE | 2016 |
| 21-23 | AUGUST | 2016 |
| 08-10 | JANUARY | 2017 |
| 23-25 | APRIL | 2017 |
| 17-19 | SEPTEMBER | 2017 |
| 11-12 | DECEMBER | 2017 |

ST GEORGE'S HOSPITAL

| Date | Month | Year |
|-------|-----------|------|
| 30-02 | NOV/DEC | 2014 |
| 08-10 | FEB | 2015 |
| 10-12 | MAY | 2015 |
| 14-15 | SEPTEMBER | 2015 |
| 02-03 | NOVEMBER | 2015 |
| 07-08 | MARCH | 2016 |
| 23-24 | MAY | 2016 |
| 17-18 | OCTOBER | 2016 |
| 05-06 | DECEMBER | 2016 |
| 27-28 | FEBRUARY | 2017 |
| 22-23 | MAY | 2017 |
| 14-15 | AUGUST | 2017 |
| 06-07 | NOVEMBER | 2017 |

E.N.T.

ROYAL NATIONAL THORAT, NOSE AND EAR HOSPITAL, LONDON

| Date | Month | Year |
|-------|----------|------|
| 06-08 | FEBRUARY | 2013 |
| 17-18 | DECEMBER | 2013 |
| 17-18 | MARCH | 2014 |
| 14-15 | JULY | 2014 |

ROYAL MARSDEN HOSPITAL

| Date | Month | Year |
|-------|----------|------|
| 28-31 | JANUARY | 2013 |
| 07-08 | OCTOBER | 2013 |
| 06-08 | OCTOBER | 2014 |
| 23-25 | FEBRUARY | 2015 |
| 03 | APRIL | 2017 |

**GASTROENTEROLOGY
LEICESTER**

| Date | Month | Year |
|-------|-----------|------|
| 2-4 | JULY | 2012 |
| 12-15 | NOVEMBER | 2012 |
| 22-24 | APRIL | 2013 |
| 23-25 | SEPTEMBER | 2013 |

| | | |
|-------|-----------|------|
| 24-27 | JUNE | 2014 |
| 19-21 | NOVEMBER | 2014 |
| 14-16 | DECEMBER | 2015 |
| 20-22 | APRIL | 2016 |
| 19-21 | SEPTEMBER | 2016 |
| 23-24 | JANUARY | 2017 |
| 12-14 | JUNE | 2017 |
| 04-05 | DECEMBER | 2017 |

LEICESTER

| Date | Month | Year |
|-------|----------|------|
| 28-02 | NOV/DEC | 2011 |
| 02-04 | JULY | 2012 |
| 13-15 | NOVEMBER | 2012 |
| 23-26 | OCTOBER | 2013 |
| 13-16 | JANUARY | 2014 |
| 24-27 | JUNE | 2014 |
| 19-21 | NOVEMBER | 2014 |
| 21-24 | APRIL | 2015 |
| 14-16 | DECEMBER | 2015 |

**DERMATOLOGY
LEICESTER**

| Date | Month | Year |
|-------|----------|------|
| 10-13 | DECEMBER | 2011 |
| 27-28 | APRIL | 2012 |
| 17-20 | AUGUST | 2012 |
| 10-12 | DECEMBER | 2012 |
| 24-26 | FEBRUARY | 2013 |
| 14-19 | AUGUST | 2013 |
| 12-14 | DECEMBER | 2013 |
| 23-26 | APRIL | 2014 |
| 23-26 | JUNE | 2014 |
| 21-26 | AUGUST | 2014 |
| 27-29 | OCTOBER | 2014 |
| 02-03 | FEBRUARY | 2015 |
| 25 | APRIL | 2015 |
| 28-30 | OCTOBER | 2015 |
| 08-10 | FEBRUARY | 2016 |
| 16 | APRIL | 2016 |
| 20-24 | FEBRUARY | 2017 |
| 22 | APRIL | 2017 |

LEICESTER

| Date | Month | Year |
|-------|----------|------|
| 20-22 | FEBRUARY | 2012 |
| 19-20 | JUNE | 2012 |

| | | |
|-------|-----------|------|
| 22-24 | OCTOBER | 2012 |
| 22-24 | APRIL | 2013 |
| 03-05 | JUNE | 2013 |
| 30-02 | SEPT/OCT | 2013 |
| 24-26 | FEBRUARY | 2014 |
| 25-26 | APRIL | 2014 |
| 27-29 | OCTOBER | 2014 |
| 01-03 | DECEMBER | 2014 |
| 25 | APRIL | 2015 |
| 07-09 | SEPTEMBER | 2015 |
| 07-09 | DECEMBER | 2015 |
| 13-16 | DECEMBER | 2015 |
| 05-07 | SEPTEMBER | 2016 |
| 05-07 | DECEMBER | 2016 |
| 19-22 | APRIL | 2017 |
| 12-14 | JUNE | 2017 |
| 21-23 | AUGUST | 2017 |
| 04-06 | DECEMBER | 2017 |

LEICESTER

| Date | Month | Year |
|-------|-----------|------|
| 18-19 | SEPTEMBER | 2017 |

**GENETICIST
HAMMERSMITH HOSPITAL**

| Date | Month | Year |
|-------|-----------|------|
| 27-01 | FEB/MARCH | 2013 |
| 02-04 | OCTOBER | 2013 |
| 02-04 | APRIL | 2014 |
| 01-03 | OCTOBER | 2014 |
| 06-08 | MAY | 2015 |
| 07-09 | OCTOBER | 2015 |
| 20-22 | APRIL | 2016 |
| 11-14 | OCTOBER | 2016 |
| 03-05 | MAY | 2017 |
| 29-01 | NOV/DEC | 2017 |

**NEPHROLOGY
HAMMERSMITH HOSPITAL**

| Date | Month | Year |
|------|-----------|------|
| 23 | JANUARY | 2012 |
| 23 | APRIL | 2012 |
| 16 | JULY | 2012 |
| 24 | SEPTEMBER | 2012 |
| 28 | JANUARY | 2013 |

| | | |
|-------|-----------|------|
| 15 | APRIL | 2013 |
| 29 | JULY | 2013 |
| 07 | OCTOBER | 2013 |
| 27 | JANUARY | 2014 |
| 7-8 | APRIL | 2014 |
| 14-15 | JULY | 2014 |
| 20-21 | OCTOBER | 2014 |
| 12-13 | JANUARY | 2015 |
| 13-14 | APRIL | 2015 |
| 06-07 | JULY | 2015 |
| 12-14 | OCTOBER | 2015 |
| 18-20 | JANUARY | 2016 |
| 14-16 | APRIL | 2016 |
| 24-26 | OCTOBER | 2016 |
| 16-18 | JANUARY | 2017 |
| 25-26 | APRIL | 2017 |
| 04 | MAY | 2017 |
| 10-12 | JULY | 2017 |
| 11 | SEPTEMBER | 2017 |
| 26-27 | OCTOBER | 2017 |

**NEUROLOGY
ST GEORGE'S HOSPITAL**

| Date | Month | Year |
|-------|----------|------|
| 17-19 | NOVEMBER | 2014 |
| 12-14 | OCTOBER | 2015 |
| 25-26 | JANUARY | 2016 |
| 11-12 | JULY | 2016 |
| 03-04 | OCTOBER | 2016 |
| 20-21 | MARCH | 2017 |
| 10-12 | JULY | 2017 |

LEICESTER

| Date | Month | Year |
|-------|----------|------|
| 08-10 | DECEMBER | 2014 |
| 04-07 | AUGUST | 2015 |
| 07-10 | APRIL | 2015 |

LEICESTER

| Date | Month | Year |
|-------|-----------|------|
| 7-9 | MAY | 2012 |
| 26-28 | SEPTEMBER | 2012 |
| 09-11 | JANUARY | 2013 |
| 06-08 | JUNE | 2013 |
| 17-20 | SEPTEMBER | 2013 |
| 21-24 | JANUARY | 2014 |
| 05-07 | MAY | 2014 |
| 30-03 | SEPT/OCT | 2014 |

| | | |
|-------|----------|------|
| 10-13 | FEBRUARY | 2015 |
| 17-19 | JUNE | 2015 |

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| Date | Month | Year |
|-------|----------|------|
| 03-04 | OCTOBER | 2017 |
| 28-04 | OCT/NOV | 2017 |
| 30 | DECEMBER | 2017 |

**GYNAECOLOGY & OBSTETRICS
ROYAL MARSDEN HOSPITAL**

| Date | Month | Year |
|-------|-----------|------|
| 23 | APRIL | 2012 |
| 22 | OCTOBER | 2012 |
| 21-22 | OCTOBER | 2013 |
| 7-8 | APRIL | 2014 |
| 16-18 | NOVEMBER | 2014 |
| 07-08 | APRIL | 2015 |
| 19-20 | OCTOBER | 2015 |
| 04-06 | APRIL | 2016 |
| 27-29 | SEPTEMBER | 2016 |
| 18-20 | APRIL | 2017 |
| 23-25 | OCTOBER | 2017 |

**SPINAL SURGEON
GUYS & ST THOMAS' HOSPITAL**

| Date | Month | Year |
|-------|-----------|------|
| 09-10 | DECEMBER | 2011 |
| 02-03 | MARCH | 2012 |
| 08-09 | JUNE | 2012 |
| 14-15 | SEPTEMBER | 2012 |
| 07-08 | DECEMBER | 2012 |
| 01-02 | MARCH | 2013 |
| 12-13 | APRIL | 2013 |
| 28-29 | JUNE | 2013 |
| 13-14 | SEPTEMBER | 2013 |
| 08-09 | NOVEMBER | 2013 |
| 31-01 | FEBRUARY | 2014 |
| 02-03 | MAY | 2014 |
| 18-19 | JUNE | 2014 |
| 18-19 | SEPTEMBER | 2014 |
| 05-06 | DECEMBER | 2014 |
| 13-14 | FEBRUARY | 2015 |
| 24-25 | APRIL | 2015 |
| 03-04 | JULY | 2015 |

ST GEORGE'S HOSPITAL

| Date | Month | Year |
|-------|-----------|------|
| 13-14 | OCTOBER | 2014 |
| 17-18 | SEPTEMBER | 2015 |
| 16-18 | MAY | 2016 |
| 18-20 | JULY | 2016 |
| 25-27 | SEPTEMBER | 2016 |
| 05-07 | DECEMBER | 2016 |
| 06-08 | MARCH | 2017 |
| 05-07 | JUNE | 2017 |
| 25-27 | SEPTEMBER | 2017 |

| Date | Month | Year |
|-------|----------|------|
| 06-07 | NOVEMBER | 2016 |

SCOLIOSIS

| Date | Month | Year |
|-------|----------|------|
| 12-13 | OCTOBER | 2013 |
| 04-05 | JULY | 2014 |
| 27-28 | MARCH | 2015 |
| 02-03 | DECEMBER | 2016 |
| 10-11 | NOVEMBER | 2017 |

**CARDIO VASCULAR SURGEON
VITHAS XANIT HOSPITAL**

| Date | Month | Year |
|-------|-----------|------|
| 14 | FEBRUARY | 2014 |
| 21 | MARCH | 2014 |
| 10 | APRIL | 2014 |
| 25 | APRIL | 2014 |
| 09 | MAY | 2014 |
| 29 | MAY | 2014 |
| 13 | JUNE | 2014 |
| 26-27 | JUNE | 2014 |
| 11 | JULY | 2014 |
| 24 | JULY | 2014 |
| 14 | AUGUST | 2014 |
| 11 | SEPTEMBER | 2014 |
| 02 | OCTOBER | 2014 |
| 06 | NOVEMBER | 2014 |
| 11 | DECEMBER | 2014 |
| 15 | JANUARY | 2015 |
| 12 | FEBRUARY | 2015 |
| 05 | MARCH | 2015 |
| 19 | MARCH | 2015 |
| 16 | APRIL | 2015 |
| 30 | APRIL | 2015 |

| | | |
|----|-----------|------|
| 07 | MAY | 2015 |
| 28 | MAY | 2015 |
| 04 | JUNE | 2015 |
| 18 | JUNE | 2015 |
| 02 | JULY | 2015 |
| 16 | JULY | 2015 |
| 24 | SEPTEMBER | 2015 |
| 01 | OCTOBER | 2015 |
| 22 | OCTOBER | 2015 |
| 05 | NOVEMBER | 2015 |
| 19 | NOVEMBER | 2015 |
| 03 | DECEMBER | 2015 |
| 17 | DECEMBER | 2015 |
| 14 | JANUARY | 2016 |
| 28 | JANUARY | 2016 |
| 11 | FEBRUARY | 2016 |
| 18 | FEBRUARY | 2016 |
| 10 | MARCH | 2016 |
| 31 | MARCH | 2016 |
| 14 | APRIL | 2016 |
| 21 | APRIL | 2016 |
| 12 | MAY | 2016 |
| 26 | MAY | 2016 |
| 09 | JUNE | 2016 |
| 23 | JUNE | 2016 |
| 07 | JULY | 2016 |
| 21 | JULY | 2016 |
| 01 | SEPTEMBER | 2016 |
| 15 | SEPTEMBER | 2016 |
| 29 | SEPTEMBER | 2016 |
| 20 | OCTOBER | 2016 |
| 27 | OCTOBER | 2016 |
| 10 | NOVEMBER | 2016 |
| 24 | NOVEMBER | 2016 |
| 01 | DECEMBER | 2016 |
| 15 | DECEMBER | 2016 |
| 12 | JANUARY | 2017 |
| 26 | JANUARY | 2017 |
| 09 | FEBRUARY | 2017 |
| 23 | FEBRUARY | 2017 |
| 09 | MARCH | 2017 |
| 23 | MARCH | 2017 |
| 06 | APRIL | 2017 |
| 20 | APRIL | 2017 |

| | | |
|----|-----------|------|
| 04 | MAY | 2017 |
| 18 | MAY | 2017 |
| 01 | JUNE | 2017 |
| 15 | JUNE | 2017 |
| 29 | JUNE | 2017 |
| 06 | JULY | 2017 |
| 13 | JULY | 2017 |
| 27 | JULY | 2017 |
| 10 | AUGUST | 2017 |
| 07 | SEPTEMBER | 2017 |
| 21 | SEPTEMBER | 2017 |
| 05 | OCTOBER | 2017 |
| 19 | OCTOBER | 2017 |
| 02 | NOVEMBER | 2017 |
| 09 | NOVEMBER | 2017 |
| 16 | NOVEMBER | 2017 |
| 30 | NOVEMBER | 2017 |
| 14 | DECEMBER | 2017 |

PAEDIATRICS

SPINAL – GREAT ORMOND STREET HOSPITAL

| Date | Month | Year |
|------|-----------|------|
| 18 | MAY | 2012 |
| 21 | SEPTEMBER | 2012 |
| 12 | APRIL | 2013 |
| 08 | NOVEMBER | 2013 |
| 23 | MAY | 2014 |

ENDOCRINOLOGIST – IMPERIAL COLLEGE

| Date | Month | Year |
|-------|-------|------|
| 24-27 | APRIL | 2012 |
| 21-24 | MAY | 2013 |
| 13-16 | MAY | 2014 |
| 22-24 | MAY | 2015 |
| 25-27 | MAY | 2016 |
| 10-12 | MAY | 2017 |

NEUROLOGIST - BRISTOL ROYAL HOSPITAL FOR CHILDREN

| Date | Month | Year |
|-------|---------|------|
| 5-6 | JANUARY | 2012 |
| 16-17 | AUGUST | 2012 |
| 08-10 | JANUARY | 2013 |
| 15-16 | AUGUST | 2013 |

NEUROLOGIST - GUYS AND ST THOMAS' HOSPITAL

| Date | Month | Year |
|-------|----------|------|
| 10-12 | FEBRUARY | 2014 |
| 23-25 | FEBRUARY | 2015 |
| 14-16 | MARCH | 2016 |
| 01-03 | AUGUST | 2016 |
| 13-14 | FEBRUARY | 2017 |
| 31-02 | AUGUST | 2017 |

PSYCHIATRIST - GUYS AND ST THOMAS'S HOSPITAL

| Date | Month | Year |
|-------|-----------|------|
| 21-24 | JUNE | 2015 |
| 04-07 | OCTOBER | 2015 |
| 13-16 | DECEMBER | 2015 |
| 06-09 | MARCH | 2016 |
| 05-06 | JUNE | 2016 |
| 25-28 | SEPTEMBER | 2016 |

SLAM HOSPITAL

| Date | Month | Year |
|-------|-------|------|
| 21-24 | MAY | 2012 |
| 26-29 | MARCH | 2017 |
| 26-28 | JUNE | 2017 |

SLAM HOSPITAL

| Date | Month | Year |
|-------|----------|------|
| 21-23 | JANUARY | 2013 |
| 22-24 | APRIL | 2013 |
| 18-21 | AUGUST | 2013 |
| 04-05 | NOVEMBER | 2013 |
| 02-05 | FEBRUARY | 2014 |
| 19-20 | MAY | 2014 |
| 27-30 | JULY | 2014 |
| 01-03 | DECEMBER | 2014 |
| 01-04 | MARCH | 2015 |

| Date | Month | Year |
|------|-------|------|
| 6-7 | JULY | 2017 |

EVELINAS CHILDREN HOSPITAL

| Date | Month | Year |
|-------|---------|------|
| 06-07 | OCTOBER | 2017 |

ST GEORGE'S HOSPITAL

| Date | Month | Year |
|------|---------|------|
| 9-10 | OCTOBER | 2016 |

**PLASTIC SURGERY
LEICESTER HOSPITAL**

| Date | Month | Year |
|-------|----------|------|
| 20-22 | FEBRUARY | 2012 |
| 20-22 | AUGUST | 2012 |
| 19-21 | AUGUST | 2013 |
| 24-26 | MARCH | 2014 |
| 18-20 | AUGUST | 2014 |
| 20-22 | APRIL | 2015 |
| 24-27 | AUGUST | 2015 |
| 25-29 | JANUARY | 2016 |
| 21-23 | MARCH | 2016 |
| 22-24 | AUGUST | 2016 |
| 27-29 | MARCH | 2017 |
| 21-24 | AUGUST | 2017 |
| 10-15 | DECEMBER | 2017 |

LEICESTER HOSPITAL

| Date | Month | Year |
|-------|-----------|------|
| 28-01 | NOV/DEC | 2011 |
| 22-25 | APRIL | 2012 |
| 19-23 | NOVEMBER | 2012 |
| 11-15 | FEBRUARY | 2013 |
| 03-07 | JUNE | 2013 |
| 02-06 | SEPTEMBER | 2013 |
| 18-21 | NOVEMBER | 2013 |
| 12-16 | MAY | 2014 |
| 01-06 | SEPTEMBER | 2014 |
| 08-12 | DECEMBER | 2014 |
| 23-27 | FEBRUARY | 2015 |
| 12-17 | MAY | 2015 |
| 22-27 | JUNE | 2015 |
| 10-15 | AUGUST | 2015 |
| 16-21 | NOVEMBER | 2015 |
| 15-19 | FEBRUARY | 2016 |
| 04-09 | APRIL | 2016 |
| 19-23 | SEPTEMBER | 2016 |
| 14-17 | JUNE | 2016 |
| 06-10 | FEBRUARY | 2017 |
| 03-07 | APRIL | 2017 |
| 05-09 | JUNE | 2017 |
| 07-18 | AUGUST | 2017 |

| | | |
|-------|----------|------|
| 13-17 | NOVEMBER | 2017 |
|-------|----------|------|

RHEUMATOLOGY

| Date | Month | Year |
|-------|-----------|------|
| 27-28 | JANUARY | 2011 |
| 06-08 | JULY | 2011 |
| 05-07 | OCTOBER | 2011 |
| 12-13 | DECEMBER | 2011 |
| 19-21 | MARCH | 2012 |
| 16-19 | MAY | 2012 |
| 12-14 | JULY | 2012 |
| 10-12 | OCTOBER | 2012 |
| 15-17 | NOVEMBER | 2012 |
| 17-18 | JANUARY | 2013 |
| 20-22 | MARCH | 2013 |
| 29-31 | MAY | 2013 |
| 28-30 | AUGUST | 2013 |
| 05-07 | DECEMBER | 2013 |
| 30-01 | JAN/FEB | 2014 |
| 27-29 | MARCH | 2014 |
| 28-30 | MAY | 2014 |
| 03-04 | SEPTEMBER | 2014 |
| 15-17 | OCTOBER | 2014 |
| 18-19 | DECEMBER | 2014 |
| 05-06 | FEBRUARY | 2015 |
| 26-27 | MARCH | 2015 |
| 27-29 | MAY | 2015 |
| 12-14 | AUGUST | 2015 |
| 19-21 | OCTOBER | 2015 |
| 10-11 | DECEMBER | 2015 |
| 11-12 | FEBRUARY | 2016 |
| 17-18 | MARCH | 2016 |
| 13-15 | APRIL | 2016 |
| 16-17 | JUNE | 2016 |
| 25-26 | AUGUST | 2016 |
| 27-28 | OCTOBER | 2016 |
| 08-09 | DECEMBER | 2016 |
| 16-17 | FEBRUARY | 2017 |
| 16-17 | MARCH | 2017 |
| 25-26 | MAY | 2017 |
| 26-28 | JULY | 2017 |
| 21-22 | SEPTEMBER | 2017 |
| 27-01 | NOV/DEC | 2017 |

**CARDIOLOGY
ST MARY'S HOSPITAL**

| Date | Month | Year |
|-------|-----------|------|
| 31-01 | JAN/FEB | 2011 |
| 04-06 | SEPTEMBER | 2011 |
| 20-21 | FEBRUARY | 2012 |
| 03-04 | SEPTEMBER | 2012 |
| 28-30 | JANUARY | 2013 |
| 05-06 | AUGUST | 2013 |
| 24-25 | FEBRUARY | 2014 |
| 15-16 | SEPTEMBER | 2014 |

ST MARY'S HOSPITAL

| Date | Month | Year |
|-------|-----------|------|
| 04-06 | SEPTEMBER | 2011 |

IMPERIAL COLLEGE LONDON

| Date | Month | Year |
|-------|-----------|------|
| 03-04 | SEPTEMBER | 2012 |
| 15-16 | SEPTEMBER | 2014 |

**RESPIRATORY
LEICESTER HOSPITAL**

| Date | Month | Year |
|-------|----------|------|
| 02-03 | FEBRAURY | 2011 |
| 25-27 | MAY | 2011 |
| 30-01 | NOV/DEC | 2011 |
| 03-04 | MAY | 2012 |
| 28-30 | NOVEMBER | 2012 |
| 08-09 | MAY | 2013 |
| 27-28 | NOVEMBER | 2013 |
| 07-09 | MAY | 2014 |
| 26-27 | NOVEMBER | 2014 |
| 04-05 | JUNE | 2015 |
| 26-27 | NOVEMBER | 2015 |
| 19-20 | MAY | 2016 |
| 24-25 | NOVEMBER | 2016 |
| 25-26 | MAY | 2017 |
| 23-24 | NOVEMBER | 2017 |

SCIENTIFIC OFFICE (RESPIRATORY)

| Date | Month | Year |
|-------|----------|------|
| 21-23 | FEBRUARY | 2012 |
| 02-04 | MARCH | 2012 |
| 03-04 | MAY | 2012 |

| | | |
|-------|-----------|------|
| 29-30 | AUGUST | 2012 |
| 28-30 | NOVEMBER | 2012 |
| 23-24 | JANUARY | 2013 |
| 25-26 | MARCH | 2013 |
| 08-09 | MAY | 2013 |
| 02-03 | JULY | 2013 |
| 01-02 | SEPTEMBER | 2013 |
| 27-28 | NOVEMBER | 2013 |
| 26-28 | MARCH | 2014 |
| 07-09 | MAY | 2014 |
| 29-30 | JULY | 2014 |
| 22-24 | SEPTEMBER | 2014 |
| 26-27 | NOVEMBER | 2014 |
| 24-26 | FEBRUARY | 2015 |
| 03-05 | JUNE | 2015 |
| 01-02 | OCTOBER | 2015 |
| 25-27 | NOVEMBER | 2015 |
| 04-05 | FEBRUARY | 2016 |
| 19-20 | MAY | 2016 |
| 08-09 | SEPTEMBER | 2016 |
| 24-25 | NOVEMBER | 2016 |
| 23-24 | FEBRUARY | 2017 |
| 25-26 | MAY | 2017 |
| 25-26 | AUGUST | 2017 |
| 23-24 | NOVEMBER | 2017 |

**ALLERGY SPECIALIST
ROYAL NATIONAL THROAT, NOSE AND EAR HOSPITAL**

| Date | Month | Year |
|------|----------|------|
| 22 | NOVEMBER | 2017 |

**Q161/2018
Specialist patient care –
GHA resourcing**

Clerk: Question 161, the Hon. L F Llamas.

1455 **Hon. L F Llamas:** Mr Speaker, can the Government state whether any patient has been deprived of the appropriate specialist care as a result of the GHA not making appropriate resources available?

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

1460

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I can confirm that no patient has been deprived of the appropriate clinical care as determined by the GHA clinical team due to lack of resources.

1465 **Hon. L F Llamas:** Mr Speaker, as I have explained to the Hon. Minister through private messages on some particular cases which I have been informed of, there has been what seems to be a breakdown in communication or a lack of resources being made available.

My understanding from what may have happened in a particular case which we are not going to ventilate in this Chamber for sure, is that a patient has for some reason been put into an annual list of reviews for example and not been communicated.

1470 Can the Hon. Minister please pledge to investigate circumstances such as this one and ensure that the patient is always aware of the care that person is meant to be receiving and is not left in a vacuum of uncertainty?

1475 **Hon. N F Costa:** Yes, Mr Speaker, I have already carried out the investigation following the hon. Gentleman's message to me.

I have a note in front of me, the note seems to suggest that the gentleman in question was informed of the next step. Having said that I am working from notes so I was not present at the meeting where any such communication would have taken place. But it is entirely possible that either the information was not communicated entirely effectively or that the person did not quite understand what was being communicated to him. And to assuage the gentleman's concerns, there has been in any event an additional appointment now set for this particular gentleman, next week.

1485

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q113/2018

Wastewater treatment plant – Financing

Clerk: We now return to Question 113, the questioner is the Hon. R M Clinton.

1490 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that the entire £22 million cost of the announced wastewater treatment plant will be borne by the Improvement and Development Fund and if not, by whom?

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

1495

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the Government is considering a number of financing options.

1500 **Hon. R M Clinton:** Mr Speaker, I am sure the Minister is aware that in the last Budget there was a nominal £1,000 in the Improvement and Development Fund in respect of the wastewater treatment plant.

Is the Minister now advising this House that he does not think that this cost will be going through the Improvement and Development Fund?

1505 **Hon. Dr J E Cortes:** Mr Speaker, what I am saying is that we are considering a number of financing options. The £1,000 is there to reflect our commitment to it and to leave those options open. If a number of options are open, this could be one of them but we are not in a position right now to give any more information.

1510 **Hon. R M Clinton:** Mr Speaker, I must say I find it strange that the Minister announces the signing of a contract but he cannot tell this House how he intends to pay for it.

Will the Minister at least give an undertaking to come back to the House and tell the House how he intends to pay those contracts?

1515 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that is not the position. The position is that the Government knows it has different options available to it to enable us to pay for the liabilities in the contract and we want to continue to have those options available to us.

When we have made a final decision in the interest of the taxpayer, because we are not going to choose the option that is most expensive, we are going to choose the option that is most in the interest of the taxpayer, we will then be in a position to make an announcement in that respect.

1520

Hon. R M Clinton: Mr Speaker, the Chief Minister is confusing the cost to the taxpayer in terms of the contract and the way he is going to pay for it.

1525 At the end of the day he has already signed a contract, there is no further benefit to be obtained for the taxpayer as far as I am aware, so is the Chief Minister saying that he really does not know how he is going to pay for this wastewater treatment plant at this moment in time?

Hon. Chief Minister: That is not the position, Mr Speaker. What the hon. Gentleman is confusing is whether or not there might be any financing cost attached to the way in which we determine that we will pay for the cost of this liability or whether we will decide to approach the cost in another way which might reduce either the financing cost or indeed the £22 million in some way.

1530

Mr Speaker, what he should be saying to me is that he is very pleased to hear that there is an opportunity to ensure that the taxpayer gets an even better deal.

1535

Q114/2018
Smoking –
Reducing prevalence

Clerk: Question 114, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how it intends to reduce the prevalence of tobacco smoking in our community?

1540

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

1545 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Government intends to reduce the prevalence of smoking in Gibraltar through the following initiatives:

Campaigning against the uptake of smoking by children – working through the Health Promotion team of Public Health.

1550 Monitoring the prevalence of smoking in schools – working with the Gibraltar Drugs Advisory Council to survey uptake of substances in schools.

Supporting the No Smoking Day initiative – a well-established initiative in Gibraltar to promote quitting.

1555 Promoting smoking cessation where tobacco consumption is disproportionately high – older men, ethnic groups, manual workers, etc.

Supporting and promoting the GHA Smoking Cessation service.
Increasing prices of tobacco products.

1560 **Hon. E J Phillips:** Mr Speaker, given this report that I have been avidly reading because of Minister Costa's reference to it on the last occasion, it is quite clear that our community has one of the highest smoking prevalences compared to any other country studied in relation to this report.

1565 Therefore, I ask the question as to whether the Government intends to neutralise the packets containing cigarettes so they are blank so that we get rid of this advertising of the names on these packets. Also, you have seen in other countries where they illustrate in quite graphic detail some disturbing images relating to tumours and cancer generally speaking.

1570 But does the Government intend to do anything about the packaging in relation to cigarettes in order to further enhance armoury against tobacco and the prevalence of tobacco smoking in Gibraltar?

Hon. Dr J E Cortes: Mr Speaker, there is no doubt about both obesity and tobacco smoking are concerns as reflected in that report, which is the second report that this Government produced. It was produced in my time as Health Minister.

1575 The first one was also published by us, the survey had been carried out in GSD times but they never provided the funding for publication. So we are very pleased and proud that we are putting this sort of information in the public domain because it is of interest to the community and also it spurs us on to greater things.

1580 So in the same way that in answer to the previous question we are promoting different initiatives to help tackle obesity, we are looking at a wide range of possibilities in decreasing smoking in Gibraltar, particularly for young people.

These are some of the matters that are on the list of things that are being considered, but we have not taken a firm decision on those and that is why the ones that appear in the answer to the questions are the ones that we are actually carrying out at the moment.

1585 **Hon. E J Phillips:** And, Mr Speaker, just one further question in relation to that. Clearly the position in 2008 the percentage of those individuals who had declared themselves as smokers was about 28% but in the 2015 report that the Government has commissioned, demonstrates that there was 35% so clearly something is not working in so far as strategy is concerned.

1590 In relation to children of course, the figures are fairly low and although I appreciate and commend the Government for going into schools and telling children about smoking in particular, it is quite clear that we need to do more.

Does the Minister agree with that?

1595 **Hon. Dr J E Cortes:** As I say with anything, any question on environment, of course I agree we can do more; we are never going to reach total satisfaction in campaigning and working for things that are good for the environment and good for the health of the community.

1600 I think I have to remind the Hon. the Leader of the Opposition that we did introduce a Smoke-Free Environment Act, so although the statistics indicate that there are a few percentage more smoking, I would like to think that there is a huge percentage more of non-smokers who are now not exposed to smoke.

So overall, perhaps the direction is the right one that we are following but clearly the community has more to do on this and we are committed to doing so.

1605 **Hon. Ms M D Hassan Nahon:** Mr Speaker, may I take this opportunity to ask the Minister whether they have made any progress on the question I made about a year ago regarding banning smoking in children's play parks and then asked again five months ago, which is an issue of course of health and of environment as the Minister says, because we can educate our

children all we want in schools but if they are living and breathing it in children's play parks, I do not know what example that is.

1610

Hon. Dr J E Cortes: Mr Speaker, we did, if my memory serves me right, ban smoking in the sports complex, I think that has been led by my friend and colleague the Hon. Stephen Linares, but I think that has already happened and we are intending to identify play areas and possibly other recreational areas.

1615

We are considering for example some parts of the Upper Rock where smoking can actually be a danger of fire that perhaps away from the roads and so on, to introduce for other reasons but this is certainly something that we are still considering and I hope that we will be able to see progress soon.

1620

Hon. E J Phillips: Just one final question, I promise, in relation to this. So the Government has no intention of standardising the packaging of tobacco products.

Hon. Dr J E Cortes: Mr Speaker, I did not say that. I said that this was one of the matters that is on the list of things to look at by way of improving our performance in smoking statistics.

1625

Hon. T N Hammond: Mr Speaker, the Minister did say part of the strategy would or could be to increase the price of tobacco, a strategy that has been known to work in other jurisdictions certainly.

1630

Is the Government seriously considering that or is the Minister just saying that for purposes in this House?

Chief Minister (Hon. F R Picardo): As Minister for Public Finance, I have raised the price of tobacco more in six years than was the case in the past 20, so I think there is an indication of our commitment.

1635

Hon. T N Hammond: That does not actually answer the question because clearly if you are considering raising prices to discourage people from smoking, they need to be raised significantly and considerably. And that is why I asked the question, is the Government considering the kind of raises, the kind of levels that we may see tobacco prices have reached in other jurisdictions like the UK or even possibly Spain or not?

1640

Hon. Chief Minister: Mr Speaker, in the past six years I have raised the price of tobacco more than has been the case in 20 years in this community and so, therefore, I think we have a track record of using price in a way that deters people from smoking. But if people are foolish enough to want to put a stick of grass in their mouth and light it, Mr Speaker, then it is very difficult to dissuade them.

1645

In the United Kingdom, raising the price of tobacco has meant that people continue smoking so in a community as affluent as ours that may not be the silver bullet that hon. Members pretend it is.

1650

But given that the last time they were in Government they did not take those steps, can I ask them, at least rhetorically, Mr Speaker, what it is that has changed their minds now.

Mr Speaker: Next question.

Q115/2018

**Complaints to EU Commission re flaring at Cepsa –
Response received**

1655 **Clerk:** Question 115, the Hon. T N Hammond.

Hon. T N Hammond: Further to Question 115/2017, has Government received a response to its complaints to the EU Commission reference the flaring at Cepsa and if so, what was the content of that response?

1660

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can be of assistance to the House, I am just reminded that the increase in tobacco prices in the time that I have been Leader of this House, is 134%.

1665 **Clerk:** Answer, the Hon. the –

Hon. T N Hammond: Mr Speaker, I am grateful for the answer to that question, but clearly the Government's – (*Interjection by Mr Speaker*) it is a question related -

1670 **Mr Speaker:** No, the matter is closed, I closed the matter, we are moving on to the next question.

I would think there is enough tobacco smoke around this place without dealing with the matter any further. It has been amply ventilated and we are moving on.

1675 **Clerk:** Question 115 and answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1680 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, as has previously been confirmed, the Government has received formal notification from the European Commission that the complaint has been registered and that it is being considered.

However, the Government has received no further feedback from the Commission since then. The Gibraltar office in Brussels is urging the Commission to expedite a reply.

Q116/2018

**Thinking Green underwater camera –
Operation**

1685 **Clerk:** Question 116, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, has the Thinking Green underwater camera worked at all since the beginning of last month?

1690 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, no, sir.

Hon. T N Hammond: Mr Speaker, what is the reason for it not having been serviceable?

1695 **Hon. Dr J E Cortes:** Mr Speaker, in answer to a previous question, I had mentioned that there was a question of online connectivity. On this occasion, the problem was a little bit more severe

and the diving team from the Department of the Environment and Climate Change inspected the whole length of the cable from the shore to the camera and found that severe weather had dislodged the rock that had fallen on the cable and pinched it.

1700 Therefore, it has required the removal of the whole cable and it will have to be laid again and the team is looking towards doing it over the next couple of weeks.

Hon. T N Hammond: I appreciate this may not arise from the question so I do understand, but does the Minister have any idea of what the cost of that particular exercise would be?

1705

Hon. Dr J E Cortes: Yes, Mr Speaker, we have enough cable to be able to relay it without having to purchase anymore, because most of it can be recouped and used and the work is carried out in-house by members of the Department's diving team so we do not have to pay over and above the normal wages of the men and women in question.

1710 So there is no separate cost other than the one as I said last time, routine maintenance is done by the in-house team.

Q117-118/2018

Dogs –

Testing of faeces; fines for non-registration

Clerk: Question 117, the Hon. T N Hammond.

1715 **Hon. T N Hammond:** Mr Speaker, what is the cost of each DNA test or batch of tests conducted on samples of dog faeces?

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

1720

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 118.

Clerk: Question 118, the Hon. T N Hammond.

1725

Hon. T N Hammond: How many fines have been issued or are pending for ownership of unregistered dogs?

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

1730

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the cost of each faecal DNA test is €12.88.

1735 In answer to Question 118, none yet sir, but I have to qualify that: although there has been no fining for unregistered dogs, there has been one fine currently being processed for an unlicensed dog. You have to register it and then license it every year. So the dog was registered but the licence had not been produced.

This is despite the fact that several hundred dog owners have been stopped to confirm their registration and there are daily patrols checking dog owners accordingly.

Q119/2018
Heritage Action Committee –
Meetings since March 2017

1740

Clerk: Question 119, the Hon. T N Hammond.

Hon. T N Hammond: How many meetings of the Heritage Action Committee have taken place since March 2017 and what has been discussed?

1745

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
1750 Mr Speaker, the Heritage Action Committee has met twice since March 2017.

Mr Speaker, in my prepared answer, I do not have the details of what has been discussed, but as I have it here, I am going to read through in order to assist to pre-empt the supplementary that is inevitably coming if I may, Mr Speaker.

1755 Discussion of the role of the committee in its method of operation, its terms of reference – this was in the first meeting which slightly pre-dates this, there was a meeting in February so it is three altogether since I reconstituted it – two since March, discussion on the Heritage and Antiquities Act and Government archives on the Gibraltar Museum, on the Garrison Library, the handing in of artefacts found by the public, heritage environment records, heritage management plans, GIS for plotting the schedule to the Heritage Act, inclusion of caves in the schedule, mobile heritage assets moratorium, Heritage Act feedback, the sports complex at
1760 Europa and Lathbury Barracks, Europa Point expressions of interest, Nun's Well options, Southport gates and the maintenance of city walls, the ex-MOD gatehouse relocation, the location of Admiralty anchors, Witham Cemetery, street art initiative, the World Heritage viewing platform, provision of archaeological services, the Garrison Library again, Lathbury Barracks and Europa Pass Battery, and discussion of heritage aspects of MOD assets.

1765

These are the ones listed in a list. There will have been more informal discussions but I think that highlights the range. If I may add as well, Mr Speaker, this is an action committee so it meets when there are specific actions to be decided. There is a lot more consultation with the different members in our day-to-day work.

1770

Hon. R M Clinton: Just one question, Mr Speaker. I notice reference to a Heritage Management Plan; I do not believe that has been published yet. When might that be published?

Hon. Dr J E Cortes: Mr Speaker, I think I have answered a question on this previously. This is being drafted by the Gibraltar Museum team and I am looking forward to receiving a draft but without notice, I cannot tell the hon. Member exactly when I expect this.
1775

Q120/2018
Upper Rock visitors –
Numbers per month since July 2014

Clerk: Question 120, the Hon. T N Hammond.

1780

Hon. T N Hammond: Can Government provide a list of the number of visitors to the Upper Rock, by month, since July 2014?

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

1785

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the information requested by the hon. Member is in the schedule which I now hand over.

In the meantime, Mr Speaker, I would like to bring his attention to the fact that this information is available on line at <https://www.gibraltar.gov.gi/new/statistics-topic-area/2018/tourism>.

1790

Hon. T N Hammond: I am not going to try and write that down!

1795

Hon. Dr J E Cortes: No, I am happy to give him a copy of this behind your Chair, Mr Speaker.

Answer to Question 120/2018

Total number of upper rock nature reserve visitors by month

| Year | January | February | March | April | May | June |
|------|---------|----------|-----------|---------|----------|----------|
| 2014 | | | | | | |
| 2015 | 18,774 | 27,507 | 41,685 | 87,614 | 85,252 | 83,586 |
| 2016 | 21,725 | 27,962 | 60,461 | 83,962 | 102,234 | 92,177 |
| 2017 | 25,558 | 32,279 | 55,259 | 96,367 | 117,267 | 105,011 |
| 2018 | 24,608 | | | | | |
| Year | July | August | September | October | November | December |
| 2014 | 100,337 | 110,603 | 103,961 | 90,846 | 37,560 | 27,465 |
| 2015 | 105,621 | 118,572 | 112,692 | 101,942 | 43,177 | 32,151 |
| 2016 | 117,980 | 129,284 | 123,050 | 118,980 | 51,238 | 30,052 |
| 2017 | 127,188 | 140,384 | 119,242 | 118,086 | 59,191 | 37,192 |

Q121/2018

**Upper Rock Nature Reserve entrance fees –
Arrears update**

Clerk: Question 121, the Hon. L F Llamas.

1800

Hon. L F Llamas: Mr Speaker, can the Government provide an update on the arrears detail position of debtors who may have exceeded their credit periods on Upper Rock Nature Reserve entrance fees, together with details of any other debts they may owe to the Government or its agents?

1805

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, there is currently one debtor. Arrears pending amount to £168,790.40.

1810

Hon. L F Llamas: Mr Speaker, is that exclusively in relation to Upper Rock entrance fees or does that encompass other arrears.

Hon. Dr J E Cortes: Mr Speaker, exclusively to the Upper Rock. I have not found any other debts by that debtor in other areas. If there are some, they certainly have not come to our attention when we were researching the answer.

1815

Hon. L F Llamas: Mr Speaker, can the Minister confirm that this is the same debtor that has owed a substantial amount of money for the last two years?

Hon. Dr J E Cortes: Yes, sir.

1820

Hon. L F Llamas: Therefore, Mr Speaker, could I ask what the Government is doing in order to recoup this amount of money, given that this is again on the increase and obviously the operator or whoever the individual is, keeps on entering the Upper Rock whilst having this debt over the Government.

1825

Hon. Dr J E Cortes: Mr Speaker, this is a snapshot, that debtor is regularly making fairly large payments. This is a snapshot at the time that this information was captured and it will depend on how many visitors come in and some months there will be more, some months there will be less, so I suspect that this will reflect a period, because there is a time lag of a couple of months before payments come in, so this could well reflect the end of the summer period.

1830

I can find more information but I can assure the hon. Member that payments are coming in regularly.

And in answer to previous questions, he will have seen how this does in fact go up and down depending on when we take the actual data. I am happy to look into a more long-term analysis of this but I do assure the hon. Member that regular payments are being received.

1835

Hon. L F Llamas: Mr Speaker, could I ask is any interest charged together with these payments for what could be described as an unsolicited loan?

1840

Hon. Dr J E Cortes: Without accepting that definition I am not aware of what that answer would be, I would need to look into that.

Hon. D A Feetham: Mr Speaker, just in relation to the answer the hon. Gentleman has given, does he know ...? Because what he is saying is that payments are regularly coming in, but of course, if payments are regularly coming in but the debt remains in the region of £200,000 then effectively the Government is subsidising this particular operator in a very significant way.

1845

Now, does the Minister know whether in the period since the summer for example, whether that debt has actually reached zero, because then I could understand the situation better and I could understand what we have here is an open tally whereby on a monthly or bi-monthly basis or every three months the debt may go up and then it is reduced to zero.

1850

I am just trying to understand what the nature of this debt and how long it has been outstanding is.

Hon. Dr J E Cortes: Mr Speaker, it has not reached zero, but it would be almost impossible to reach zero unless there were no visitors brought by that operator into the Nature Reserve for say a period of three months.

1855

There will always be, it is a dynamic situation, there will always be some debt. The debt has been considerably lower than it is now, when I have been asked at other times. I do not have a recollection nor the figures at this point in time as to what my answers have been, but they have been certainly at least, I think, I am working from memory, Mr Speaker, at least half of this.

1860

And if you then translate it into the number of tourists brought through, it may be that it is a reasonable amount of tourists if we are working on a two or three month lag. So it looks

perhaps, I think it certainly looks worse than it is, but I would need a little bit of time to research it in the context that it has been asked.

1865 I was asked for a specific figure, that is what I have provided. I would be happy either if the hon. Member or Members write to me or if there is another question in future to analyse it in that way, but it is highly unlikely that it would ever be zero if there is a lot of trade, but I need to research that further.

1870 **Hon. L F Llamas:** Mr Speaker, the fact that it cannot go down to zero is slightly confusing when this matter was first raised by the Principal Auditor in his report from 2014-15 and therefore, it was highlighted by the Principal Auditor as a going concern, given that it is the only ... There were two operators at the time, one obviously has satisfied his debts but obviously there still remains one particular operator or individual out there that simply cannot manage its
1875 debt appropriately and has been doing so now for two years, when this was not the case before this was actually raised by the Principal Auditor.

Chief Minister (Hon. F R Picardo): Mr Speaker, how does the hon. Gentleman reach that assumption? Couldn't it also be the biggest operator by far, rather than just a debtor that is
1880 unable to manage its debt?

Hon. L F Llamas: Well, Mr Speaker, answering to the Chief Minister, I take that assumption from the concerns raised in the Principal Auditor's Report and if he is raising it as a concern, it is obviously a concern which we must then address and I hope the Chief Minister agrees that if he
1885 highlights it, it is something that his Government should be looking into.

Hon. Chief Minister: Nobody is saying it is not a concern. What I am saying is how has the hon. Gentleman assumed it is a debtor that is unable to manage debt and that the sums are not large sums because we might be dealing with one of the largest operators that brings the larger
1890 number of people, and the hon. Gentleman has said to him, as a result of that, the numbers get large.

Hon. D A Feetham: Mr Speaker, may I? Mr Speaker, no, I understand the point made by the Hon. the Chief Minister, but if it were the position that ... Effectively what we are dealing with is
1895 a running total of amounts owed to the Government simply because there are a lot of tourists going into the Upper Rock and at any given time there is always going to be some money that is owed to the Government, I could understand there is no concern.

But the point that is made by the Hon. Mr Llamas is that in 2014, the Principal Auditor raised this as a concern; therefore, it was a concern to the Principal Auditor and if it was a concern to
1900 the Principal Auditor, I think that it is a reasonable assumption to make. We do not know – I mean we are blind on this side of the House in relation to this; the Government has the facts. But if it was a concern to the Principal Auditor in 2014, then a reasonable assumption is that it cannot just simply be explained away by way of a running total that is reasonable in the context of a lot of tourists coming into the Upper Rock. I just wonder whether the Government knows
1905 the answer to this.

Are we talking about, which I think from the inferences to be drawn ... I do not think that is right, but is the Government satisfied that this is just simply a reasonable debt incurred as a running total because of the amount of tourists that are going in or is it a matter of concern which the Government then is attempting to deal with in any particular way?
1910

Hon. Chief Minister: Mr Speaker, the Government is satisfied that the monies that the Principal Auditor said were outstanding in 2014 have been paid and that the monies that are outstanding today have been accrued subsequently as a result of the volume of traffic that this

1915 particular operator moves and the credit terms this operator provides to its clients and therefore the credit terms that it requires from the Government.

1920 But we are dealing with a going concern that pays the amounts outstanding to the Government, although unfortunately with slightly greater delay than the Government would like to see. The hon. Gentleman knows that this is a complex business which Government has an intention to try and see if we can deal with it in a different way. Not in relation to this operator but generally.

1925 But given the numbers that we are dealing with in the context of this particular operator, it would be wrong to say that this is mis-management of debt and this is the thing that the Hon. Mr Llamas said and it was the assumption that Mr Llamas made that I was challenging. There are some things Mr Llamas has said in this House which I very much welcome that the hon. Gentleman has taken issue with.

This one I take issue with because it is based on an assumption and as I often say to the hon. Gentleman, to assume makes an ass of you and me and in this instance, that is exactly what Mr Llamas has done.

1930 **Hon. R M Clinton:** Mr Speaker, if I may, would the Minister be able to advise what the standard credit terms would be for this operator – is it 30 days, 60 days, 90 days? Because obviously the concern of the Principal Auditor would have been that they exceeded their credit period.

1935 **Hon. Dr J E Cortes:** Mr Speaker, I believe it is three months and as I say, I have this snapshot in order to be able to elaborate and analyse that. This amount of money by three months would be 56 per month, and then you would have to divide by the cost per visitor to see how many visitors we are talking about. So it is difficult to analyse it with all the information but it is, I believe, a three-month period.

1940 **Hon. D A Feetham:** Just one more, Mr Speaker.

Mr Speaker: Yes, go on.

1945 **Hon. D A Feetham:** Does the Minister know whether the £200,000 that are outstanding –

Mr Speaker: £169,000.

1950 **Hon. D A Feetham:** £169,000, I stand corrected – that that money is outstanding for more than three months or less than three months? Because if it is less than three months, then of course, there is less of a concern. But if it is more than three months, then there is more of a concern because obviously they are exceeding and breaching their credit terms.

1955 **Hon. Dr J E Cortes:** Mr Speaker, I am not going to speculate. I learned my mathematics from you at school and without the data I cannot answer, I would have to look into exactly how this figure has come about.

1960 **Hon. Chief Minister:** I can tell the hon. Gentleman the way the question is phrased, I believe it is inclusive of monies owed in the period of three months and therefore, the out-of-credit-term amount is going to be significantly lower.

Mr Speaker: Next question.

Q122/2018
Upper Rock-Gibraltar Nature Reserve App –
Development

Clerk: Question 122, the Hon. L F Llamas.

1965

Hon. L F Llamas: Mr Speaker, can the Government explain whether it is still pursuing a working Upper Rock-Gibraltar Nature Reserve App?

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

1970

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

Hon. L F Llamas: Mr Speaker, just one supplementary: does the Minister know when this App will be live and what the expected cost will be?

1975

Hon. Dr J E Cortes: Mr Speaker, I know when: 'when' is the opening of the Sky Walk which is at last looming as we finish the safety works that we are doing in the area. The cost, I would need notice of that, Mr Speaker.

1980

Mr Speaker: Next question.

Clerk: Question 123, the Hon. E J Reyes.

1985

Hon. Chief Minister: Mr Speaker, this might be a convenient time for the House to now adjourn until Friday at 3.00 p.m.

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

The House adjourned at 5.55 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 6.41 p.m.

Gibraltar, Friday, 16th February 2018

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The Gibraltar Parliament

The Parliament met at 3.03 p.m.

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

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

Questions for Oral Answer

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q123/2018

**Vacant teaching posts –
Details**

Clerk: Meeting of Parliament, Friday, 16th February, 2018.

We continue with answers to Oral Questions and we commence with Question 123, the
5 Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Education provide details in respect of
vacant teaching posts, indicating the school or establishment where these vacancies exist; as
well as showing how many posts are currently being covered in an acting capacity and from
10 which dates?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
15 Mr Speaker, my prepared answer which I will read, I need to qualify after a discussion I have just
had with the hon. Member opposite.

The answer is there is currently one vacant post for teacher, which has been vacant at
St Paul's First School since last December – December 2017.

20 In looking at the prepared answer, it occurred to me that the hon. Member opposite might
have been referring not just to posts of teacher, but also to teaching responsibility posts. I have
clarified that and we have agreed that I will give him the information that I have here, but I will
have to send him more concrete details which have not been prepared, later and the hon.
Member has agreed.

25 So in that respect, there are 15 teaching responsibility posts which are vacant other than
maternity leave. There are other posts which are maternity leave cover but they are not vacant,
so these 15 do not include maternity leave.

30 Of those, nine have been vacant for less than six months, six for over six months and of
those, one was because of a very long-term sickness, another one is a post that is being revised,
a third one there have been no applicants and the others are in the process of being advertised.

But as I say, Mr Speaker, and the hon. Member has graciously agreed, that I will send the detailed information very, very shortly in order to give him all the information that he requires.

35 **Hon. E J Reyes:** I can confirm that, Mr Speaker, we have come to an agreement. Just to clarify so that I do not pester him later, when the Minister provides for us the information of the posts being covered and so on, the final words in my question were 'how many are being covered in an acting capacity?' because hypothetically there could be TLR posts that are vacant and may not necessarily be covered. So when he compiles the information if I just give him a pre-warning that would be useful. I suspect that they will all coincide but it could be a case.

40

Hon. Dr J E Cortes: Yes, Mr Speaker, the one of teacher-specific has been covered but obviously the others, that is the information that I will include in my reply.

**Q124-125/2018
School buildings –
Restrictions on use**

45 **Clerk:** Question 124, the Hon. E J Reyes.

Hon. E J Reyes: Has the Minister or Director of Education spoken to Head Teachers about the restrictions on the use of school buildings recently imposed by some schools upon GTA/NASUWT?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 125.

55

Clerk: Question 125, the Hon. E J Reyes.

Hon. E J Reyes: Does the Government continue to support the restrictions on the use of school buildings imposed by some schools on GTA/NASUWT?

60

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

65 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Government respected the decision of the Head Teachers taken at the time, and in the circumstances reigning in the schools at that time, not to hold the meetings in question in the schools, but there is no ban nor has there ever been one.

If necessary, the Government would make alternative arrangements for meetings to go ahead on other Government premises.

70

Hon. E J Reyes: Yes, I am grateful, Mr Speaker, I do not know if the Minister has the information at hand, I seem to recall that there was something called a facilities agreement in place which was binding for both sides and it was my recollection that provisions were made in there for the GTA precisely to be able to use school premises for their meeting.

75

Were the Head Teachers aware of that or was there another factor that made that facilities agreement have to be bypassed or whatever?

Hon. Dr J E Cortes: Mr Speaker, there is in fact a facilities agreement and it is the subject of ongoing discussions between the GTA and the Government within the Social Partnership. We are reviewing that facilities agreement and a number of drafts are circulating and are being considered.

80

Despite that, Mr Speaker, a Head Teacher has to take responsibility for what happens in the school and therefore they took a decision on that particular day they felt it would not have been appropriate or useful to have held those particular meetings on those days. But, as I said, there is no overall ban, and if in the unlikely event that were to happen again, certainly the Government would provide either another school or other premises so that the meeting could go ahead.

85

Q126-128, 130, 132, 134-135, 137/2018
Plans for new schools and changes in Education –
Details and consultation with unions

Clerk: Question 126, the Hon. E J Reyes.

90

Hon. E J Reyes: How many times did the Minister or the Director of Education meet GTA/NASUWT before 26th October 2017 to discuss the plans that Government subsequently announced on that date?

95

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 127, 128, 130, 132, 134, 135 and 137.

100

Clerk: Question 127, the Hon. E J Reyes.

Hon. E J Reyes: How many times have Government met GTA/NASUWT to discuss the plans they announced on 26th October 2017 since that date?

105

Clerk: Question 128, the Hon. E J Reyes.

Hon. E J Reyes: How many times did the Minister or Director of Education meet Head Teachers of the various schools to discuss the plans that they subsequently announced on 26th October 2017, giving a breakdown of which Head Teachers were met and when?

110

Clerk: Question 130, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How is the Department of Education managing the key stage realignment transition in the run up to the new secondary schools?

115

Clerk: Question 132, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is the Department of Education looking at implementing pay reviews in the run up to the new school structure?

120

Clerk: Question 134, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How will the vocational courses be managed in the site with the two schools, shared facility or will each school operate independently?

125

Clerk: Question 135, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does the Department of Education have the staffing levels available to cope with the new schools?

130

Clerk: Question 137, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what plans does the Government have for the building currently being used by the College of Further Education?

135

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

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

140

Mr Speaker, the location of the new schools was discussed with the GTA/NASUWT on 17th October 2017 at a meeting of the Social Partnership.

However, the GTA/NASUWT President was also a member of the working party that made the recommendations for the plans in relation to most of the changes, including co-education, key stage realignment, expansion of vocational courses and increased nursery provision.

145

The discussions therefore included the GTA since much earlier. The Director of Education was a member also of that working group and so he met on all the occasions that the working group met.

Since 26th October 2017, I have met the GTA on at least four occasions and have additionally been in touch either informally at events or by electronic means on at least five other occasions.

150

In answer to Question 128, we met on 4th July 2017 with Head Teachers of all schools, that was the Director and myself; on 5th September 2017 with Head Teacher of St Martin's School and myself; on 17th October 2017 with Head Teachers, from Bayside Comprehensive, Westside Comprehensive, St Anne's Middle School, Notre Dame First School, Bishop Fitzgerald Middle School, Governor's Meadow First School, St Martin's School, Gibraltar College, that was the Director and myself; on 24th October 2017 with the Head Teacher of Westside Comprehensive School, and that was the Director and myself.

155

Since April 2017, the Gibraltar Government Department of Education's current project management team has met Head Teachers from all schools involved with the planned moves regularly. This has happened both at the schools and at the Department of Education.

160

In answer to Question 130, a consultation process was set up in October last year and comprised of two different working parties looking at different aspects of the key stage realignment transition

TLR and pay reviews are not directly related to the new schools. There will of course be consideration of operational changes and this is a normal step in any major transition and will be carried out in consultation with all affected unions.

165

Each school will offer the same vocational courses independently in each of the schools. The specialist vocational areas within the campus will be used by both schools to run their own courses.

There will be a need to review teacher numbers – this in in connection with Question 135 – there will be a need to review teacher numbers in connection with some of the changes, such as the key stage re-alignment and increased nursery intake.

170

And in relation to the final question in this group of questions, various options are being considered.

175 **Hon. E J Reyes:** Mr Speaker, in the breakdown of meeting dates and parties concerned and so on, I have not heard and perhaps the Minister can correct me, it is my understanding that the Chief Minister and the Minister of Education both personally attended a meeting with Members of GTA/NASUWT within Bayside School. That has not come across in any of his answers. Is it my error in noting it or perhaps he has not had ... ?

180 **Mr Speaker:** It is because that is the general body of teachers and your question does not deal with the general body of teachers.

Hon. E J Reyes: It deals with GTA/NASUWT. (*Interjection*)
185 Mr Speaker it deals with, Question 127, how many times the Government met GTA/NASUWT – that is representatives of the general body –

Mr Speaker: No, no, that was the staff. The meeting was with the staff of one of the schools.

190 **Hon. E J Reyes:** No, it was not staff. It was not just those schools. Mr Speaker, I understand that it was a general meeting of GTA/NASUWT, and perhaps the Minister can ...

Hon. Dr J E Cortes: Mr Speaker, if I may assist. The hon. Member is referring to Question 127 as opposed to 128. Because we have 127 –

195 **Mr Speaker:** But in the supplementary he is referring to the meeting that you and the Chief Minister held with the teachers. That was the subject of the supplementary.

Hon. Dr J E Cortes: Yes, Mr Speaker, that particular meeting is not included in the total, because it specifically mentioned the Director and myself, although yes, the Director was present, so then I would have to add one to the total number of meetings. Thank you.

So I am grateful to the hon. Member to have established that I have consulted even more than I thought I had.

205 **Hon. E J Reyes:** Yes, thank you, Mr Speaker, so implied in that answer, the confirmation is that I am correct that it was the Chief Minister and the Minister for Education. Would he happen to have a note of the actual date when that happened?

Hon. Dr J E Cortes: Mr Speaker, I would have to look in my diary. It was certainly after
210 26th October.

Mr Speaker: Any other supplementaries? The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, in relation to Question 135 about staffing levels, has the Department of Education decided whether it is the Year 7 teachers that will be moved up to the secondary schools or moved down to the pre-school and a new cohort in Year 7?

Hon. Dr J E Cortes: Mr Speaker, this is an ongoing process. There will be discussion with the teachers concerned. There was a questionnaire sent out I believe some time ago, in which
220 teachers were asked what their preference would be.

There are some who would wish to remain and perhaps, change the year that they are teaching and some who may wish to move. But this is something that is being considered and obviously we have time to be able to establish that, so there has been no definite decision but it will be done, obviously in consultation with the teachers concerned.

225

Hon. Ms M D Hassan Nahon: Just one more supplementary, if I may, on that Question 135. Does the hon. Minister know whether there are enough teachers available to form the new cohort needed?

230 **Hon. Dr J E Cortes:** Mr Speaker, I would say there are. There are over 100 qualified teachers currently who do not have full-time employment. Whether their specific skills correspond to the emerging needs or whatever, there might need to be some induction or further training, is something that we will be establishing. But I believe there will be enough teachers in Gibraltar to be able to cover that, yes.

235

Mr Speaker: The Hon. Lawrence Llamas.

Hon. L F Llamas: Mr Speaker, in the original answer given by the hon. Member, I latched on to the fact that he said that the locations had been discussed by the working party. I am surprised, because obviously when you read the report – *(Interjection by Hon. Dr J E Cortes)* That is what I understood. I will give way –

240

Hon. Dr J E Cortes: Mr Speaker, I did not say the locations had been discussed. I said most of the changes and I listed which they were. I did not say the locations had been discussed by the working party, because they have not.

245

Mr Speaker: The Hon. Roy Clinton.

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

250

In relation to Question 137, asked by my hon. colleague, Mr Llamas, did I hear the Minister correctly saying he is considering various options and could he expand upon that? I do not believe I have seen the site as being put out for tenders or expressions of interest. Is it the intention to retain it within Government use?

255

Hon. Dr J E Cortes: Mr Speaker, it is not me personally who is considering the options. This is a Government decision. The question of land use is not my personal responsibility. I contribute to the discussions.

The options are being considered and one of the options could be retained for use; another option could be expressions of interest. The options are being considered. I have nothing further to add.

260

Hon. R M Clinton: I thank the Minister for his answer, but how would he distinguish between this particular site, the College site and Bayside, St Anne's which have gone out to tender for expressions of interest? What is it that makes these sites so different?

265

Hon. Dr J E Cortes: What makes the sites so different is that it is a different site. A different site and there will be different considerations appertaining to each site. So whereas the decisions clearly have been made in the other sites to go out for expressions of interest, this is still being considered and so we are not in a position to say any further on this one.

270

Hon. R M Clinton: Again, I thank the Minister for his answer. Would it be correct for me, possibly not correct for me to say, but would the Minister say or can he say, whether the Government have actually received expressions of interest before they officially asked the public for expressions of interest for those particular sites, seeing as the College site strangely was not in that original schedule of properties that went out for tender? Is it that the Government already had expressions of interest?

275

280 **Mr Speaker:** I am giving the hon. questioner the benefit of the doubt regarding relevance. In the answer the Minister makes, I do not want him to widen the scope of the answer beyond the subject matter that we are dealing with.

285 **Hon. Dr J E Cortes:** Mr Speaker, my answer is simple. I am not aware of any expressions from any parties but I may not necessarily be aware because it is not in my direct area of responsibility.

Mr Speaker: The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, just one question in relation to the Minister's answer to Question 134.

290 As far as I understood the answer to that question, there would be a number of vocational programmes running through both schools as it were, with the possibility of shared resources for both schools in relation to vocational training. That is how I understood the answer and if that is the case, has the Government at this stage, identified which vocational programmes will be in each other school and what type of shared facilities there would be?

295 Obviously our thinking is that the College of Further Education retains a level of vocational training. How would that merge with the intended plans for vocational training in both new schools?

300 **Hon. Dr J E Cortes:** The difference here is that in the comprehensive schools the vocational training is at an earlier stage. We are looking at GCSE stage and the facilities will be mirrored in both schools, except as the plans are now – and remember we are in stage three consultations so there is still some tweaking – as the plans are now, there will be a mechanical workshop in one of them and a hairdressing suite in another.

305 In order to do away with gender bias, it is likely that the hairdressing one will be in Bayside which will be mixed and the mechanical in Westside so people do not follow on the tradition of boys versus girls, but they will be running their own programmes.

310 Of course, there is a possibility that if there are very few students in any of these, we may have to consider the consortium arrangement that exists now for A-level and in exceptional cases, we may have to have pupils from both schools doing one or the other. It is not likely that that will happen because the plan is now that they will run independently but they may have to go across from one side to the other for particular specialist subjects only.

Hon. Ms M D Hassan Nahon: Can I just ask, when the Minister says that the vocational courses are hairdressing and mechanics, are these the only two that are going to be ... ?

315 **Hon. Dr J E Cortes:** Those are the only two where there is going to be only one of each. But for other vocational courses, and I do not have the list with me, each school will be independently provided.

320 **Mr Speaker:** We will go on to Question 129.

Q129/2018

**Children with hearing impediments –
Number in schools**

Clerk: Question 129, the Hon. E J Phillips.

325 **Hon. E J Phillips:** Can the Government state the number of children with hearing impediments at our schools?

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

330 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, there are 24 children with hearing impediments at our schools – I should add, with identified hearing impediments, of course.

Q131/2018

**Department of Education–
Teaching and Learning Responsibility (TLR) review**

Clerk: Question 131, the Hon. Ms M D Hassan Nahon.

335

Hon. Ms M D Hassan Nahon: Is the Department of Education currently undergoing a TLR review?

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

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

345 **Hon. Ms M D Hassan Nahon:** Mr Speaker, does the Department of Education intend to in the run up to the new secondary schools?

350 **Hon. Dr J E Cortes:** Mr Speaker, this would be a total independent exercise from the new secondary schools. I believe that there has been some discussion within the Teacher's Association proposing something like this and if these proposals come forward, obviously we will consider the need but it would be a separate exercise.

We are not combining the two. One is the schools' transition into a new site, as I said in one of my answers, with looking at the specific operational needs of that school, but a much wider review obviously would have other considerations and cannot be part of the same exercise.

355

Hon. Ms M D Hassan Nahon: Mr Speaker, I understand where the Minister is coming from but considering that the key realignment stage comes into it with the new schools, doesn't Government agree that there is a value or a need in undergoing this review, given the extra workload that teachers will have as a result of this new year coming in?

360

Hon. Dr J E Cortes: This is a sort of operational part of any transition that would need to be looked at. But if the hon. Lady is referring to a wider cross-school TLR that would be a separate exercise. But clearly, we will have to see how we adjust operationally for the changes.

Q133/2018
Department of Education –
Heating levels in classrooms

365 **Clerk:** Question 133, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon. Is the Department of Education satisfied with heating levels in classrooms following last month's calls for heating to be at an appropriate temperature?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, not entirely, sir.

375 However, despite the fact that school maintenance records did not corroborate nor indicate a concern regarding levels of heating, the concerns were followed up at the time with each individual school and detailed feedback was requested.

Six schools reverted, highlighting particular appliances or specific classrooms and a report was immediately issued to the Gibraltar Electricity Authority which has already completed any repairs.

380 The GEA has recommended a number of replacements or increases in provision which are being addressed. In some schools there is a difficulty with the electrical installations which will be reinforced.

385 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister tell me if St Joseph's Middle School is one of the schools having the problems with the installations? Because ten days ago a little girl – and not my own because I do have a child there but it was not mine, I am happy to confirm who it was outside – came up to me and told me if there was anything that the Government can do because all the little kids, their mouths and teeth were chattering in the classroom because they were so cold. *(Interjection)* No, I am sorry, it is true! *(Interjection)* No, no 'rumourology', I am happy to provide you with the name. *(Interjections)* No, a child in a school comes up to me and tells me that they are freezing – I think that it is relevant and if the Government does not consider it relevant, it is very sad, I am sorry. *(Interjections)*

395 **Mr Speaker:** Order, please! Order! Let's not get carried away.
Now, the Hon. the Minister for Education.

Hon Dr J E Cortes: Mr Speaker, I have received no such reports. I cannot confirm whether or not St Joseph's Middle School is one of the ones. I do not believe it is, it is not one of those of which I am aware had installation issues. I have received no such reports but clearly, I will look into them immediately.

Mr Speaker: Any other supplementaries?

405 **Hon. E J Reyes:** Mr Speaker –

Mr Speaker: The Hon. Edwin Reyes.

410 **Hon. E J Reyes:** It seems that the Minister is aware of at least some schools. Would he be able to provide us with the information of which particular schools are the ones that he is aware of that he asked the Electricity Authority to look into the matter?

Hon. Dr J E Cortes: Mr Speaker, I would need notice. I know of some, but I do not wish to give an incomplete list because it may then be misinterpreted.

415

Mr Speaker: Next question.

Q136/2018

**Postgraduate Certificates of Education (PGCEs)–
Provision in Gibraltar**

Clerk: Question 136, the Hon. L F Llamas.

420 **Hon. L F Llamas:** Mr Speaker, when does the Government expect to provide PGCEs in Gibraltar and what will be the policy for students wishing to undertake this qualification in the UK?

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

430 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the target date for PGCEs in Gibraltar has been set for September 2019. There is regular collaboration between the University of Gibraltar and the Department of Education to meet this initial target date.

With respect to students wishing to undertake this qualification in the UK there has been no change of policy. We will continue to fund students wishing to undertake a PGCE in the UK once our own PGCE has launched.

435 However, we will reserve the right to ask these students to ‘top up’ their UK PGCE with a Gibraltar specific course prior to being employed in our schools once our PGCE is in operation. This will ensure that all teachers who enter our educational system are equipped with the strategies and skill set which allow them to deliver high quality teaching and learning experiences.

440 **Hon. L F Llamas:** Mr Speaker – perhaps it is a bit premature to ask this question – would the ‘top up’ course be a part-time course where students could come back, work and do their part time course or is it something they would have to do full time before commencing any employment?

445 And perhaps would the Minister know if it would be something that they could do over the summer after they had qualified, so that they could start work, straight in, in September?

Hon. Dr J E Cortes: Mr Speaker, it is premature. It will be done in such a way that it will have the least possible impact on the career of the returning teacher. But it is premature, we have not yet established what that would be.

Q138/2018

**Department of Education –
Recent trip to Finland**

450

Clerk: Question 138, the Hon. L F Llamas.

455 **Hon. L F Llamas:** Mr Speaker, can the Government provide details of the recent trip by the Department of Education to Finland, including preparatory work undertaken by the team and the Finnish officials met?

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

460 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the team that went to Finland had extensive knowledge on the successes of the Finnish system following research, prior to their departure to Finland.

The trip was centred on understanding how those lessons could be applied to our own educational system to continue enhancing the standard of teaching and learning in our schools.

465 During this trip they visited a Finnish language school, a comprehensive school and one of the leading vocational schools in Finland.

In addition, they had professional meetings and lectures on assessment, anti-bullying and vocational education.

470 **Hon. E J Phillips:** Mr Speaker, I take it that the fact that the Government has sent a delegation over to Finland is because it is genuinely concerned and I appreciate that. It is something I support and I mentioned in my contribution at the co-education debate.

475 However, is there any difference between the physical building of schools in the national curriculum in the UK versus the Finnish schooling system which would require perhaps, modifications of our schools being built? Perhaps that is something that the Government has considered.

Hon. Dr J E Cortes: Mr Speaker, it is probably colder in Finland even than in St Joseph's Middle School.

480 Mr Speaker, I am not aware, I believe that our schools, certainly those that are planned, could be adapted but I do not have that information so that I would need to research.

Mr Speaker: We now move to Question 162.

HOUSING AND EQUALITY

Q162/2018

Controlling and coercive behaviour – Intention to criminalise

485 **Clerk:** Question 162, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state when it intends to bring a Bill before the House in relation to criminalising controlling and coercive behaviour?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the Government is considering criminalising controlling and coercive behaviour as part of its national strategy on domestic abuse.

495

Hon. E J Phillips: My understanding is of course that the RGP have promoted this issue in the press and the Minister will agree of course that this is a lesser known form of domestic abuse that should be legislated for.

500 I appreciate the answer to the question, but does the Government have a timeline in respect of the introduction of legislation concerning that?

Hon. Miss S J Sacramento: Mr Speaker, the hon. Member is right in that the RGP is promoting this and that is as a result of them forming part in our national strategy working group, they form part of the committee and this is part of the plan.

505 Because we do not have a formal written strategy available for publication yet does not mean that we do not give effect to the strategy. The strategy that we are preparing and is in draft format is a five-year plan for Gibraltar.

510 This is something that is being considered as part of the strategy. It is something that we need to take a decision on. Obviously it is something that we are actively looking at and once we have published the strategy, then the timelines for this and for various other initiatives will be clear.

Q163/2018

Laguna Estate –

Number of lifts not yet functional

Clerk: Question 163, the Hon. E J Phillips.

515 **Hon. E J Phillips:** Can the Government state the number of lifts which are not yet functional at Laguna Estate?

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

520 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there are currently 37 lifts that remain to be commissioned at Laguna Estate.

525 **Hon. E J Phillips:** Can the Minister confirm why it has taken so long for those lifts to be commissioned?

Hon. Miss S J Sacramento: Mr Speaker, it has not taken so long for these lifts to be commissioned. This is part of major refurbishment works on an estate which had fallen into disrepair, particularly during the 16 years that the party opposite were in Government.

530 When you undertake such a massive refurbishment work in Gibraltar's largest estates, in the context of it not being the only major refurbishment work, there were three big estates undergoing major refurbishment at the same time, Mr Speaker, things need to be phased in and the external refurbishment needed to come before.

535 When the professionals are staging these refurbishments, the lifts fall in a particular part of the refurbishment schedule and they have been started at a time that is appropriate. We have undertaken over 50% ... Over 50% of the lifts in this estate have been commissioned, 31 remain but this needs to be read in the context of all the other lifts that have been commissioned in the other estates and, Mr Speaker, we have to be mindful of the fact that we have installed lifts in buildings that did not have lifts before. So this is a brand new structure, it means that there have to be brand new installations of everything and they can only start at the appropriate time.

540

Hon. E J Phillips: Mr Speaker, just in relation to that, as the hon. Lady will know of course, we are conducting outreach programmes to our estates to visit a number of the residents in relation to one of the biggest complaints, which is the question of maintenance and lifts.

545 I am not going to go into the maintenance but in relation to the lifts concerned, I visited many of them, many of which are boarded up with fences that would appear to have been there quite some time and in fact, it looks like the area is corroding quite excessively, so I am not too sure what reassurance we can give people listening in, or watching indeed, as to when this is going to get done finally.

550 **Hon. Miss S J Sacramento:** Mr Speaker, unfortunately, the hon. Member does not seem to have properly heard what I said. Mr Speaker, it is a question of commissioning these lifts. Before lifts are commissioned, obviously they need to be installed.

555 There are different ... In Laguna Estate for example there are three phases to the works, so in the first phase, most of the lifts will have been installed and have been commissioned. In the second stage they have been installed and are in the process of being commissioned and in the third stage, the majority of them will by now have been installed and they will be the last phase to be commissioned.

It is a phased refurbishment plan and it is a logical way to do these things, Mr Speaker.

560 **Hon. E J Phillips:** One further question, would the Minister be willing to attend Laguna Estate with me so that we can speak to the residents themselves?

565 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Lady has attended Laguna Estate with me on a number of occasions. We shall be attending Laguna Estate on many occasions in the future, and if the hon. Gentleman needs us to get people to come down and see him – because I saw the woeful photographs of him and the new Leader of the GSD standing around on their own at Laguna Estate – perhaps he wants to propose a fee for us to get people to come down and actually see him.

570 But no, we are not going to go with them, Mr Speaker; we are going to go when the tenants wish us to be there and we will continue to go as we have gone, not just at election time, but throughout the life of a Parliament – during the life of the last Parliament and the life of this Parliament – to enjoy the excellent refurbishment work that has been done by successive Ministers for Housing under the GSLP Liberal Alliance at Laguna Estate, at Moorish Castle Estate, at Glacis Estate, at the other blocks refurbished by this Government and the other blocks that we will refurbish too.

575 And there, Mr Speaker, we will enjoy speaking to those residents of the estate who wish us to do more and who wish to congratulate us for what we have done. And I will just remind the hon. Gentleman that they used to say that we were wrong to do this refurbishment that we were doing too much and we were spending too much. And now, Mr Speaker, they appear to be taking a different line.

580 But I suppose I had forgotten, Mr Speaker, that I was now dealing with the PDP, not the GSD.

Mr Speaker: Next question.

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

Mr Speaker: Not on the subject of attendance by hon. Members of Parliament at Laguna. I will allow you a supplementary on something else.

590 **Hon. D A Feetham:** Mr Speaker, I did not attend Laguna.

Mr Speaker: I do not want any more exchanges on the subject of who attends where. I am making that proviso before you ask the question.

595 **Hon. D A Feetham:** Thank you very much, Mr Speaker, that is very helpful.

Can I ask the hon. Lady two supplementaries. One, she said that there were 37 that needed to be commissioned – she said 37 first in her answer and then in a supplementary answer she said 31. (**Hon. Miss S J Sacramento:** Thirty-seven.) Thirty-seven. How many have actually been commissioned in terms of numbers? She used percentages, but how many have been
600 commissioned in terms of numbers?

And also, can she confirm that all the services have been laid in respect of all the lifts that need to be commissioned? And by services of course, I mean the cables, etc. which was one of the issues that, as I understand it, has actually delayed the installation of lifts.

605 **Hon. Miss S J Sacramento:** Mr Speaker, I was correct on the first occasion when I said 37. I am sorry, when I said 31 I got confused, so 37 have been commissioned and there are 71 in total so we are pretty much halfway there, because 34 have already been commissioned.

In terms of the services, Mr Speaker, again because this issue is sequential in the schedule, the services are essentially the foundations that need to be laid in order for the lifts to be
610 commissioned so as a precursor, we have phased in the services that need to be installed, aligned with the phases of the actual estate.

So I think – I am pretty sure, though not absolutely sure – that all the services have now been installed. But if they have not been installed, it is because we are obviously organised in a way where the services need to be installed in order to meet the deadlines for the phases.

615 I am looking at a schedule now: not all the services in the final phase have been installed yet but there is a sequence to it so I am satisfied with the sequence, Mr Speaker.

Mr Speaker: The Hon. Edwin Reyes.

620 **Hon. E J Reyes:** Thank you, Mr Speaker.

My parliamentary colleague has actually asked my doubt on the actual number of lifts and the Minister has now clarified the overall number of 71 so there is no longer a need for my supplementary.

625 **Mr Speaker:** Next question.

Q164/2018
Housing estates –
Completion of works

Clerk: Question 164, the Hon. E J Phillips.

630 **Hon. E J Phillips:** Can the Government state, when works are expected to be completed at all our housing estates?

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

635 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the latest projected completion dates of the major refurbishment work at our housing estates are as follows: Moorish Castle Estate – April 2018; Glacis Estate – June 2018; Laguna Estate – June 2019.

640 This will include the installation of lifts, the external refurbishment of all blocks, the refurbishment of communal areas both internal and external; together with the infrastructure and road resurfacing.

Q165/2018
Housing estates –
Improving general maintenance

Clerk: Question 165, the Hon. E J Phillips.

645 **Hon. E J Phillips:** Can the Government state what steps it will take to improve general maintenance at our housing estates?

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

650 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there is now a clear plan for refurbishment and maintenance of all Government housing estates so as to ensure that they do not fall into disrepair again as they did during the 16 years that the GSD were in administration.

655 **Hon. E J Phillips:** Mr Speaker, I am not going to deal with the political bait that has been put in front of us; I am going to deal with the issues that are before this House, Mr Speaker, and that is in relation to general maintenance of our housing estates.

Has the Government considered whether we should deal with an introduction of a warden scheme to deal with general maintenance queries by residents in housing estates?

660 **Hon. Miss S J Sacramento:** Mr Speaker, now that the substantial work on the major refurbishment works of our largest estates have been undertaken, I have been working very closely with the Heads of the Housing Department and the Housing Works Agency on a strategy and a plan going forward, to ensure as I said in my original question, Mr Speaker, that there is a plan of maintenance for all our estates so that they do not fall into disrepair going forward. We
665 are looking to see the most efficient and cost-effective way to give effect to that objective.

Mr Speaker: Next question.

Q166/2018
Housing waiting list –
Number of applicants

670 **Clerk:** Question 166, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the number of people currently on the housing waiting list?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, there are currently 913 applicants on the housing waiting list.

Hon. E J Reyes: Sorry, Mr Speaker, can the Minister confirm that figure of 913 is on the main housing waiting list and does not include the pre-list?

680

Hon. Miss S J Sacramento: Yes, Mr Speaker, this does not include the pre-list. The question was in relation to the housing waiting list and this is the number of applicants on the housing waiting list.

685

Hon. D A Feetham: May I also, Mr Speaker, ask the Minister whether she has the statistics for how many people that were on the housing waiting list in December 2011 are actually in those 913 or form part of those 913?

690

Hon. Miss S J Sacramento: Yes, Mr Speaker, they remain on the waiting list and they will appear in this figure.

695

Hon. D A Feetham: I understand that, I am asking whether she has the figure for the number that were on the housing waiting list in December 2011 that remain on the housing waiting list as part of those 913?

Hon. Miss S J Sacramento: No, Mr Speaker, that is a detailed statistical question and I do not have that information before me, sorry.

Q167/2018
Government flats –
Current vacancies

Clerk: Question 167, the Hon. E J Phillips.

700

Hon. E J Phillips: Mr Speaker, can the Government state how many Government flats are currently vacant?

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

705

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, there are 58 vacant flats, 30 of which are under offer and the remainder are being refurbished.

710

Hon. E J Phillips: I am grateful for the answer to that question. Insofar as 'under offer', how long are they under offer for, generally speaking, on an average – would the Minister know?

Hon. Miss S J Sacramento: The offer process usually takes between a week or two weeks. There is a process where the person is contacted and then arrangements are made for the person to view the flat and then if the flat is accepted, it is then sent for it to be refurbished.

715

So I am unsure as to when these offers were made, but it is a very, very tight timeline that I keep to, to ensure that we have the fastest possible mechanism for turnover of these flats as possible.

720

Hon. E J Phillips: In relation to the other 28 homes, what is the Government's intention for those at this stage? To refurbish I assume.

Hon. Miss S J Sacramento: Yes, Mr Speaker, those have already been allocated. In those 28, people who have already been to view them, have accepted them, they have been allocated and

725 they are in the process for refurbishment. So they will come to us ready for the completion stage
for people to move in, depending on the timeframe for each flat because some flats are in better
condition than others and the timeframes for refurbishment differ.

Hon. D A Feetham: Mr Speaker, may I ask the hon. Lady, out of the 58 flats that are vacant,
730 does she know how many of those are in Government housing estates and how many of those
are outside Government housing estates?

The reason why I ask this question is because Government housing estates are usually more
attractive in terms of prospective tenants than, for example, a flat may be in the old town area. I
just wanted to get an idea of the proportions between the two.

735 **Hon. S J Sacramento:** Mr Speaker, I do not agree with that analysis at all. We find that
because of the manner and the standard to which we refurbish flats, people will accept the flats
regardless of where they are located and there are some people who prefer them being in the
estates and some who prefer them in the upper town or other places.

740 But by general logic, proportionately because of the volume, the majority of them will
probably be in the estates. It is not a figure that I have to hand, it is not a statistic that would
logically have been provided for me as an expected supplementary.

Q168/2018
Government rental homes –
Intention to build

Clerk: Question 168, the Hon. E J Phillips.

745 **Hon. E J Phillips:** Can the Government state whether it intends to build homes for
Government rental?

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

750 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Yes, sir.

Hon. E J Phillips: Mr Speaker, may I ask the Government whether they know what type of
homes would be built for Government rental?

755 **Hon. Miss S J Sacramento:** Mr Speaker, announcements will be made in due course.

Hon. E J Phillips: Mr Speaker, the reason why I ask this question of course is that as a
community we should try to encourage co-ownership in relation to homes generally and when
we need to, build homes for rental.

760 Our view, which we have expressed quite publicly is that they should be low rise and small
distributions and that is why I asked that question. The Minister helpfully said that an
announcement would be made shortly and I would ask the obvious question, as to when that
will happen but I am sure there will be a chuckle from the other side.

765 **Hon. Miss S J Sacramento:** Mr Speaker, the hon. Gentleman can rest assured that everything
is in hand and Government is very carefully looking at what is required. I can further reassure
him that in doing so, we will make optimum use of taxpayers' funds.

770 **Hon. D A Feetham:** May I also ask the hon. Lady in terms of the type of rentals that the Government is considering building. Does it extend to, for example, the building of Government rental apartments for young couples that may not have the financial resources in order to be able to buy in the schemes that the Government has already built or intends to build?

775 **Hon. Miss S J Sacramento:** Mr Speaker, we do not discriminate either in favour or against people on the basis of whether they are young or not, or couples or not, and as I have said in the previous two supplementaries, we will look to see what is required and announcements will be made in due course.

780 **Hon. E J Phillips:** Just one further question. Yes of course the Government must be alive to the concerns of Action for Housing, who have quite clearly pressed the Government in relation to its commitment for further building of rental housing. Clearly, they will have to take seriously the views of Action for Housing because they are on the front line when it comes to this matter.

I know it is difficult but if the Government is intending on doing that, has the Government considered locations in respect of rental housing?

785

Hon. Miss S J Sacramento: Mr Speaker, I can once again reassure the hon. Gentleman that the Government looks at the demand of our society very closely and we are very clear on what is needed. Once again, Mr Speaker, in relation to the finer detail, announcements will be made in due course.

790

Hon. D A Feetham: Mr Speaker, just one more final question. I am slightly confused here by the answers the hon. Lady has provided, because on the one hand she said to me that everything is in the melting pot, so to speak, and was being considered and on the other, she just answered that the Government is very clear as to what is required.

795

So can I ask the hon. Lady to clarify, has the Government already made a decision as to the type of demand that the Government will be catering for, in terms of the rental apartments that it intends to build, or is this still in the melting pot and the decision has still got to be made?

800 **Hon. Miss S J Sacramento:** Mr Speaker, the Government is very clear in what it considers needs to be considered. Mr Speaker, we know on the basis not only of representations made by third parties, but on the basis of the information that we have on our waiting lists and looking at Gibraltar's community and our demographic, what is necessary, Mr Speaker. When we are planning these things – and these things of course we need to look at the short-term planning, the medium-term planning and the long-term planning – all considerations are taken into
805 account, Mr Speaker, to (a) ensure that we meet the needs of our community and (b) that we do so in a most cost-effective way. And once again, Mr Speaker, when we are ready to make an announcement on this basis, we will.

Mr Speaker: Next question.

Q169/2018

Previous Government rental accommodation – Number of properties purchased

810

Clerk: Question 169, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how many people have been able to buy homes which were previously Government rental accommodation, since December 2011?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, since 2011, 209 properties have been purchased.

820 **Hon. E J Phillips:** Does the Minister have an idea of the distribution of where these homes have been purchased, these 209 properties? And also, the other question would be the right to buy, as it has been referred to on many occasions – does that still exist, so people are still able to buy those homes that are in Government ownership?

825 **Hon. Miss S J Sacramento:** Mr Speaker, the flats that have been purchased are spread throughout all estates in Gibraltar in a very low number.

In relation to the second part of the supplementary, Mr Speaker, that question is already a separate question on the Order Paper.

830 **Mr Speaker:** Next question.

Q170/2018

**Government rental accommodation –
Criteria for joint tenancy**

Clerk: Question 170, the Hon. E J Phillips.

835 **Hon. E J Phillips:** Can the Minister for Housing state the criteria for joint tenancy in respect of Government rental accommodation?

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

840 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, joint tenancies are granted to married couples, civil partners or those with children in common. In certain circumstances, siblings are also allowed to be joint tenants.

845 **Hon. E J Phillips:** Are there any extenuating or exceptional circumstances in which other relationships are also recognised?

Hon. Miss S J Sacramento: Mr Speaker, I cannot think of any other kind of relationship beyond that, but extenuating and exceptional circumstances are always considered.

850 **Hon. E J Phillips:** Can for instance a friend who may happen to be living in a property, or a carer indeed?

855 **Hon. Miss S J Sacramento:** Mr Speaker, in the general course of things then the answer is no because it is not recognised as a relationship, nor do I recall having it brought to my attention that any friend or any carer has asked for this in any event.

860 **Hon. D A Feetham:** Yes but, Mr Speaker, can the Minister confirm that there is a distinction but nonetheless an important protection for members of the family of the main tenant who are authorised to reside in the property and therefore they may not be tenants, but are also in the tenancy as an occupier, which then as a matter of policy gives those occupiers the right to, for example, inherit the tenancy should their parents die? (*Interjections*)

Hon. Miss S J Sacramento: Yes, Mr Speaker, and they are in the majority of those cases, protected in law in any event.

Q171/2018
Government housing –
Rent arrears

Clerk: Question 171, the Hon. E J Phillips.

865

Hon. E J Phillips: Can the Government state the amount owing in rent arrears for all Government housing?

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

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the amount of arrears of rent owed continues to reduce and as at the end of January the amount owing in rent arrears for all Government Housing is £4,879,901.75.

875

Mr Speaker: Next question.

Q172/2018
Government-owned high rise buildings –
Fire safety review

Clerk: Question 172, the Hon. E J Phillips.

880

Hon. E J Phillips: Can the Government state that it will publish the complete fire safety review of all Government-owned high-rise buildings?

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

885

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the Housing Fire Safety Review Committee is finalising its report.

Hon. E J Phillips: Mr Speaker, does the Minister know when that report will be ready for publication?

890

Hon. Miss S J Sacramento: Mr Speaker, I had a meeting in relation to this two weeks ago. I think, I am advised that the report is almost ready. There were a number of procedural things as a result of the report that the committee were considering, so I expect for the committee to finalise the draft of the report. I do not expect it to be much longer, Mr Speaker.

895

Hon. T N Hammond: Mr Speaker, the only thing that was not clear from the Minister's answer was whether the report would then be published. (*Interjections*) I think that was the main emphasis of the original question, that it will publish the complete fire safety report, but the Minister was not crystal clear in her response.

900 **Hon. Miss S J Sacramento:** Mr Speaker, for the moment this is an internal document so it is something that needs to be considered.

Hon. T N Hammond: Mr Speaker, is there any reason why the Minister thinks it would not be a valuable exercise to make such a report public?

905

Hon. Miss S J Sacramento: Mr Speaker, it is something that at this stage I have not considered.

Mr Speaker: Next question.

TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q173/2018

Collision of two merchant vessels, 24th January – Investigation and recommendations

910

Clerk: Question 173, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, has an investigation been conducted into the collision between two merchant vessels in the Bay on 24th January and, if so, have the causes been established and have any recommendations been made to reduce the likelihood of similar incidents in the future?

915

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

920

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, the Gibraltar Port Authority advised the Gibraltar Maritime Administration of the incident on 24th January. The Gibraltar Maritime Administration immediately informed the Marine Accident Investigation Coordinating Officer (MAICO), who was engaged to undertake an investigation. The Gibraltar Port Authority is currently awaiting his report on the outcome of this investigation.

925

MAICO has collected all the relevant information in respect of this collision and has contacted the two flag states: Panama in respect of the *Meridian Express* and Norway in respect of *Southern Light*. The flag states have the obligation under the IMO Code to carry out an investigation into any incident involving vessels registered under their flag.

930

Panama is conducting an investigation into the collision and has appointed investigators who have received all the relevant information.

Gibraltar is a 'substantially interested party', both under the IMO Code and the EU Directive, therefore these flag states have an obligation to keep MAICO informed and MAICO can make comment on any report or recommendation that they may produce.

935

If the report makes any recommendations to operation of vessels in the Bay, these will be considered by the MAICO with the Gibraltar Maritime Administration (GMA) and all other stakeholders who may be affected.

940

Hon. T N Hammond: I thank the Minister for that comprehensive answer. Is the Minister aware whether by their nature, these reports are made available to the public, whether in a de-personalised way or in some way that at least the public can gain assurance that recommendations may have been acted upon?

Hon. G H Licudi: Mr Speaker, I am not aware of that but I will find out.

945

Mr Speaker: Next question.

Q174/2018

**Bathing in waters at Ocean Village Marina entrance –
Measures to prevent**

Clerk: Question 174, the Hon. T N Hammond.

Hon. T N Hammond: Will Government consider implementing measures to prevent bathing in the area to the north of Waterport Terraces, the entrance to the Ocean Village Marina?

950

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

955

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, Rule 165 of the Port Rules states that:

No person may bathe within the port except at such places as are authorised by the Captain of the Port.

The Captain of the Port has not provided any authorisation for bathing in the area to the north of Waterport Terraces, at the entrance to the Ocean Village Marina and as such bathing is therefore not permitted.

960

There are currently no additional plans to implement any further measures to prevent bathing in this area. It is already covered by the present legislation.

Hon. T N Hammond: Could I ask the Minister perhaps to encourage the relevant authorities to enforce that particular part of the legislation, because it does appear that bathing ... particularly children do bathe frequently in that area in the summer.

965

I understand children will behave in this way but it is clearly a dangerous waterway for children to be swimming in and perhaps some oversight, or greater oversight, would be advantageous and hopefully contribute towards preventing a potential incident in that area.

970

Hon. G H Licudi: Mr Speaker, as the hon. Member well knows, the enforcement of legislation such as this is not for the Government, but I take note of what the hon. Member says and I will transmit that particular message.

975

Mr Speaker: Next question.

Q175/2018

**Employment Service –
Notices of vacancies, engagement and terminations**

Clerk: Question 175, the Hon. E J Reyes.

980 **Hon. E J Reyes:** Can the Government state the total number of (a) notice of vacancies; (b) notice of terms of engagement, excluding variations and (c) notice of terminations filed at the Employment Services since September 2017 to date?

985 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, the total number of vacancies, terms of engagement and terminations filed at the Employment Service from September 2017 to the end of January 2018 is as follows: vacancies, 3,793; terms of engagement, 4,647; and terminations, 5,088.

Q176/2018
Gibraltar, a Year of Culture –
Investments made in campaign

990 **Clerk:** Question 176, the Hon. L F Llamas.

995 **Hon. L F Llamas:** Mr Speaker, since the Government has launched its campaign on ‘Gibraltar, a Year of Culture’, can it provide details of the investments made in this campaign?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

1000 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Gentleman is detailed in the schedule now being handed to him.

Schedule to Question 176/2018

| Publication | Circulation/ Est. Impact Level | Size | No | January – June 2018 | | | | | |
|---------------------------------------|--------------------------------------|------------------|----|---------------------|----|---|----|---|---|
| | | | | 3 | F | M | A | M | 3 |
| National Press | | | | | | | | | |
| Sunday Telegraph | 689,516 | 20x3 Colour | 2 | 14 | 18 | | | | |
| Daily Telegraph (Saturday) | 931,604 | 20x3 Colour | 2 | 6 | 24 | | | | |
| The Times (Saturday) | 444,493 | 20x3 Colour | 1 | 27 | | | | | |
| Sunday Times | 750,770 | 20x3 Colour | 1 | | 11 | | | | |
| National Magazines | | | | | | | | | |
| Saga Magazine | 488,074 | Page Colour | 1 | | 1 | | | | |
| Reader Digest | 104,000 | Page Colour | 1 | 1 | | | | | |
| Advertorials | | | | | | | | | |
| Daily Telegraph Magazine | 562,000 | Page Advertorial | 1 | 20 | | | | | |
| Radio Times | 622,773 | Page Advertorial | 1 | 9 | | | | | |
| Sunday Telegraph – Stella Magazine | 364,000 | Page Advertorial | 1 | 28 | | | | | |
| RSPB Nature’s Home | 612,461 | Page Advertorial | 1 | | | | 10 | | |

GIBRALTAR PARLIAMENT, FRIDAY, 16th FEBRUARY 2018

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|--|-----------|---|---|----|---|----|--|--|--|
| Woman & Home | 300,025 | Page Advertorial | 1 | | | 1 | | | |
| Britain At War | 9,596 | Page Advertorial | 1 | | 1 | | | | |
| BBC History | 81,081 | Page Advertorial | 1 | 20 | | | | | |
| Family Traveller | 20,819 | Page Advertorial | 1 | 1 | | | | | |
| Display Online | | | | | | | | | |
| Specific Network - 8 weeks | 6,187,500 | Banner & MPU, Vid 30" | 1 | 2 | | 30 | | | |
| Times Online - Travel Take over | 200,000 | MPU&Leader/ Vid 30" | 1 | 2 | | 30 | | | |
| Mail Online - Travel | 1,333,333 | MPU/Sky/Leader/ Vid ₁ 30" | | 2 | | 30 | | | |
| Telegraph.co.uk | 1,666,666 | MPU/Sky/Leader/ Vid ₁ 30" | | 2 | | 30 | | | |

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| National Geographic Traveller | 166,666 | MPU/Sky/Leader | 1 | 2 | | 30 | | | |
| Mobile | | | | | | | | | |
| London - Heathrow - Gatwick | 1,260,000 | Mobile Flash | 1 | | 1--28 | | | | |
| Manchester - Bristol | 700,000 | Mobile Flash | 1 | | 1--28 | | | | |
| Radio | | | | | | | | | |
| Gold Manchester | 254,000 | 30" - 1 week | 1 | | 5 | | | | |
| Key 2 | 127,000 | 30" - 1 week | 1 | | 5 | | | | |
| XS Manchester | 159,000 | 30" - 1 week | 1 | | 5 | | | | |
| The Breeze South West | 219,000 | 30" - 1 week | 1 | | 5 | | | | |
| Heart West Country - Bristol/Weston & Bath | 606,000 | 30" - 1 week | 1 | | 5 | | | | |
| Heart Four Counties - Beds/Bucks/Herts | 1,315,000 | 30" - 1 week | 1 | | 5 | | | | |
| Smooth Radio Four Counties | 150,000 | 30" - 1 week | 1 | | 5 | | | | |
| LBC 97.3 (Digital) | 2,125,000 | 30" - 1 week | 1 | | 5 | | | | |
| Jazz FM (National) | 576,000 | 30" - 1 week | 1 | | 5 | | | | |
| talkRADIO | 455,000 | 30" - 1 week | 1 | | 5 | | | | |
| TV | | | | | | | | | |
| Channel 4 | 3,333,333 | 30" - 1 Week | 1 | 25 - 31 Dec | | | | | |
| Sky/Channel 4/ Europort/ Travel Channel/ London Live | 9,126,132 | 30" - 1 Month | 1 | 1--31 | | | | | |

Extra to this campaign:

| |
|--|
| State Magazine, Nov, Dec And Jan edition |
| Production and editing of video for Year of Culture Wrighttech Ltd. |
| Pen drives to promote Year Of Culture video at Island Games in Gotland Wrighttech Ltd. |

Mr Speaker: Next question.

Q177/2018

**Visit Gibraltar website re-launch–
Replacement details and expected cost**

1005

Clerk: Question 177, the Hon. L F Llamas.

1010

Hon. L F Llamas: Mr Speaker, can the Government explain why the Visit Gibraltar website meant to be launched last September has not yet launched, including (a) when they expect the website to be replaced; (b) the entity contracted to perform the change and (c) the expected cost?

1015

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, the re-launching of the website has taken a little bit longer than was anticipated. We have in fact added a Spanish version and other languages will follow.

1020

We were also conscious, Mr Speaker, of the fact that we were launching the 'Gibraltar Year of Culture' campaign or the branding at the World Travel Market in London in November and we felt it was important that this should also be part of the website.

This week, I have held a meeting in my office to review the final version of the website and we are almost ready to bring this on line shortly.

1025

Mr Speaker, it is, however, important to note that what we are doing is improving our website. That is not to say that the current website is either obsolete or is not fulfilling its purpose. Quite the contrary is the case. All the information one would expect in a tourism website, including what to see and do, where to stay or shop, where to eat, what events are taking place as well as information on Gibraltar's history or heritage are already there.

1030

The current service provider for the website, Piranha Designs, was contracted to carry out the changes. The expected cost of the changes will amount to circa £24,000.

Q176/2018

**Gibraltar, a Year of Culture –
Supplementary question**

Mr Speaker: Do you wish to come back to the previous question, matters arising from the schedule?

1035

Hon. L F Llamas: Yes please. Yes, I would like to come back to Question 176 if that is okay. In the question I am asking about the details of the investments. I appreciate the Hon. Minister providing this schedule which is very detailed.

Is the Minister able to break this down in terms of monies actually spent on each investment made throughout this campaign so far?

1040

Hon. G H Licudi: Mr Speaker, the hon. Member asked about investments and I was not sure whether that meant what we were actually doing in what periodicals or newspapers or radio stations we were carrying out this campaign, or whether he wanted an itemised cost.

1045

What I can tell the hon. Member is that the overall cost of all the items set out in that schedule is in the order of £220,000. It is important to note that the main emphasis of the Gibraltar Tourist Board now is the carrying out of marketing or campaigns generally for Gibraltar.

1050 That was one of the reasons why the Ministry of the Environment took over management of the sites and beaches so that the Tourist Board could concentrate primarily on marketing.

1055 The Gibraltar Year of Culture is, certainly from the feedback we are getting so far, being a very successful branding and it is essentially a branding, rather than a campaign. We would have carried on with marketing campaigns in any event, so the hon. Member should not think when he looks at that list, that it is exclusively dedicated to the Year of Culture campaign.

1060 There would have been campaigns, there would have been advertisements, there would have been marketing in the normal way, except that the branding that is now being used is what we launched in the World Travel Market in November and subsequently in FITUR in January. But the overall cost of those items is in the order of £220,000.

Mr Speaker: Next question.

Q178/2018
Pensionable age –
Equalisation between men and women

Clerk: Question 178, the Hon. L F Llamas.

1065 **Hon. L F Llamas:** Mr Speaker, when does the Government expect to equalise pensionable age between men and women?

1070 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Sorry, Mr Speaker, are we on 179?

1075 **Mr Speaker:** Question 178.

Hon. G H Licudi: Mr Speaker, the Government is committed to equalising pensionable age between men and women. This will happen when the new scheme for old age pensions is introduced. It is, however, necessary to know what the position will be post-Brexit before the new scheme is introduced.

1080 **Mr Speaker:** Next Question 179.

Hon. D A Feetham: Mr Speaker, may I ask a question? (**Mr Speaker:** Yes.)

1085 Mr Speaker, as a matter of interest, has the Government costed the additional cost which equalisation of the pension age would bring on a year-by-year basis? Has that kind of costing and that kind of analysis been done?

1090 **Hon. G H Licudi:** Mr Speaker, the scheme is not complete yet. It is impossible to carry out a costing exercise without knowing who the beneficiaries of that scheme will be and that is why I mentioned that we cannot do this until we know what the position will be post Brexit. Now the position may be one thing and post Brexit the position will be very different. Who will be the beneficiaries of old age pension schemes in Gibraltar remains to be seen and therefore, that exercise simply cannot happen at this stage.

1095 **Hon. D A Feetham:** I do not understand the answer. Without disrespecting the hon. Gentleman, perhaps the Minister for Economic Development can explain the position as to why Brexit should actually affect ... I can understand that Brexit may affect our economic ability to pay for any increase pensions liability, but what I do not understand is why would Brexit actually affect the class of persons entitled.

1100 It may affect the private sector perhaps, but in terms of the cost to the Government, that should be capable of being ascertained in the ballpark figures and I would just ask the Government to explain that.

1105 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I do not know whether the hon. Member is aware or not, but under Community law anybody that has in a lifetime accumulated 52 weeks of social insurance contribution here, can aggregate it with contributions in any of the other 27 Member States. That creates a potential pool of probably several hundred thousand beneficiaries.

1110 **Hon. D A Feetham:** Ah, right I see.

Hon. Sir J J Bossano: We do not know whether that will continue to be the position after 2020. *(Interjection)*

1115 **Mr Speaker:** Yes, the Hon. Roy Clinton.

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

I just have one question for the Minister, when he talks about equalisation, does he have an idea as to what he means in terms of what the equalisation age would be or has he not reached a determination on that yet?

1120 **Hon. Sir J J Bossano:** Mr Speaker, the requirement under EU law is that the discrimination between men and women ... that is to say this law discriminating in favour of women because they require less contributions and they get paid five years earlier and we did what everybody else was doing, but there is a deadline for the existing scheme of 2020, which means the deadline will not apply to us because we will be out by 2020.

1125 So in effect, we are no longer obliged by Community law to equalise. We took a policy decision, when the equalisation was there, to equalise at 60. The United Kingdom is currently equalised at 67. The new scheme, which we will call the Fully Funded Scheme, will be fully funded depending on how many people are paying in and how many people are receiving benefits and that is an impossible equation.

1130 But the policy continues to be to equalise from 60 upwards – that is to say, the policies that people should be able to take at 60 as the earliest date that they could take the pension. But what we have planned and prepared has now been put on hold until we know what is the nature of the post-Brexit relationship between contributions from EU nationals.

1135 For example, the rules on aggregation and apportionment do not apply to non-EU workers in Gibraltar, so if we had a lot of non-EU workers and very few EU workers in the economy, the numbers would be different, but we do not know whether in 2021 for example, EU nationals will be treated as non-EU nationals and therefore the aggregation rule would not apply to them so it is an impossible exercise to do because the variables are not yet determined.

1140 **Mr Speaker:** Next question.

Q179/2018
Unemployment benefits –
Retired public servants claiming

Clerk: Question 179, the Hon. L F Llamas.

1145 **Hon. L F Llamas:** Mr Speaker, can the Government state since December 2011, how many retired public servants have successfully claimed unemployment benefits post retirement?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

1150

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, since December 2011 and up to January 2018, 49 public servants have successfully claimed unemployment benefit.

Mr Speaker, it is 49 – I am not sure whether I said 49. (*Interjection*) Forty-nine, yes.

1155

Hon. L F Llamas: Mr Speaker, is that in relation to post retirement? That was not clear in the answer.

1160 **Hon. G H Licudi:** Yes, Mr Speaker, that is certainly my understanding. The answer was prepared specifically in relation to the question. The question says post-retirement and therefore although I do not have that information, I am assuming – unless it is wrong and in which case I will correct it – for present purposes that this answers directly the question that was posed by the hon. Member.

1165 **Hon L F Llamas:** Mr Speaker, in light of the 49 public servants who have retired and then gone on to claim unemployment benefits, is this something that the Government is looking into in a way that they curtail this, given that obviously these people have received a pension and a gratuity in relation to this?

1170 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I think it has to be understood on the basis that it can equally be argued that the people in the public service who served a long time are in effect paying insurance to protect themselves against unemployment which they never have had the benefit of. There is an element of insurance contribution which in effect pays the unemployment benefit. People in the private sector who can sort of be unemployed every 13 weeks and go back and collect benefit access it more often than those in the public service.

1175

I think in terms of the philosophy of their entitlement, whether they need it is another thing, but it is not something that the state is giving somebody as a gift.

1180 The law is that even if you retired from the public or the private sector, if you are available for work you have to register and be available for work, and therefore you are available for work and you have paid your contributions for 30 or 40 years and you are entitled to the 13 weeks and you choose to take it up I think it would be difficult to say I am going to curtail it, because as I see it anyway, the benefit is a benefit of insurance.

1185 If you were to take a policy with an insurance company that pays you if you become unemployed and you pay all your life and then you are unemployed because you have retired, on what moral grounds could I say to you well, because you have now got a pension, you cannot register as unemployed and you cannot seek another job.

1190 So frankly, my own view is that we should not seek to curtail it because I think it is something for which the worker has paid through his insurance contribution all his life. It is not as if it was a payment by the state which is non-contributory. The entitlement to unemployment benefit is

the result of a contribution record which is laid down in the law and that law does not say that you are not entitled to do it. In fact, it does not even say that you cannot do it after a given age. You do not get it after you are pensionable because you get a social security pension and you cannot draw more than one benefit from the social security, but if you were, for example, not receiving a social security pension, it is now contrary to the law on discrimination to try and stop fairly young people like me at 79 from working.

1195

So you know, the answer is that the Government certainly has not got a policy to curb it, but I personally believe that people are entitled to a benefit if they have paid for it all their lives.

1200

Hon. L F Llamas: Mr Speaker, I think that is in my view, a very dangerous path to encourage citizens to claim things that they may be entitled to but they may not need. Will the Government look into perhaps means testing those who claim such benefits?

1205

Hon. Sir J J Bossano: No, Mr Speaker, I do not believe they should be means tested in respect of things which are the result of contributions. In fact I think the previous administration did that in respect of Family Allowances that were means tested and I objected from that side of the House because of the principle of the thing.

1210

You means test if you have got a state benefit like social assistance for which you have made no payment. Therefore, the state says that there is a poverty line and we help the people below that poverty line, for example the minimum income guarantee.

1215

But if I can draw a parallel, it is one thing to means test a minimum income guarantee which gives a person an income which we, for example, with the latest thing that we introduced now link it to the minimum wage so that people who are above retirement age, if they have a low pension, it can be topped up so that a married couple would have no less than 90% of the national minimum wage. That is means tested because the higher the pension you get, the less the gap will be and the people on the full pension would not get it.

1220

But I think if you were to say I am going to means test the old age pension because you have got a pension from the Civil Service, then I do not think that would be right because the contributions that you have made are the same as the contributions other people have made.

1225

I think we need to think of this as a social insurance benefit, not social assistance. It is standard procedure in all the European schemes that I am aware of that what gets means tested is social assistance which is not funded by the recipient. But social security benefits which have contribution records are dependent on how much you pay in. So how can you say two people will pay the same amount in, but one will get more benefit than another because of other income from another source? I mean, suppose somebody is more frugal with his income and saves money, does that mean that he gets penalised compared to the person who spends all his wages and has no savings?

1230

I know of no social security contributory scheme that is means tested. All the schemes that I know of in this field that are means tested are the ones where the payment is based on the income of the recipient, irrespective of whether he has made any contributions or not and therefore, it is by way of a transfer of income from people who are better off as taxpayers to people who are less well off as people with low or zero incomes.

1235

Hon. L F Llamas: Could I ask as a further supplementary, from the 49 public servants who have retired and then successfully claimed the unemployment benefit, does the Government have details of if they did a full service within the public sector or perhaps it was not a full service, or details relating to that, please?

1240

Hon. G H Licudi: Mr Speaker, I have a breakdown of the Department Agency Authority from which they came but not the amount of years of service in each particular area.

It is important to point out that the question relates to a period from December 2011 to January 2018, a six-year period. Clearly many more public servants than 49 have retired during that six-year period than the ones that have claimed this.

1245 So it is not the norm that public servants register as unemployed, register as seeking employment because as my hon. Colleague has mentioned, you have to be actively seeking work in order to be able to receive unemployment benefit. So it is certainly not the norm.

We also have a situation where the person reaches pensionable age in respect of the old age pension, that is a social security benefit that the person is receiving and they cannot receive another benefit and therefore they cannot receive unemployment benefit.

1250 In addition to that, there are those that at 60 are eligible to apply for community care. If you are receiving unemployment benefit, my understanding is that you would not get community care, so most people would opt to get community care and not register as unemployed. Therefore, although they have to do a couple of hours a week or whatever it is that they do in respect of the community care under the trust that regulates community care, people generally
1255 opt for doing that rather than unemployment benefit.

Therefore, the window within which this possible benefit can be applied for is very narrow. Essentially, you have to have reached compulsory retirement age, because if you do not reach compulsory retirement age under the Act you are not eligible for this. If you reach compulsory retirement age but you have not reached 60, generally the people within that category are those
1260 in the essential services – customs, fire service, prison. Those who retire from those essential services have reached compulsory retirement age at 55, not reached 60, are generally within the bracket that would fall to be entitled to register for unemployment benefit, provided that they register the employment service, they are actively seeking work, they attend the regular meetings in order to be able to say that they are actively seeking work, and provided that all the
1265 conditions are satisfied.

So there is this very narrow window that applies and clearly it is not something that everybody will take advantage of.

Hon. L F Llamas: Could I ask, I will come back next month, if that is okay, and ask for details relating to the years of service and the gratuity and pension taken by these civil servants. But in
1270 the meantime, could the Hon. Minister provide the Departments from which these civil servants have retired?

Hon. G H Licudi: Mr Speaker, in respect of the 49: Customs – 6; Fire and Rescue Service – 13; GDC Housing – 1; GDC Tourist Board – 1; Gibraltar Health Authority – 3; Gibraltar Mechanical and Electrical Services – 1; Gibraltar Port Authority – 2; Economic Development – 2; Prison – 3; and Royal Gibraltar Police – 17.

Hon. D A Feetham: Yes, Mr Speaker, my attention was piqued by the analogy that the Hon. the Father of the House raised with insurance policies, but it is an inapposite analogy in my view,
1280 does he agree with me? It is like saying that I have health insurance and because my health has been perfect throughout my life and I have never claimed, somehow at the end I should have the right to make some kind of a claim because I have never really made a claim during the time of my life, because I have always been perfectly healthy.

1285 The reality is that what we have here are individuals who of course have paid their contributions, but they are individuals who have retired. They have reached the end of their working life, they are retired, they have obtained a gratuity, they are obtaining a pension and there is a distinction.

I can understand that somebody at the age of 55 may say, 'Well look, I am young and I want to continue to work', and I think most people would say, 'Well fine – if you can obtain work that is fine.' But what we are talking about here is the state actually paying a benefit on top of ...
1290 *(Interjection)* unemployment.

Hon. Sir J J Bossano: It is a fund.

1295 **Hon. D A Feetham:** Well okay, it is the fund. I understand it is the fund but it is the payment of that benefit on top of a person being retired.

Have I misunderstood it? If I have misunderstood it I apologise! But to me, it just seems counterintuitive that in a situation where, whether it comes from the fund or does not come from the fund, the reality of the situation is that resources are finite and if somebody has obtained a gratuity, if somebody is obtaining a pension, it does not seem to be right that the community, albeit through the fund, is paying as well for unemployment benefit.

1300 And in fact, just one final supplementary as well, the hon. Member may wish to deal with: does this actually happen in other jurisdictions?

1305 **Hon. Sir J J Bossano:** Mr Speaker, I think the analogy is wrong. It is as if, as the hon. Member said, you have paid insurance for medical treatment all your life, you have never been sick and now because you become sick at 50 you have to pay for private medicine.

That is the analogy because the person is unemployed at the age of 50, if he looks at the number it is no coincidence that the bulk of the grades in the 49 are the people who go at 50.

1310

Mr Speaker: Police, fire service...

1315 **Hon. Sir J J Bossano:** Police, fires service – it is perfectly reasonable that somebody at 50 should want to look for another job and it is perfectly reasonable that they should register as unemployed to look for work.

But what the hon. Member is saying, is that they should be told when they register, because you have been given a pension as a civil servant – or is it because you have been given a pension from anybody? – you are no longer entitled.

1320 That would mean that you would have to change the 1954 Social Insurance Act and he was in Government and had the opportunity to do it, the GSD had 15 years in which to do it. They thought there was no need to do it then and I do not know what it is that has happened since, that he finds it an anomaly only now and not when he was in Government, and he would have done it! I can tell him that if he had attempted to do it, he would have found me opposing him from that side.

1325

Hon. G H Licudi: Mr Speaker, can I just add for completeness that the benefit is actually payable for 13 weeks so it is not an unlimited benefit. It is very restricted. *(Interjection)* A maximum of 13 weeks. *(Interjection)* Well, since 1954 as the hon. Member has indicated.

1330 **Mr Speaker:** To be helpful, there is another category: persons who retire on medical grounds and who may wish to seek work because their pension is not adequate for them to live on.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q180-185/2018

Government finances –

Developments with China; Debts and Funds; GSB staff

Clerk: Question 180, the Hon. R M Clinton.

1335 **Hon. R M Clinton:** Mr Speaker, further to Question 1/2018, can the Government advise whether the meetings with the China Development Bank and the Bank of China in January 2018 have borne any fruit.

1340 In addition, can the Government indicate what China's interest might be in respect of Gibraltar, as regards its 'One Belt One Road' development strategy, given Sir Joe Bossano's recent trip or rather recent visits to Beijing?

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

1345 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Questions 181 to 185.

Clerk: Question 181, the Hon. R M Clinton.

1350 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total Gross Debt, Aggregate Debt after application of the Sinking Fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt for the following date, being 1st November 2017?

Clerk: Question 182, the Hon. R M Clinton.

1355

Hon. R M Clinton: Mr Speaker, can the Government please provide the total liquid reserves figure and its constituents namely Consolidated Fund, Improvement and Development Fund, Government Owned Companies, deposits, contingencies and other funds for the following date, being 1st November 2017?

1360

Clerk: Question 183, the Hon. R M Clinton.

1365 **Hon. R M Clinton:** Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all bank/savings bank accounts and cash held for the following date, being 1st November 2017?

Clerk: Question 184, the Hon. R M Clinton.

1370 **Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking Fund as at 1st November 2017?

Clerk: Question 185, the Hon. R M Clinton.

1375 **Hon. R M Clinton:** Mr Speaker, can the Government advise how many staff are directly engaged in the operation of the Gibraltar Savings Bank as at 31st December 2017, split between permanent and contract staff?

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

1380

1385 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, it is not the case that China is interested in Gibraltar as regards the 'One Belt One Road' strategy, but rather that Gibraltar is interested in China's 'One Belt One Road' strategy, given that historically Gibraltar has always been considered to be geographically well-placed as a trading territory in international trade routes.

Gibraltar's interest in participating, which is welcomed by China, is no different from the interest shown by many other countries who see this as a transformational change in trading patterns which will be developed from its implementation.

1390 As regards my meeting with senior officials of the two London-based Chinese banks, the position as regards the Bank of China is that presently in the UK they are not expanding their retail operations but concentrating on wholesale commercial banking and therefore would not be interested at the moment in providing retail services in Gibraltar. However, they have agreed to assist if they can my Department by putting me in contact with other potential Chinese parties that might be so interested.

1395 As regards the China Development Bank they are prepared to provide facilities for financing infrastructure projects which involve Chinese enterprises and entail capital requirements of £30 million or more. These are the lending criteria they currently use in the UK. Several possible projects are under consideration.

1400 The position as regards the total liquid assets composition, when, where and how these are invested on a particular date chosen by the hon. Member opposite, continues to be as previously stated.

The figures requested for 1st November 2017 are: Gross Debt – £447.7 million; Sinking Fund – £5.2 million; Aggregate Debt – £442.5 million; Cash £139.4 million; Net Debt – £303.1 million.

1405 As at 31st December there were 15 full-time and one part-time civil servants at the Savings Bank, assisted by 13 contract staff.

Hon. R M Clinton: Mr Speaker, I welcome the Minister's feedback in terms of his meetings with the Bank of China and obviously would welcome any form of inwards investment that he could attract for Gibraltar at this time. I obviously wish him success in his endeavours.

1410 In terms of the Gibraltar Savings Bank, if I heard the Minister correctly there are 15 full-time staff, one part-time and 13 contract workers. Am I correct in assuming that the 13 contract workers are on 11-month contracts and if so, does the Minister consider it appropriate, given the Savings Bank and the nature of the work that it does, that it has almost 50% contract staff?

1415 **Hon. Sir J J Bossano:** Well, Mr Speaker, if I did not think it was appropriate, it would not be happening.

Hon. R M Clinton: Mr Speaker, again when we talk about contract staff, these are individuals on 11 month contracts. Would that be right?

Hon. Sir J J Bossano: They are, Mr Speaker, supply workers the same as exist in other places in the Government, yes.

1425 **Hon. R M Clinton:** Would the Minister be able to advise the House whether the supply workers are with any particular recruitment agency, one in particular, or are they split across several?

1430 **Hon. Sir J J Bossano:** I cannot say which. I think they are probably one of the two that we are using – there are two agencies, S&K and Beta Service which account for most of the workers. I do not think we have got anybody else supplying. Not just here, I mean this is no different from what exists in other Government Departments. We do not use any special agency for the Savings Bank.

1435 **Mr Speaker:** Any other supplementaries?

Q186-188/2018
Government workers –
Agency staff; maternity and sickness cover;

Clerk: Question 186, the Hon. D A Feetham.

1440 **Hon. D A Feetham:** Perhaps the answer is in the answer to this question.

As at the end of December 2017, how many individuals were working within Government Departments, companies, agencies or authorities through services provided by recruitment consultants and agencies, broken down by department, company, agency and authority together with the recruitment consultant or agency concerned?

1445

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

1450 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question together with Questions 187 and 188.

Clerk: Question 187, the Hon. L F Llamas.

1455 **Hon. L F Llamas:** Mr Speaker, can the Government provide details since January 2016, which Civil Service posts have not been covered during maternity or long-term sickness, including: (a) the grade; (b) the department and (c) the period of absence not covered?

Clerk: Question 188, the Hon. L F Llamas.

1460 **Hon. L F Llamas:** Mr Speaker, further to the answer to Question 7/2018, can the Government now provide this House with an update?

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

1465

Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, the information requested for December 2017 and from January 2016 cannot be provided within the timescale of the question but will be provided in the next meeting.

1470 On 8th January 2018, supply workers were placed as follows: (a) Care Agency; Department of Education; Gibraltar Bus Company; Gibraltar Electricity Authority; Gibraltar Health Authority; Gibraltar SLA; Ministry of Youth and Postal Services, Gibraltar Joinery and Building Services; EDEC; and GCP.

1475 (b) Nature of the work was: Care Worker; Qualified Teachers; SNLSA; Music Instructor; Technicians; Cleaners; Drivers; Administrative Work; Nursing Assistant; RGN; Enrolled Nurse, Midwife; Domestic; Lifeguard; Youth and Community Support Worker' Postal Work; supply labour; and Messenger.

1480 (c) The main reason for providing cover either is to meet an increased workload or to provide cover for reduced numbers at work due to absenteeism, or posts temporarily unfilled due to temporary promotion or pending a decision on the required activity.

(d) The first date of relief cover that was provided by any given worker was as follows:

QUESTION No: 188/2018 (Contd.)

| Date | Number |
|------------|--------|
| 29/12/2003 | 1 |
| 02/09/2006 | 1 |
| 17/09/2007 | 1 |
| 23/02/2009 | 1 |
| 19/07/2012 | 1 |
| 03/09/2012 | 2 |
| 07/11/2012 | 1 |
| 09/12/2012 | 1 |
| 29/04/2013 | 1 |
| 01/06/2013 | 1 |
| 10/06/2013 | 1 |
| 02/07/2013 | 2 |
| 15/07/2013 | 1 |
| 02/09/2013 | 2 |
| 23/09/2013 | 1 |
| 15/10/2013 | 1 |
| 16/12/2013 | 1 |
| 20/12/2013 | 1 |
| 13/01/2014 | 1 |
| 29/01/2014 | 1 |
| 02/03/2014 | 1 |
| 21/07/2014 | 1 |
| 06/08/2014 | 2 |
| 26/08/2014 | 1 |
| 01/09/2014 | 13 |
| 18/09/2014 | 1 |
| 08/10/2014 | 1 |
| 17/11/2014 | 2 |
| 08/01/2015 | 1 |
| 03/02/2015 | 1 |
| 05/02/2015 | 1 |
| 27/02/2015 | 1 |
| 02/03/2015 | 1 |
| 03/03/2015 | 1 |
| 16/03/2015 | 1 |
| 17/03/2015 | 1 |
| 18/03/2015 | 3 |
| 23/03/2015 | 1 |
| 30/03/2015 | 1 |
| 08/04/2015 | 1 |
| 18/05/2015 | 1 |
| 05/06/2015 | 1 |
| 25/06/2015 | 5 |
| 28/06/2015 | 1 |
| 01/07/2015 | 1 |
| 07/07/2015 | 1 |

| | |
|------------|----|
| 01/08/2015 | 1 |
| 27/08/2015 | 6 |
| 01/09/2015 | 16 |
| 02/09/2015 | 6 |
| 03/09/2015 | 18 |
| 01/10/2015 | 6 |
| 06/10/2015 | 7 |
| 22/10/2015 | 33 |
| 11/11/2015 | 1 |
| 14/11/2015 | 1 |
| 22/11/2015 | 1 |
| 13/12/2015 | 1 |
| 07/01/2016 | 1 |
| 11/01/2016 | 1 |
| 22/01/2016 | 1 |
| 03/02/2016 | 1 |
| 10/02/2016 | 1 |
| 15/02/2016 | 2 |
| 22/02/2016 | 1 |
| 03/03/2016 | 1 |
| 18/04/2016 | 1 |
| 24/05/2016 | 1 |
| 21/07/2016 | 1 |
| 17/08/2016 | 1 |
| 26/08/2016 | 1 |
| 31/08/2016 | 29 |
| 02/09/2016 | 2 |
| 06/09/2016 | 1 |
| 26/09/2016 | 3 |
| 06/10/2016 | 2 |
| 12/10/2016 | 1 |
| 17/10/2016 | 1 |
| 07/11/2016 | 1 |
| 14/11/2016 | 2 |
| 24/11/2016 | 1 |
| 24/01/2017 | 2 |
| 02/03/2017 | 1 |
| 20/03/2017 | 1 |
| 29/03/2017 | 1 |
| 30/05/2017 | 3 |
| 25/06/2017 | 1 |
| 29/06/2017 | 1 |
| 03/07/2017 | 2 |
| 12/07/2017 | 2 |
| 27/07/2017 | 1 |
| 31/08/2017 | 44 |
| 26/09/2017 | 1 |

| | |
|------------|-----|
| 16/10/2017 | 1 |
| 30/10/2017 | 9 |
| 31/10/2017 | 18 |
| 06/11/2017 | 6 |
| 13/11/2017 | 1 |
| 14/11/2017 | 4 |
| 16/11/2017 | 1 |
| 27/11/2017 | 3 |
| 01/12/2017 | 2 |
| 08/01/2018 | 261 |

1485 Mr Speaker, in the case of the figure for 8th January, which is the last figure I have given, that is the number that was employed at that date but this is a group of workers of which we have no information as to whether they had, previously to that date, done supply work.

1490 **Hon. L F Llamas:** Mr Speaker, I am sure you will agree with me that this is a waste of parliamentary time (*Interjection and laughter*) in the sense that when one comes to Parliament and asks for a schedule, a schedule which you can link the company, the department the work is in, the grade that position is doing, the reasons why the cover is required and since when the worker commenced and the answers provided in an oral fashion in a way which you cannot even link the worker to which department that person is providing services to and why the services are required, I think does not answer the question, let alone waste this parliamentary session. (*Interjection*) Is the Government able to provide the information requested in a more civilised manner?

1495

Chief Minister (Hon. F R Picardo): Yes, in *Hansard*.

1500 **Hon. Sir J J Bossano:** Mr Speaker, the Member opposite is entitled to ask for information and I am providing the information following logically and precisely the sequence of his question.

If he does not want the question answered orally, then he should put it for written answer. (**Hon. Chief Minister:** Hear, hear.) If he puts a question for an oral answer, then however long it will take me to read it, and however difficult it may be for him to understand it, I am doing what he is asking for. He is asking for an oral answer to an oral question and I have covered every single item in the question and given an answer on every single item.

1505

He is entitled to ask a question and to get information, but he is not entitled to tell me in the Government how I should draft the answers, just like I am not entitled to tell him how he should draft the questions.

1510 **Mr Speaker:** I was not going to make any comment at this stage, but I will read from *Erskine May*, page 366, Oral Answers and Supplementary Questions:

The Speaker has stressed that the length of both ministerial replies and of supplementary questions should be curbed.

I do not know what Speaker they are referring to, obviously the Speaker in the House of Commons, but I am sure that Speakers throughout the parliamentary Westminster-style world, have been complaining over the years about precisely that.

1515 But I think that the Hon. Minister has a valid point. I think that whoever asks the questions should, in an instance such as this one, where all that you require are statistics ... that the alternative is to ask for a written answer, which you can then pursue at the next meeting. But that would avoid a repetition of this situation.

1520 Of course, the other way to do so, and we have had today very lengthy schedules, but the Hon. Sir Joe Bossano who has been here for 45 years is entitled – I cannot stop him; I can urge him to curb the length of his answer. Unfortunately the rules do not allow me to stop him. And having been here 45 years, who is going to attempt to do that? *(Laughter)*

So let us move on.

1525 **Hon. D A Feetham:** Mr Speaker, may I make a civilised request myself? *(Laughter)*

Mr Speaker: Provided it does not add any wood to the fire, yes.

1530 **Hon. D A Feetham:** Mr Speaker reserves the right as to whether it is civilised or not, I understand that.

My question 186, has not been answered because the Hon. Minister has said that in the time available the information could not be compiled.

1535 Could I ask the Hon. Speaker, could I rely on Standing Order 16, which is the Standing Order that basically says that where a question remains unanswered at the end of the session, that the answer be provided in writing. Therefore, that would satisfy me so from now until the next session, if that question can be answered in writing, then I can lodge any supplementaries so to speak, orally or in writing for the next session.

But I do not want to repeat the question next time round.

1540 **Mr Speaker:** Does the hon. Member agree that it has been an oversight that it has not been answered?

1545 **Hon. D A Feetham:** Mr Speaker, no. **(Mr Speaker: No?)** No, he has said that in the time available he could not answer it, so therefore I am saying it is remaining unanswered, can it be answered in writing? That is what I am saying, under Standing Order 16.

Mr Speaker: Yes, very well. *(Interjections)*

1550 **Hon. D A Feetham:** Yes, before next month so that I can then ask further questions next time round.

Mr Speaker: Yes, very well.

DEPUTY CHIEF MINISTER

Q189/2018

Parliament building –
Installation of lift

1555 **Clerk:** Question 189, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, is Government still intending to install a lift at the Parliament building and if so, when?

1560 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, yes. After reviewing all possible alternatives and having extensively consulted interested parties and specialists on access, the Government intends to install a lift during the course of the new financial year.

1565 **Mr Speaker:** Next question.

Q190/2018
Brussels office –
Continuation post-Brexit

Clerk: Question 190, the Hon. T N Hammond.

1570 **Hon. T N Hammond:** Mr Speaker, does Government intend to continue to operate its Brussels office once we leave the EU?

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

1575 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes, sir.

Mr Speaker: Question 191.

Q191/2018
Bayside, St Anne's and St Martin's Schools –
Developer bid for all three sites

1580 **Clerk:** Question 191, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 85/2018, can the Government advise as regards the tenders received for the sites of Bayside, St Anne's and St Martin's Schools, has any developer bid for all three sites?

1585 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the Government can confirm that an Expression of Interest for all three sites has been received from one group of developers. The different submissions from all entities are still under consideration.

Q192/2018
UK non-EU trade agreements –
Inclusion of Gibraltar

1590 **Clerk:** Question 192, the Hon. L F Llamas.

1595 **Hon. L F Llamas:** Mr Speaker, can the Government explain how Gibraltar features in the trade agreements being negotiated by the United Kingdom and non-EU countries such as the US, China, New Zealand, Australia, etc?

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

1600 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the United Kingdom is unable to negotiate and conclude trade agreements while still a member of the European Union, but is free to have discussions on future trading relationships.

The priorities of Gibraltar will be fully taken into account by the UK with regard to any trade and investment relationships as those discussions progress.

1605 **Hon. D A Feetham:** May I ask a related question in relation to this, but from the Gibraltar perspective.

The Hon. Minister is obviously right that whilst the United Kingdom remains a Member State, it is not free to negotiate any deals with third parties.

1610 Now, is the Government confident that during the transitional provisions, Gibraltar will not be considered by the EU a third party in terms of its own agreements that it may wish to negotiate with the United Kingdom, bearing in mind that Gibraltar and the United Kingdom are not separate Member States; and if the Government is confident that that is not a trap that either our neighbours to the north or their friends in Europe are laying for us?

1615 **Hon. Dr J J Garcia:** Mr Speaker, the basis of the implementation period or the transition phase, is a continuation of the existing *acquis*, except that there will be no representation for the UK in the Commission, in the Council, in the Court or in the Parliament. But it is on the basis of the existing *acquis* continuing for the period of two years.

1620 **Hon. D A Feetham:** And Gibraltar would remain as we are at the moment, but obviously during that transitional provision within, as ... At the moment Gibraltar is part of the EU by virtue of UK membership. The Government is confident that that is going to continue throughout the transitional provisions?

1625 **Hon. Dr J J Garcia:** Yes, Mr Speaker, absolutely. A continuation of the existing *acquis* includes the terms of membership which refer to Gibraltar.

CHIEF MINISTER

Q193/2018

Sunborn Hotel –

Building certificate of fitness

Clerk: Question 193, the Hon. T N Hammond.

1630 **Hon. T N Hammond:** Mr Speaker, does the Sunborn Hotel hold a building certificate of fitness?

Clerk: Answer, the Hon. the Chief Minister.

1635 **Chief Minister (Hon. F R Picardo):** Mr Speaker, my reply remains the same as that in Question 268/2015.

Mr Speaker: Question 194.

Q194-196/2018
Housing Works Agency–
Early exit packages for employees; remaining staff; transfer of operations

Clerk: Question 194, the Hon. E J Reyes.

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Hon. E J Reyes: Can Government provide details of how many employees at the Housing Works Agency have accepted early exit packages, indicating the grades of those concerned?

Clerk: Answer, the Hon. the Chief Minister.

1645

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 195 and 196.

Clerk: Question 195, the Hon. E J Reyes.

1650

Hon. E J Reyes: Can Government provide details of how many employees will remain employed by the Housing Works Agency, after the termination of those who have accepted early exit packages, indicating the grades of those concerned?

1655

Clerk: Question 196, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government confirm that it is to transfer the operations of the Housing Works Agency into two Government-owned companies, and if so, can the Government please identify those companies and the intended date to transfer the employees?

1660

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, 13 employees have already accepted and many more have indicated that they will be accepting in coming months.

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The following are those that have accepted: in Administration, 1 HEO, 1 EO and 1 AO; in Technical, 2 SPTOs and 1 TG1; in Industrial, 5 Craftsmen, 1 ZSO, which is a Zone Support Officer and 1 Labourer.

117 will remain – that is 1 Head of Agency, 1 EO, 5AOs, 8 HPTOs, 11 PTOs; 1 Environmental Monitor; 16 TG1s; 48 Craftsmen; 3 ZOs, 8 Drivers; 2 Drains men; 2 Storekeepers; and 11 Labourers.

1670

I can confirm that we are currently undertaking a holistic review of the outputs required to service and maintain the Government housing stock. An announcement will be issued in due course providing the detail of this review. The re-introduction of the early exit package at the request of the union was based on the move of those remaining into two Government-owned companies.

1675

The GSD had agreed a reduction to zero of the complement of the Housing Works Agency as a condition of the early exit scheme.

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's answer, but I do not seem to have caught the name of the two Government-owned companies and/or the intended date of transfer.

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Hon. Chief Minister: That is because I have not given them, Mr Speaker.

1685 **Hon. R M Clinton:** Mr Speaker, would the Chief Minister be kind enough to provide this House with the information requested?

Hon. Chief Minister: It does not exist, Mr Speaker.

1690 **Hon. R M Clinton:** Mr Speaker, I presume from the Chief Minister's answers that these companies do not exist.

Hon. Chief Minister: That is right, Mr Speaker. As far as I understand it, these companies have not yet been incorporated and data has not yet been identified.

Q197/2018

**Hotel development, former coach park site –
Modular/prefab buildings purchased**

1695

Clerk: Question 197, the Hon. R M Clinton.

1700 **Hon. R M Clinton:** Mr Speaker, further to Question 92/2018, can the Government advise how many modular/prefab buildings have been purchased for £3.3 million, what is their expected useful life, who were they purchased from and which Government company is paying for them?

Clerk: Answer, the Hon. the Chief Minister.

1705 **Chief Minister (Hon. F R Picardo):** Mr Speaker, a total of two buildings have been purchased for installation at the former coach park site. These buildings have a 50-year design life and have been purchased from RÖDER HTS GmbH as part of GJBS Ltd's contract for the works.

1710 Only the cost of the supply of the buildings in the sum of £949,699 is being paid for by GAR Ltd, a Government-owned company. The balance of £2,313,398 is being met from the Improvement & Development Fund as this relates to the costs of the enabling works, construction of foundations, internal fitting out and the provision of infrastructure and utilities.

Mr Speaker: Any supplementaries?

1715 **Hon. R M Clinton:** Mr Speaker, I may not have heard the Chief Minister correctly. The amount that GAR paid was for the two buildings themselves, the actual fabric of those buildings, in the sum of £949,000 and the £2 million balance, or the balance making up £3.3 million, is being paid through the Improvement and Development Fund.

1720 Can the Chief Minister just confirm that is my understanding and why GAR in particular is paying for these prefab buildings?

Hon. Chief Minister: Because that is how we chose to structure it because GAR will then own the buildings. I told the hon. Gentleman last time that the buildings are moveable and will have a life beyond their installation on that site.

Q198/2018

**Government rental property tenants –
'Right to buy' policy; exclusions**

1725

Clerk: Question 198, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what is its policy in respect of the 'right to buy' in respect of Government rental property tenants and are the housing estates subject to the £300 million mortgage namely, Moorish Castle Estate, Glacis Estate, Laguna Estate, Alameda Estate, Mid Harbour and Varyl Begg now excluded?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the take-up on the 'right to buy' in respect of Government rental property tenants has been quite low.

The Government is accordingly reviewing this policy as such a low take-up creates its own issues with the future management and maintenance of the respective estates.

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Hon. R M Clinton: Mr Speaker, I have not actually heard the Chief Minister say, in respect of the housing estates I referred to, whether the Government has taken a policy decision that they will not allow any further purchases of flats in those particular estates.

1745

And for the Chief Minister's information, I am aware of at least one individual who did try to buy, certainly in the last period one of those flats on one of those estates and, after going through a lengthy legal process, has only just been turned down.

Can the Government advise whether there has now been a hardening or an agreed position as to what the policy is in respect to the 'right to buy' for those particular estates?

1750

Hon. Chief Minister: He did not hear me say that, because that was not what I said. I said specifically what I said in my first answer, which covers the eventualities the hon. Gentleman may be referring to, but does not deal with it in the way that he is suggesting he thinks it has been dealt with, because it has not been dealt with that way.

1755

Hon. R M Clinton: Well, Mr Speaker, perhaps I can just put it simply. Can the Chief Minister confirm or perhaps correct me that there is still the possibility for tenants on those housing estates which are listed, to buy their properties if they so wish? Is it yes or no?

1760

Hon. Chief Minister: Well, Mr Speaker, the take-up on the 'right to buy' in respect of Government rental property tenants has been quite low. The Government is accordingly reviewing this policy as such and low take-up creates its own issues with the future management and maintenance of the respective estates.

1765

Hon. E J Phillips: Mr Speaker, when does the Government intend completing that review, particularly given the answer to Question 169 in which it was stated that the Government sold 209 properties from December 2011. How does the Chief Minister rationalise that with his suggestion that it is a low take-up?

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Hon. Chief Minister: Because, Mr Speaker, those do not just include this sort of properties; they also include pre-war properties.

Mr Speaker: Any other supplementaries?
Next question.

Q199/2018

**People recovering from drug addiction –
After care available**

Clerk: Question 199, the Hon. E J Phillips.

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Hon. E J Phillips: Can the Government state what after care is available for those recovering from drug addiction?

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

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Chief Minister (Hon. F R Picardo): Mr Speaker, there are a range of options available to those recovering from drug addiction which are tailored to meet the needs of the individual undertaking treatment.

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It is important to contextualise that treatment for many persons may not necessarily take place within a residential rehabilitation setting and that even for those who may undertake a residential programme, the support they will continue to need can extend into months and even years for a minority.

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For those who successfully complete a residential treatment programme at Bruce's Farm, these will continue to attend weekly after care group sessions for as long as they feel they need it. Some choose not to attend, whilst others assiduously attend for years after treatment completion.

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All patients completing treatment are also offered weekly one to one sessions with counsellors which take place in our outreach facility located at present, at the Mid Harbour Community Centre. This service is also extended to family members, to help them understand how best to support and cope with the dynamics of a loved one trying to lead a drug-free life.

Whilst in treatment, Bruce's Farm will also liaise with other relevant bodies as part of the patient's treatment plan, to help with the transition back to living within the community. These issues include housing, employment, mental health and criminal justice, amongst others.

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For those who are experiencing housing difficulties, upon completion, there is a two-bedroom flat within the community where patients can benefit from living in a supported environment whilst their housing needs are addressed.

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There are a number of persons who, for a variety of reasons, cannot commit to a residential treatment programme. For these the support takes place within the community. They are seen by a counsellor at least once a week and the programme they follow mirrors the residential programme in most ways, but for obvious reasons may take longer. The sessions they attend are dictated by their individual needs and will often extend beyond the 12-week residential programme delivered at Bruce's Farm.

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Counsellors also work closely with HM Prison Windmill Hill where they hold weekly clinics. Inmates may choose to undertake a rehabilitation programme whilst in custody. Upon completion of their sentence, or if granted a Parole Licence, counsellors will continue to work with released offenders. This period is dictated by either their individual needs or the exigencies of a Parole Licence.

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It is important to note that, as part of any aftercare programme the voluntary sector plays an important role. Drug and Alcohol Services can proudly boast of a very close synergy with these groups and will often refer patients requiring treatment to them.

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It is a fact that the majority of the members of these groups comprise individuals who have successfully completed treatment under our care or of their family members. For all patients completing treatment either within a residential setting or in the community, a member of one of these groups is identified to act as a peer mentor to complement the after-care work of the Drug and Alcohol Rehabilitation Services.

Mr Speaker: Next question.

Q200/2018
Public Finance (Control and Audit) Act 1977 –
Delay in reform

Clerk: Question 200, the Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, can the Government explain the delay in reforming the Public Finance (Control and Audit) Act 1977 in line with the recommendations from the Principal Auditor, pledged to have been debated in this House before the 2016 Budget debate?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Member well knows, the points he refers to date back to the Audit Report 2008-09 and indeed earlier, as far back as 17th March 1998.

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I will not rehearse the points relating to the Public Accounts Committee part of those comments as we have debated these in this Parliament by way of a Private Member's motion as recently as 7th October 2016, a debate at which he was present.

As regards to other points, it is the Government's intention to have considered these but it has been one of those matters which has regrettably been put to one side, given the pressures of Brexit.

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An exercise is being undertaken to better understand those recommendations and once we are clear we can then proceed to consider those amendments that may be necessary.

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Hon. L F Llamas: Will the Chief Minister confirm whether that will happen during the lifetime of this Parliament or perhaps not?

Hon. Chief Minister: Mr Speaker, everything I say is about the lifetime of this Parliament.

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Hon. R M Clinton: Mr Speaker, I am sure the Chief Minister is aware of the General Audit Matters, section 6.1.1 of the Principal Auditor's Report dated 26th September 2016, but he refers to, in his last two years' reports: 'I am hopeful the draft audit legislation which provides an improved legal basis to secure a more modern and efficient public audit service and adequately addresses key issues of audit independence will be taken to the Parliament during the financial year 2016-17', as my hon. Colleague has referred to.

1855

But I note that he refers to draft audit legislation which obviously must exist. Does the Government have any intention of perhaps issuing a command paper or consultation on that so that we can all at least see what work has been done to date, or is there going to be a further review of that draft which was ready at that point in time?

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Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman is right to quote from the report and I shall do likewise. Section 6.1.1 of the same General Audit Matters, a section in Part 6 2008/2009, the Principal Auditor then said this: 'I previously mentioned that my predecessor submitted proposals to the Government on 17th March 1998 to revise the audit legislation containing parts 8 and 9 of the Public Finance Control and Audit Act as no significant modifications had been made since its enactment in 1977. The primary aim of these proposals is to provide and improve a legal basis and secure more modern and efficient public audit services, fully independent of the Government of Gibraltar. I am hopeful that the

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draft legislation which adequately addresses key issues of audit independence will be taken to the Gibraltar Parliament during the coming year.'

1870 So, Mr Speaker, that has been said in every report since 1998. We picked that up ourselves and referred to it in our manifesto. And as I said in my first answer, we have been unable to progress matters because of the decision of the United Kingdom to leave the European Union. But as I have said in the context of my first supplementary, that is something that I hope we will be dealing with during the lifetime of this Parliament.

Q201/2018

**International television channels –
Details of payments made**

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Clerk: Question 201, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, since December 2011, can the Government provide a schedule of monies paid to international television channels including (a) the date the payment was affected and (b) a description of the payment?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as part of its marketing campaign in the UK this winter, the Gibraltar Tourist Board, through its media buying agents in the UK have paid for 30-second adverts to be placed on Sky TV, Channel Four, Eurosport, Travel Channel and London Live from 21st December to 31st January 2018.

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The total cost for this was £50,000 paid by bank transfer to the media buyers on 13th November 2017 as part of an invoice to cover all the GTB's adverts for the winter campaign both on TV, online, radio, mobile and national print press in the UK.

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That is all we have got.

Questions for Written Answer

Clerk: Answer to Written Questions, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions numbers W5 to W11/2018.

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With your leave, Mr Speaker, that might be a convenient moment for the House to recess for 20 minutes.

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Mr Speaker: The House will now recess for 20 minutes.

The House recessed for 20 minutes.

Order of the Day

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with Government Bills

Clerk: Suspension of Standing Orders, the Hon. the Chief Minister.

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

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

BILLS

FIRST AND SECOND READING

Lasting Powers of Attorney and Capacity Act 2017 – First Reading approved

Clerk: Bills – First and Second Reading.

1910 A Bill for an Act to establish and make provisions relating to persons who anticipate they may lack capacity in future to manage their health, welfare, property and financial affairs; to allow such persons to confer authority on individuals to make certain decisions on their behalf, to allow for the creation and registration of lasting powers of attorney; to make provision for a person to be able to decide about specific treatment they may not want to receive in future; to introduce a regime and safeguards for the assessment and authorisation of significant restrictions on liberty for persons who lack capacity and for decisions to be taken in relation to or on behalf of those persons; to amend the Mental Health Act 2016; to amend the Medical (Gibraltar Health Authority) Act, 1987 and the Care Agency Act 2009; and for purposes connected therewith.

1920 The Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have the honour to move that a Bill for an Act to establish and make provisions relating to persons who anticipate they may lack capacity in future to manage their health, welfare, property and financial affairs; to allow such persons to confer authority on individuals to make certain decisions on their behalf, to allow for the creation and registration of lasting powers of attorney; to make provision for a person to be able to decide about specific treatment they may not want to receive in future; to introduce a regime and safeguards for the assessment and authorisation of significant restrictions on liberty for persons who lack capacity and for decisions to be taken in relation to or on behalf of those persons; to amend the Mental Health Act 2016; to amend the Medical (Gibraltar Health Authority) Act, 1987 and the Care Agency Act 2009; and for purposes connected therewith, be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to establish and make provisions relating to persons who anticipate they may lack capacity in future to manage their health, welfare, property and financial affairs; to allow such persons to confer authority on

1940 individuals to make certain decisions on their behalf, to allow for the creation and registration of lasting powers of attorney; to make provision for a person to be able to decide about specific treatment they may not want to receive in future; to introduce a regime and safeguards for the assessment and authorisation of significant restrictions on liberty for persons who lack capacity and for decisions to be taken in relation to or on behalf of those persons; to amend the Mental Health Act 2016; to amend the Medical (Gibraltar Health Authority) Act, 1987 and the Care Agency Act 2009; and for purposes connected therewith, be read a first time.

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

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Clerk: The Lasting Powers of Attorney and Capacity Act 2018.

Lasting Powers of Attorney and Capacity Act 2017 – Second Reading approved

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have the honour to move that the Bill be now read a second time.

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Mr Speaker, it is a pleasure to have the opportunity to present to Parliament what I am sure the House will agree is an important piece of legislation which we hope will be used widely.

The legislation complements the Government's recent extensive work in improving the awareness, early diagnosis and care for dementia patients. It will also allow individuals to plan ahead in the early stages of a debilitating illness for a future in which they may suffer from dementia, mental health problems or brain injury. Time, research and resources have been directed into making the Lasting Powers of Attorney and Capacity Bill a reality.

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Mr Speaker, with your indulgence I will abbreviate the term 'Lasting Powers of Attorney' to 'LPA' during the course of my speech. The Lasting Powers of Attorney and Capacity Bill has been produced with the following aims in mind, namely: to establish and make provision relating to persons who anticipate they may lack capacity in future to manage their health, welfare, property and financial affairs; to allow such persons to confer authority on individuals to make certain decisions on their behalf and to allow for the creation and safeguards and registrations of LPAs; to make provision for a person to be able to decide about specific treatment they may not want to receive in future, known as 'Advanced Decisions'; to introduce a regime and safeguards for the assessment and authorisations of significant restrictions and liberty for persons who lack capacity, and for decisions to be taken in relation to, or on behalf of, those persons; and to amend the Mental Health Act 2016 in areas to ensure compatibility with this Bill.

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Mr Speaker, as you are aware, 'capacity' in this context means the mental ability to make decisions about a particular matter at a particular time. People may lack capacity to make a decision for many reasons. It may be because of, for example, a stroke, an acquired brain injury, a learning disability or temporary impairment and so the Bill has the potential to impact and transform the lives of many of our citizens.

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Examples of what might constitute an impairment or disturbance in the functioning of the mind or brain can also include conditions associated with some forms of mental illness, dementia, significant learning disabilities, long-term effects of brain damage, physical or medical conditions that cause confusion, drowsiness or loss of consciousness, delirium, concussion following a head injury or the symptoms of alcohol or drug abuse.

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As Members of the House may already be aware, the powers granted by this Bill have been available in the UK since the Mental Capacity Act 2005 received Royal Assent on 7th April 2005. Gibraltar is now in a position to offer similar rights and freedoms to her people.

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The United Kingdom's Mental Capacity Act was described at the time as a visionary piece of legislation and a significant landmark on the legal landscape. It represented a triumph of autonomy by recognising that insofar as possible, people should play an active role in decisions

1985 about their own welfare. We are in a fortunate position to be able to learn from the framework and experiences of the UK model, which has now been in place for a decade.

1990 As a result of the seminal case, *HL v United Kingdom*, also known as the Bournemouth case, the European Court of Human Rights held that the liberty of those lacking the requisite mental capacity who were admitted into hospital under the common law doctrine of necessity was not protected as required by Article 5 of the European Convention on Human Rights. As a consequence, in November 2006, the Government amended the Mental Capacity Act 2005 in order to provide protection for those persons caught in the Bournemouth situation.

1995 The outcome of extensive consultation in the UK suggested that minimum requirements in any legislation relating to the protective custody of the mentally incapacitated person was identified as: a clear and unambiguous definition of deprivation of liberty, introduced in our Bill's Part 5, Significant Restriction of Liberty Provisions; a clear definition of those liable to be made subject to these powers; processes and timescales for tests of capacity; admission procedures; assessment, care planning and reviews; the respective responsibilities of the various agencies involved; the role of advocacy; the rights of carers, relatives and friends, including a statutory requirement for appropriate persons to be consulted; and the appeals process.

2000 The Government studied both the United Kingdom legislation, as well as Jersey's Capacity and Self Determination Law 2016. At every stage of the drafting of the Bill, psychologist Dr Alan Lillywhite and our excellent mental health care professionals, the Care Agency and the Office of Parliamentary Counsel have been consulted, reviewed drafts of the Bill and have met throughout the year to discuss ideas, safeguards and practicalities in relation to the provisions of the Bill. This has ensured that all relevant parties have been actively involved in the process and contributed with recommendations and suggestions.

2005 At the core of the Bill, Mr Speaker, is the fundamental idea that a person must be assumed to have decision-making capacity unless it is established that he lacks it. The Bill places emphasis of the need to support people to exercise their capacity to make decisions where they can. If, on the other hand, it is established that a person lacks capacity to make a specific decision at a particular time, alternative decision-making mechanisms are provided for. The Bill will allow individuals a greater level of decision-making power so that they can plan ahead to a time when they may no longer have capacity. This will be introduced through the implementation of Lasting Powers of Attorney and Advanced Decisions.

2015 The Bill consists of seven parts with 59 clauses and three schedules.

2020 Mr Speaker, at this point I would have entered into a discussion of all the parts of the Bill but I met with the Hon. the Leader of the Opposition and the Hon. Mr Clinton only yesterday, to discuss the different parts of the Bill and I will, therefore, leave that part of my debate in this House and if there are any questions on the Bill, then I can be asked at the Committee Stage and I have parliamentary counsel and legal counsel here to answer any questions that hon. Members may have.

2025 Mr Speaker, mental health is a delicate area and can affect each one of us at some stage in our lives, which makes positive and proactive care in this sphere so critical. The Bill has implications for Gibraltar's health and social care system. It is founded on the principle of respect for personal autonomy and the determination of what is in a person's best interests when they lack capacity.

2030 The Government has worked hard and spent considerable time to modernise the law in the mental health sphere. There is a real need to engage and protect vulnerable adults to make sure their needs are listened to. A wide range of audiences require information on the Bill, ranging from medical practitioners to legal professionals, families, carers and individuals, on behalf of those who may lack capacity.

2035 The Government has prepared an easy-to-read guide and code of practice in relation to LPAs and further guidance will follow. I am confident that the Act will be a widely used tool. In the same way that individuals can currently plan ahead with a will and specify how their assets are to be administered an LPA allows a person to plan ahead for the time when they are still alive

but may not have the capacity to make decisions for themselves. This is increasingly important and relevant as our life expectancy increases.

2040 Importantly, the donor does not have to have a lot of assets to make an LPA; it is a tool designed to help the vulnerable manage their affairs. For example, something as simple as paying ordinary bills can become stressful for the elderly. This would enable them to give authority to another family member or friend to pay bills on their behalf, should they not be able to do so themselves.

2045 From this legislation, there are many potential avenues for planning. In the UK, for example, business LPAs are growing in popularity, whereby a business can manage circumstances where a partner or co-director may lose their mental capacity. The Bill also provides empowerment for those who may lack capacity, a structure for decision making for those who do lack capacity and protection for carers, families and professionals in the area, by setting out clearly what can and cannot be done and what procedures need to be followed at all times, putting at its centre the safeguarding of individuals and their rights.

2050 It is a significant and in our view, progressive Bill, which will require awareness and understanding of its content from the general public to ensure its successful implementation. I firmly believe the Bill has the potential to make a real difference in the lives of our community, particularly to the lives of vulnerable adults.

2055 Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

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

The Hon. the Leader of the Opposition, Mr Elliott Phillips.

2060 **Hon. E J Phillips:** Mr Speaker, the Bill will receive the support of Her Majesty's Opposition. I am grateful to the Minister for Justice for extending his invitation for us to put forward our comments and providing us access to his legal team, to whom I offer our thanks as well for explaining certain parts of the Bill that were confusing for us in the first instance. Obviously, we thank the Government for offering the opportunity for us to ventilate those issues before coming to this House.

2065 Mr Speaker, the purposes of this Bill of course are to provide a clear legal framework for people that are affected by lack of capacity. The law as it stands does not serve those people well and has evolved in a piecemeal way through various statutory provisions and the development of the common law. The Bill across refers to clearly defined principles which have been articulated in the Mental Health Act previously, which is understood will come into force in parallel with this legislation.

2070 The comment was made during our discussion that perhaps the principles set out in section 86 to 89 of the Mental Health Act should, for good order, be repeated in this Bill. However, after further discussions, we are persuaded that sufficient reference is made to allow for both pieces of legislation to run in parallel when considering the questions that underpin the principles.

2075 Mr Speaker, the Bill is likely to improve the lives of many people. At some point, Mr Speaker, people are either likely to lose mental capacity or have to deal with the care of someone close to them who has lost capacity. The Bill is well overdue but it is intended, as we read it, to improve the lives of vulnerable people, those who are charged with their care, the families of vulnerable people and professionals.

2080 The Opposition welcomes the important introduction of Lasting Powers of Attorney which provides a statutory mechanism to allow people to appoint an attorney to act on their behalf if they lose capacity in the future.

2085 One note of caution which was aired during a discussion that Mr Clinton and I had with the Minister was that LPAs should be accessible to all and although I am sure that people will want to seek legal advice to establish an LPA and set one up, we need to ensure that the ordinary person can do so without too much of a cumbersome process and be guided appropriately

without significant financial burden. I am grateful to the Minister for explaining that an easy-to-read guide will be provided and I suspect it will be provided at the point at which the Registrar of the Supreme Court will be able to provide people with that easy-to-read guide. It is obviously a careful balancing act but hopefully one that should be made easier through the issuing of guidance notes to our community on the impact of the legislation and the process as envisaged.

We have raised these matters with the Minister in our discussions and the Bill importantly provides a mechanism for people to make advanced decisions about their treatment in the event that those persons lack the capacity some time in the future.

My hon. Friend, Mr Clinton will address some of the other issues that we discussed at length concerning the public guardian and I will not trouble the Minister with that now, save to say that Her Majesty's Opposition will welcome the introduction of this legislation.

Mr Speaker: Does any other hon. Member wish to contribute to this Bill?

The Hon. Roy Clinton.

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

As my hon. Friend, Mr Phillips, Leader of the Opposition has said, this is a Bill which certainly from this side of the House we will be supporting.

It is important obviously to understand that this Bill has to go hand in hand with the Mental Health Act and that there are times when the Capacity Act as presented to us today will run entirely in parallel to the Mental Health Act, but there will be times in which there will be overlaps. This is why I again echo the thanks that we were able to have the meeting yesterday to explain the interaction between what will be two distinct pieces of legislation that have to be seen together to be able to see the full operation and the mechanism by which the LPAs will work, and work in terms of any concerns in respect of mental health.

From my point of view, and I am sure from a legal and technical point of view, everything it does is as it says. I am just emphasising the point that my colleague, the Hon. Mr Phillips said, that it should be accessible to the public. In the UK these are downloadable forms which you can get from the internet and from the Office of the Public Guardian.

It has been explained to me that we are not going to have an Office of the Public Guardian in Gibraltar, but rather an LPA register. I can understand the rationale for that. My only word of caution would be that of course the policing of the LPAs has to be undertaken by somebody and there has to be a process that is well understood and easily accessible to all.

I have two observations, one specifically on the Bill and one in general. The general one perhaps is one in respect of complex legislation like this. It runs to 262 pages and perhaps in future and certainly from the recommendations of the Commission on Parliamentary Reform, there was a comment made on Recommendation 10 that we recommend that the more complex or lengthy Bills, or those which are likely to substantially impact on citizens, should undergo in-depth legislative scrutiny by referring them to a select committee appointed for the purpose, i.e. a Public Bills Committee. I would urge the House to think whether this sort of legislation in future should go to such a committee chaired by the Minister presenting the legislation and we would effectively have a similar sort of meeting as we had yesterday, where we can thrash out some of the ideas and thoughts before debating it at Committee Stage in the House. Again, I just leave that out there for everybody in the House to consider.

My only other observation on the Bill is that there is a schedule 3 at the end, which I am sure the Minister will be able to explain to the House what its relevance is to the Lasting Power of Attorney and Capacity Bill, and that is in relation to the amendment to the Medical (Gibraltar Health Authority) Act, 1987 and the Care Agency Act, 2009, which sets out two clauses 7A in one and 7A in the other, in relation to the power to charge for residential services for the elderly. I welcome the Minister's explanation for why this particular schedule is necessary in this Act, and that we are not suddenly developing an American taste for tacking on other pieces of legislation

2140 to other Bills, God forbid! I am sure there is a very good reason for that, which I am sure the Minister will explain to us in due course.

2145 But other than those observations and again, as has already been said, the importance of this legislation for all of us to effectively take ownership and control for our own welfare is significant. It is significant also in that the general public will become involved if they get asked to become donees of these powers and they have to be extremely well informed as to what it is that they can, should or should not do. Again, I welcome the creation of the guidance notes which will be critical so that members of the public, who are not necessarily legally trained, will be able to understand quite clearly what it is that is involved.

2150 So, Mr Speaker, I again welcome the legislation and I look forward to its implementation in due course.

Thank you.

Mr Speaker: Is there any other contribution to this debate?

I will therefore call on the Minister to reply.

2155 **Hon. N F Costa:** Yes, Mr Speaker, taking first the point of commencement, the Hon. the Leader of the Opposition is correct to say that the Bill currently before the House will be commenced at the same time as we commence the Mental Health Act, because for the same reasons as the hon. Members have mentioned, they need to work in parallel. So this Bill and the Mental Health Act will commence at the same time on 5th March.

2160 We think that we took care to draft the Bill in plain English. I think that although it is 62 pages, not 262 pages as the hon. Gentleman said, although it is a substantive and substantial piece of legislation –

A Member: He always gets his numbers wrong! *(Laughter)*

2165

Hon. N F Costa: – it is drafted in plain English.

2170 Both hon. Gentlemen have raised the issue of guidance. We agree with the need to issue public guidance that is also written in plain English and to that effect, we already have a draft guide book ready, which should be approved by me, really, at any moment now, and we take great care again to be able to explain these concepts carefully in plain English.

2175 We do not consider that there will be any difficulty in getting to grips with the Act once it is enacted because of the guidance notes. We will also place online the forms that can be downloaded, the application form, and we will also introduce templates that people can use, because of course, this is not like other forms – like the Employment Tribunal forms, which the Hon. the Leader of the Opposition referred to me earlier, those require certain information to be introduced. There is a greater and wider latitude of what information can be introduced in an LPA. It could be simply a financial LPA or it could be a financial and also a health and welfare LPA, but we will introduce forms that represent templates that will provide guidance to members of the public who do not want to engage solicitors, to be able to do so on their own.

2180 It should also give them comfort to remember that those forms will then be placed before the Supreme Court Registrar and of course as they know, the Supreme Court Registry staff are extremely helpful so they will also have that line of officials who will be able to guide them in the event that for whatever reason, there is any question of the member of the public as to what they should fill in on the form.

2185 So, we are not concerned as to the ease with which persons will be able to fill in the Powers of Attorney. I do detect from the Hon. Mr Clinton a reluctance that anyone should pay legal fees to have to enter into Powers of Attorney. We certainly hope that we have drafted the legislation and the guidance in such a way that people will be able to do so very much on their own.

2190 In respect of charging, which is the question that the Hon. Mr Clinton asks, we have noticed that there is a certain discrepancy between civil servants who, when they are admitted into any

of the elderly residential facilities, give up their pension. Their pensions are no longer paid to them, they are paid ... well, it is no longer paid to the person; it is kept by the Government as part of their admission.

2195 We have, however, received representations that we may have two persons side by side, one who has given up their occupational pension who was a former civil servant, but a person who has a private occupational pension who is not providing the same amount of pay to the elderly residential services, and we are allowing ourselves the ability to introduce regulations to see how we can remedy that unfairness; but that will be introduced by way of regulation in due course.

2200

Mr Speaker: I will now put the question which is that the Lasting Powers of Attorney and Capacity Bill 2017 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2205

Clerk: The Lasting Powers of Attorney and Capacity Act 2018.

COMMITTEE STAGE AND THIRD READING

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Lasting Powers of Attorney and Capacity Bill 2018.

2210

In Committee of the whole Parliament

Lasting Powers of Attorney and Capacity Act 2017 – Clauses considered and approved

Mr Speaker: Now, hon. Members received notice yesterday of some amendments, or today maybe, of some amendments to the Bill. When we arrive at Amendment F, I will make a short explanation that will clarify what happens with all the succeeding clauses.

2215

Clerk: A Bill for an Act to establish and make provisions relating to persons who anticipate they may lack capacity in future to manage their health, welfare, property and financial affairs; to allow such persons to confer authority on individuals to make certain decisions on their behalf, to allow for the creation and registration of lasting powers of attorney; to make provision for a person to be able to decide about specific treatment they may not want to receive in future; to introduce a regime and safeguards for the assessment and authorisation of significant restrictions on liberty for persons who lack capacity and for decisions to be taken in relation to or on behalf of those persons; to amend the Mental Health Act 2016; to amend the Medical (Gibraltar Health Authority) Act, 1987 and the Care Agency Act 2009; and for purposes connected therewith.

2225

Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

2230

Clerk: Clause 3 as amended.

Mr Chairman: As amended, stands part of the Bill.

Clerk: Clauses 4 to 8.

2235 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 9 as amended.

2240 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 10.

Mr Chairman: Stands part of the Bill.

2245 **Clerk:** Clause 11 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 12.

2250 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 13 as amended.

2255 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 14 to 19.

2260 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 20 to 26.

2265 **Mr Chairman:** Stand part of the Bill. We now have a situation in which F applies, which is the substitution for 'Medical Director' of the words 'Chief Medical Officer', and in fact it occurs in every single clause from clause 27 to clause 45 and then clauses 51 and 52.

So, for all these clauses, when the Clerk – (*Interjection*) For all these clauses, the amendment is substituting 'Chief Medical Officer' for 'Medical Director'.

Yes, the Hon. Edwin Reyes.

2270 **Hon. E J Reyes:** Yes, Mr Chairman, just one query. I noticed before when we deleted the definition for Medical Director, like you I looked at how it affected it. By reading in place of Medical Director, 'Chief Medical Officer', there is no definition given in clause 3 for Chief Medical Officer; therefore, that could become a potential loophole. Especially, we have not got to it yet, but if one looks at it a bit later on in one of the sections, it does give very strong powers to the Chief Medical Director. Appeals can be made to him and so on.

2275 So, I think we need to be a bit watertight and have a definition of what is effectively meant by Chief Medical Officer, but I take your guidance Mr Chairman, and the Minister's guidance as well in this respect.

2280 **Minister for Health, Care and Justice (Hon. N F Costa):** No, Mr Speaker, we are not substituting the definition of Medical Director with a definition for Chief Medical Officer. We are not.

2285 **Hon. E J Reyes:** But my question is, I think there is a need to have a definition for Chief Medical Officer because otherwise, if we look at clause 27(2) that the Chairman has just referred to: 'an urgent authorisation has been granted by', following the amendment should be now 'has been granted by the Chief Medical Officer'.

2290 There is no definition, who is that Chief Medical Officer, from what entity and so on? It is not as watertight. I mean, even for the word 'Minister' there is a definition that quantifies it as the Minister with responsibility for health.

Here, 'Chief Medical Officer', it does not say whether it is one employed by the Health Authority, it just – I think it is a bit too vague. (*Interjection*) Or unless it is defined in some other Act and then we make a reference.

2295 **Mr Chairman:** If in the definitions, 'Medical Director', for that you substitute 'Chief Medical Officer' –

Hon. D A Feetham: Yes, but he said no.

2300 **Mr Chairman:** Sorry?

Hon. D A Feetham: He just said no.

2305 **Mr Chairman:** No?

Hon. D A Feetham: He just said no. (*Interjections*) So that means there is no definition, that is what he said.

2310 **Hon. E J Reyes:** Yes, what I was proposing, Mr Chairman, is just delete the word 'Medical Director', substitute that for 'Chief Medical Officer' and it:

means the person appointed as such under section 10A of the Medical (Gibraltar Health Authority) Act, 1987

But if they say no, then how on earth do we know who the Chief Medical Officer is who is being referred to?

2315 **Hon. N F Costa:** Mr Speaker, the absence of a definition in the Bill does not mean that we will not be able to identify who the Chief Medical Officer is. Not everything that appears in a Bill is defined in the section on interpretations.

2320 **Hon. D A Feetham:** Who appoints the Chief Medical Officer? Is the Chief Medical Officer something that is referable to some other statute? Is it a Civil Service post? Is it a GHA post? Because otherwise Mr Reyes' point is well made that you have got a reference to Chief Medical Officer but no definition, nobody knows who that Chief Medical Officer is.

2325 I mean he is not here to throw a spanner in the works; he consulted me first and I thought that it was a point that was well made. I am looking at this and I am thinking, 'Well, who is the Chief Medical Officer?'

2330 **Hon. N F Costa:** Mr Speaker, the Medical Director carries out different functions, so the Medical Director does not just provide functions under the GHA as Medical Director, but also provides advice to the Government as Chief Medical Officer. So the functions under this Bill will be carried out by the same person who is the Medical Officer, but not as Medical Director, but as Chief Medical Officer.

Hon. D A Feetham: Then all you need to do is basically say that the Chief Medical Officer in the definition shall be anybody who holds the post of Medical Director from time to time. That is all you need to say.

2335

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, to an extent, this is like the issue of Leader of the Opposition. There is a reference to 'Leader of the Opposition' in the Constitution but that, as we know, is not a defined term. There is a very good reason that the Hon. Minister has set out, which I think is a fair one, not to have a specific definition, but there are other ways that we can ensure that there will be no way of confusing who will be the relevant post holder.

2340

So I think we are persuaded that this is not a necessary definition. If we were to do the exercise that hon. Members are suggesting that we do, we would have 262 pages of definitions in most Bills, even the simplest because we would be defining and cross-defining every term. And so, Mr Speaker, I think it is fair to continue as we are, in respect of the absence of a definition.

2345

Mr Speaker: Just for clarification, when this Bill now becomes law, on page 201, the middle of the page, will that say Medical Director or Chief Medical Officer? Because the amendment moved by F (*Interjections*) says 'for Medical Director', substitute 'Chief Medical Officer', wherever it occurs. It occurs there, so do you substitute it or don't you? (*Interjections*)

2350

'In clause 3(1) delete ...' Ah sorry, yes, we have already deleted the definition of Medical Director, of course, yes.

Hon. E J Phillips: Mr Chairman –

2355

Mr Chairman: Yes.

Hon. E J Phillips: Just to pick up on the point that the Chief Minister makes, this is by no means an innocuous and minor suggestion that we include within the definition the Chief Medical Officer, given the significant powers that are attributed to the Chief Medical Officer within the Act. Therefore, our suggestion and recommendation would be that it is added as a defined term within the meaning of the Act. Unless the Government can satisfy us, the reason for not including it within the definition.

2360

Hon. Chief Minister: Mr Speaker, the Chief Medical Officer will have no more powers than the Commissioner of Police, and the Commissioner of Police is not defined in our law. There is a Commissioner of Police and he has certain powers but you do not define every term because you would then be incurring a circular process of defining everybody as the person who is appointed under the Act to hold the post of Commissioner of Police, which is all you would be doing here.

2365

2370

So, the issue is, will this person be identifiable in the context of the powers which will be exercised? The person will be identifiable. The hon. Member I think is persuasive in making clear that there will not be more than one person who will be able to exercise these powers, or there will not be a nuance as to who is the person who will be able to exercise these powers. The Commissioner of Police is the Commissioner of Police, but there is no definition of who he is. We all know who he is and he has those powers.

2375

So, for example, taking a less controversial post, the Chief Minister is not defined in the Constitution, but there is a Chief Minister and he exercises those powers. And so the question is, will there be a designation of a person to that post? There will be a designation of a person to that post and as a result you do not need to incur in a circular definition, which will be 'the Chief Medical Officer shall be the person designated as the Chief Medical Officer by the Minister', which is all we are talking about adding in effect, and it is entirely circular and unnecessary.

2380

2385 **Hon. D A Feetham:** Mr Speaker, can I just pick up on the point that the Hon. the Chief Minister has made. Perhaps I am wrong and if I am wrong I will be corrected.

As I understood the Minister, he did not say that there would be a designation of somebody as the Chief Medical Officer. What he said was that it is the Medical Director that will be performing the functions as Chief Medical Officer, so there is no designation; it is the Medical Director.

2390 What we have suggested from this side of the House is just simply to make that clear in the legislation, to say the Medical Director shall exercise the functions of Chief Medical Officer – ‘The Medical Director from time to time shall exercise the functions of Chief’ – (*Interjection*) That is the point, because if there had been provision in this Act for designation, ‘the Minister shall designate whoever it is as Chief Medical Officer’, I would have understood the point, but there is
2395 no such provision.

We are being told across the floor of the House that the Chief Medical Officer will be the Director exercising functions of the Chief Medical Officer. What we are saying is, that legislation should be clear and you should make that clear. This is not like the Chief Minister or the Commissioner of Police, where everybody knows who it is and, in any event, I have not looked at
2400 the question of the Commissioner of Police so I am not going to accept the point.

But, if this is as the Minister says, then it is capable of very easy remedy by just simply saying that.

2405 **Hon. Chief Minister:** Mr Speaker, I accept that would be a remedy but a remedy for a wrong; we do not think there is a wrong. We think that the Bill works and that there will be no opportunities to misinterpret what the Bill says in the absence of a specific definition.

If we were to do the exercise of a specific definition in this Bill, then why not do it in every single Bill in respect of any individual that is referred to? There are some instances where we do and some instances where we do not. We happen to agree with the draftsman that it is not
2410 necessary and so we think it is not necessary to continue to make the argument.

2415 **Hon. T N Hammond:** Mr Chairman, if I may, if therefore I were as a layman reading the legislation and I read ‘Chief Medical Officer’, where would I then go to find out who the Chief Medical Officer is? Is that something I could read on the GHA website? Where would I be pointed or directed to understand who is the Chief Medical Officer?

2420 **Hon. Chief Minister:** Mr Speaker, an explanation has been given already as to who will be discharging the functions of the Chief Medical Officer. You would go to the same place as you would be going if you were trying to work out who anybody else is in a piece of legislation. This is the point.

If we now go down the route of doing an exhaustive definition of who is who in every piece of legislation, and where you need to go to find out the identity of the person who is exercising a particular power, we would be doing a complete review of the whole *Corpus Juris* of Gibraltar, which we are not going to do.
2425

2430 **Hon. T N Hammond:** Mr Chairman, I think the fact that it was deemed appropriate to define Medical Director in the first instance suggests that perhaps a definition of Chief Medical Officer would be valuable; but also, the fact that the legislation has, as the Minister described it, been written as far as possible in plain language so that a layman can understand it. It would just strike me as sensible to have that packaged within the legislation, so that a lay person can read it and then understand and know precisely what is defined by Chief Medical Officer, because it is a role that plays quite a critical function within the legislation.

2435 **Hon. D A Feetham:** May I just add, and this is the final point that I will make, that without the actual definition and without a provision for the Minister to designate who the Chief Medical

2440 Officer is, although the Minister across the floor of the House is saying it is going to be the Medical Director exercising functions of the Chief Medical Officer, if tomorrow the Government on an administrative basis decided that it is going to be somebody somewhere else within Government, well presumably it could do so. But it just appears, it just strikes me as not a proper way to proceed that you leave the identity of that individual in such a nebulous state.

2445 It must follow that if there is no provision defining the Chief Medical Officer, the hon. Gentleman says it is the Medical Director, that is who it is, but if there is no definition and there are no separate provisions designating somebody as the Chief Medical Officer, presumably you could get anybody from within Government to do it. It is just counterintuitive as to whether that is right.

Hon. Chief Minister: Mr Speaker, the whole point is premised on the definition being nebulous, which we do not agree it is.

2450 **Hon. R M Clinton:** Mr Chairman, may I make, I have just one question for the Minister and that is, is he satisfied that with these amendments in respect of Medical Director and Chief Medical Officer, nothing has to change in the Mental Health Act that we debated last year, to make sure that the two pieces of legislation are in sync?

2455 **Hon. N F Costa:** To answer his question, Mr Chairman, yes.

Mr Chairman Any other questions? Let's move on.

2460 **Clerk:** Clauses 27 and 28 as amended.

Mr Chairman: Stand part of the Bill.

Clerk: Clause 29.

2465 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 30 to 45 as amended.

2470 **Mr Chairman:** Stand part of the Bill.

Clerk: Clauses 46 to 50.

Mr Chairman: Stand part of the Bill.

2475 **Clerk:** Clauses 51 and 52 as amended.

Mr Chairman: Stand part of the Bill.

Clerk: Clauses 53 to 59.

2480 **Mr Chairman:** Stand part of the Bill.
Yes?

2485 **Hon. R M Clinton:** Sorry, Mr Chairman, on clause 59, when I asked the Minister for an explanation for the charges, he explained the charges and the rationale for the charges, but he did not quite, and maybe I did not hear it ... I did not quite understand the rationale for why they

had been tacked on to this particular Bill. Why is schedule 3 within the Lasting Powers of Attorney Capacity Bill 2017? Should this not be a separate Bill in its own right?

2490 **Hon. N F Costa:** Yes, Mr Chairman, as the hon. Gentleman knows, we are also amending the Mental Health Act through this Bill, so that when we commence this Bill and the Mental Health Act, they can work in sync and this was an opportune moment to be able to make the amendment here.

2495 **Hon. R M Clinton:** Mr Chairman, yes, I appreciate that the Mental Health Act still has to come in but I do note the other schedules, in terms of schedule 1 and schedule 2, probably are directly related to LPAs and the Capacity Bill and mental health and needing particular amendments in order to make sure the two marry up. But frankly, if you were to delete schedule 3 entirely, I do not see how it would have any effect whatsoever on either the Mental Health Act or this particular Bill as presented to the House.

2500 I also fail to understand what this is doing here because otherwise we run the risk of doing what the Americans do and we get other bits of legislation tacked on to something else, which I do not think is the route we want to go down in the future.

Again, I would appreciate the Minister's thinking on this.

2505 **Hon. N F Costa:** Mr Speaker, I refer the hon. Gentleman to the definition of 'Care Home' which is :

means an establishment that provides accommodation, together with nursing or personal care, for persons who are or have been ill, persons who have or have had a mental disorder, persons who are incapacitated, disabled or infirm which is not a Hospital, independent clinic or a children's home;

2510 So we are dealing with persons in these contexts and the power to charge therefore is relevant within the context of the Bill and as the hon. Gentleman will recall, when I did make changes to the Gibraltar Health Act on the last occasion, we did not just make changes to the Gibraltar Health Act; we also made changes to the Care Agency, because there were synergies between the changes that were being made to the Gibraltar Health Authority that impacted on the Care Agency which, you will recall, was that we were changing and transferring the elderly residential services from the auspices of the Care Agency to the Gibraltar Healthy Authority. So we took the opportunity, when changing the Gibraltar Health Act, to do that as well.

2515 But of course there is a relevance to having introduced the charging power within the schedule of the Bill, because of the fact that we are talking about persons within the care home who are going to be deprived of their liberty and then the question arises.

2520 **Hon. R M Clinton:** Mr Chairman, in terms of the previous amendments to the Gibraltar Health Authority Act and the Care Agency Act, I can see the logic in that. But in this particular instance, would the Minister agree that frankly this need not be here; this could be an entirely separate Bill in its own right? Whether we have a Lasting Powers of Attorney Capacity Bill before us today or not, this particular schedule can stand by itself, it need not be here.

2525 My only concern is that we do not go down a slippery slope of tacking on other bits of legislation to important pieces of legislation and not fully, as it were, being cognisant of what it is that is being added on as a schedule to a fairly important piece of legislation in its own right.

I understand what the Minister is saying but I am not convinced, or I have not been convinced, that this needs to be here and again, I would really like to be convinced.

2530 **Hon. N F Costa:** Mr Chairman, the hon. Gentleman will have had since the date of the publication of the Bill to raise that issue with me. He came to my offices yesterday – this was not a matter that he raised.

2535 We had the opportunity to do this Bill on the last meeting of Parliament and I agreed not to take it then, because we had agreed that we would meet to discuss the Bill, but the arguments that he makes as to the fact that schedule 3 in his opinion could be a stand-alone piece of legislation could very well also be said about the Lasting Powers of Attorney. You can extricate the Lasting Powers of Attorney parts from the mental capacity parts.

2540 We are dealing in effect with a Lasting Powers of Attorney Act and a Mental Capacity Act. We have brought them together and everything that he has said to me now about the fact that schedule 3 could be separate could also be said about the Lasting Powers of Attorney Act part or the Mental Capacity Act part. So the arguments that he makes are also viable for separating Lasting Powers of Attorney from the Mental Capacity Act. We have decided to bring it together, because of the synergies that were discussed during the course of the meeting yesterday: the ability to be able to make advanced decisions for persons who may be suffering from a debilitating disease and they can foresee that they will lose their ability to make advanced decisions and they want to be able to make those advanced decisions to refuse treatment for instance, by way of a Lasting Power of Attorney, but that part of this Bill can stand separately from the Mental Capacity Bill, and we could have had two Bills instead of one.

2550

Hon. R M Clinton: Mr Chairman, without wanting to labour the point too much, and I fully understand what he is saying, but obviously mental capacity and LPAs obviously go together. This does not necessarily go with it.

2555 Now, as regards the amount of time that I have had to consider this, as I said in my contribution on the debate on the Bill, this is a complex piece of legislation and again, in future I would welcome that the House consider having Public Bill Committees to go through this line by line, clause by clause and give it due process and due thought.

2560 But it just occurred to me that this particular schedule just does not fit here and it could be somewhere else. But if the Minister is absolutely convinced that it is necessary for the passing of this Bill that schedule 3 be there, well so be it. As I said, we welcome the legislation. If he is telling us that this has to be here, I will take him for his word but I am just concerned that we do not go down the American route of tacking on things that do not have to be there.

2565 **Hon. N F Costa:** Mr Chairman, the hon. Gentleman should be fair with me on the basis that we did publish the Bill a while back, he had the opportunity to raise those issues with me before. I agreed in the spirit of collaborative working not to take this Bill last time. We met in order to have the discussions yesterday as to their concerns. This was not a matter that was raised yesterday which you could have easily raised with me and we could have had a discussion.

2570 I am not, of course, abrogating his perfect right to be able to raise it now at Committee Stage, but he will recall that when we met yesterday, he also had concerns about having the Lasting Powers of Attorney in the same Bill as the Mental Capacity Bill. He will recall that he was concerned about that as he was also concerned about the fact that the principles in the Mental Health Act were not being repeated in this Bill.

2575 We simply took the view in drafting that it did not, in fact that the Lasting Powers of Attorney parts and the Mental Capacity part did go well together.

2580 **Hon. R M Clinton:** I will accept the Minister's recollection, but that is not my recollection in terms of that I wanted a separation between Lasting Powers and Mental Capacity. But look, I think I will leave it there, Mr Chairman. I think I have made my point and understand what he is saying and we are obviously going to have to agree to disagree.

Clerk: Clauses 53 to 59.

2585 **Mr Chairman:** Stand part of the Bill.

Clerk: Schedules 1 to 3.

Mr Chairman: Stand part of the Bill.

2590 **Clerk:** The long title.

Mr Chairman: I think this is the longest title I have seen in the last five years, *(Laughter)* but we will let it stand part of the Bill.

**Lasting Powers of Attorney and Capacity Act 2017 –
Third Reading approved: Bill passed**

2595 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Lasting Powers of Attorney and Capacity Bill 2018 has been considered in Committee and agreed to, with amendments, and I now move that it be read a third time and passed.

2600 **Mr Chairman:** I now put the question, which is that the Lasting Powers of Attorney and Capacity Bill 2017 – I am just wondering, should that become 2018 since we are in 2018? *(Interjection)* It is going to be the Lasting Powers of Attorney and Capacity Act 2018 – *(Interjections)* Okay. I now put the question that the Lasting Powers of Attorney and Capacity Bill 2017 be read a third time and carried. All in favour? **(Members: Aye.)** All against? Carried.

ADJOURNMENT

2605 **Chief Minister (Hon. F R Picardo):** So, Mr Speaker, just in time for the Sabbath, I am reminded that 60 years ago today, the words ‘This is Gibraltar’ were first uttered on the radio and we have been encumbering the airwaves too much in my view this afternoon and we should all wish Radio Gibraltar a very happy birthday indeed. At 60 she can now take her Community Care and her State Pension but she is very much alive and a part of this community and this is
2610 one place where video did not kill the radio star, Mr Speaker – in particular in the listening to of Parliament that many people still do on the radio.

Mr Speaker, with that, I move that the House should now adjourn until next Friday at 2.30 p.m.

2615 **Mr Speaker:** The House will now adjourn until next Friday, 23rd February at 2.30 in the afternoon.

The House adjourned at 6.41 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.36 p.m. – 5.17 p.m.

Gibraltar, Friday, 23rd February 2018

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The Gibraltar Parliament

The Parliament met at 3.36 p.m.

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

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

PRAYER

Mr Speaker

IN MEMORIUM

Tribute to former Member, Mr Aurelio Montegriffo

Clerk: Meeting of Parliament – Friday, 23rd February 2018.

Mr Speaker: The Hon. the Chief Minister.

5

Chief Minister (Hon. F R Picardo): Mr Speaker, when a person who has served this nation in this place passes, it is incumbent on us, however long ago he may have graced this Chamber with his presence, to remember what it is that his contribution was to the development of our country. This week, we had over the weekend the sad news of the passing of Aurelio Montegriffo, a man who in the time that I have been politically conscious, after he had retired, was well known to all in Gibraltar of his generation as the first Gibraltarian Minister for Health.

10

In the tributes that I have read, written by those who shared time with him in this Parliament and the memories shared of his time in this Parliament, he is not just a man who was Minister for Health, he is also a man who was very highly regarded across the community, even across the political divide. Mr Speaker, I think it is right to say that you were his closest political colleague still in this House, but the Father of the House, who is not with us this afternoon, has had fond memories to recall also of Aurelio Montegriffo although he sat opposite him in this House.

15

You will make your own tribute and you have already said some things, Mr Speaker, that indicate the affection that you had for Mr Montegriffo and the regard you had for his political ability. From this side of the House, on behalf no doubt, of the whole community and of the whole of this House, our condolences go to his family.

20

It is true, Mr Speaker, that we all build on the work that those who have come before us have done. In the context of somebody who passes away at the age of 97, I am left to reflect that this is a man of my own father's generation: of the Gibraltarians who were in Gibraltar before the war and when the war came, they were not taken from Gibraltar, they remained in Gibraltar to defend Gibraltar and from their efforts before the war, they started to build, as we saw the return of the Gibraltarians to Gibraltar, a community that would become a nation.

25

We owe them that forever. *(Banging on desks)*

30

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

Hon. E J Phillips: Mr Speaker, there is little that I can say about the late Aurelio Montegriffo CBE, former Minister for Medical and Health Services and former Deputy Chief Minister, that has not already been said by those who knew him well and who had the opportunity to engage with him. It would be ineloquent of me to reflect on a life of contribution and achievement in relation to matters which took place long before I was born and where so many in our community have contributed to numerous eulogies and reflections of one of Gibraltar's sons.

In my quest to learn more about Aurelio's contributions to this House, I discovered that not only was he a man of deep conviction and faith, he was a staunch defender of Gibraltar. Aurelio's family have rightly and importantly, via traditional and social media, reflected on a full life lived well.

It does, however, fall on me in my contribution to ensure that on this side of the House, the Parliament reflects on Aurelio's life and his contribution to our political development as a community. I will simply refer to his journey as passing in what he stood for, his values and his deep faith.

I never knew Aurelio, but I suspect that I have missed out, on not knowing him.

In my research and looking into some of our old *Hansards* I notice that from Thursday, 30th October 1969, Aurelio made a passionate contribution to the then constituted House of Assembly on a motion brought before this House on the subject of initiating talks between the Government of Gibraltar and the British Government on the question of UK Citizenship.

Aurelio said:

We, as I have said before, have agreed very forcibly with the rest of the Members of this House, and I am sure with the rest of Gibraltar, that Gibraltarians have a right, not only because of the situation prevailing in Gibraltar, not only because of the square miles, but because, Mr. Speaker, we have thrown in our lot with Britain too. We have done our part in the Referendum. Therefore, Sir, we must initiate these talks, not as beggars begging for something – even a concession, – it is something we are entitled to. We have not only thrown in our lot with Britain but we share our land with Britain. We give her facilities of a base; we give her our workers to help in those facilities and, if I may say, *en passant*, the sweat and labour of our workers at not a very high price, because we all know too well we have been in this struggle [...] So, Sir, we must initiate these talks with the understanding that we are going to fight, and fight it all the way.

Mr Speaker, in my further research, I discovered that his very first question in the House of Assembly as it was then, and as he was then an Opposition Member, was in relation to the provision for people with mental health issues. That for me revealed much about the man and his clear ability to navigate Gibraltar internationally and on the domestic agenda. It is impressive to note that we as a community are rightly putting much emphasis now on mental health, which for many has been a taboo for many, many years and understanding Aurelio's concern for its provision in 1969, demonstrates his commitment to the health of our community and to tackle an important issue.

Mr Speaker, I could go on about Aurelio's contribution to this House, but I have purposely made out two examples which demonstrate his staunch defence of our community and his empathy on important domestic issues such as mental health.

Aurelio was clearly a politician of his time and although political flags move in the wind, Aurelio's values and what he stood for stand the test of time. I do like to think that the same inbuilt humanity and passion and drive for bettering our community exists in this House today as it did in Aurelio's time. Aurelio does, I think, represent a political class which the current crop of politicians on both sides of this House have much to learn from. Gibraltar indeed is a different place to when Aurelio was a politician. Our challenges are different and in many ways are more complex and are the product of an evolution of our community, but we can learn many lessons from our forefathers.

It is important to ensure that our young people, Mr Speaker, know about the political journey, not only of our community but of those individuals who are pivotal in their development. One suggestion I would have to the Government is trying to make politics more accessible to young people, by looking at the personalities behind the politics and making it easy

75 for our young people to digest them and identify the struggle that Aurelio described in his contribution for example, to the UK Citizenship debate in 1969.

In celebrating the life of Aurelio, we celebrate Gibraltar. In celebrating Aurelio's political achievements, we celebrate Gibraltar. They go hand in hand. It is right that Aurelio's children, grandchildren and great grandchildren celebrate a life well lived as a family and record his contribution to public life in this way. I would like to express on behalf of Her Majesty's Opposition not only our condolences to the family, but also our genuine and sincere gratitude for sharing a significant part of Aurelio's life with his homeland. (*Banging on desks*)

Mr Speaker: The Hon. Ms Marlene Hassan Nahon.

85

Hon. Ms M D Hassan Nahon: Mr Speaker, when I heard of Aurelio Montegriffo's passing in the early hours of Sunday morning, I felt like I had lost another piece of my father, because since losing my father at the tender age of 21, and hearing the stories of the development of our nation ever since from his peers and contemporaries, I learned how crucial members of his political family had been to him, both politically and personally. And naturally, Mr Speaker, Aurelio Montegriffo was one of my father's closest, political and personal allies during his long and substantial political journey.

90 Mr Speaker, Aurelio Montegriffo is the last of the AACR founder members to leave us – the end of an era one could say. An era of men and women of pure conviction, serving at a time when there was no precedent or template to follow. A time when foundations were being laid and existential battles were being fought. Aurelio Montegriffo was one of our pioneers, our defenders, our forefathers and therefore we as a society must reflect on this and make known our eternal gratitude to him for securing our democratic platform that we take for granted today.

100 As Deputy Chief Minister, he offered Sir Joshua Hassan an invaluable and solid co-stewardship of our community at a time when my father would so often feel isolated and shunned by the external forces trying to play a part in our destiny.

In those days, Mr Speaker, it was all about purpose. Today, there is intrigue, intel, hearsay, technology, self-interests and a barrage of factors, including apparently even the Russians, Mr Speaker, that influence and play with our decision-making processes. In those days, Mr Speaker, it was about conviction, conviction and more conviction.

110 Health, Mr Speaker, is one of those things in life that binds us all. It knows no parties, it knows no sides. It is the one portfolio that we are all invested in. Other portfolios can benefit many or a few, but health is the one issue that we all depend on and Aurelio Montegriffo had the foresight to understand the magnitude of delivering this essential service to our citizens and to our society at a time when Gibraltar was far from being the wealthy state that it is today.

Aurelio had the vision to provide Gibraltar with the first primary care centre known then, and even still by many known today, as the Health Centre, as well as to extend a much-needed section to the original St Bernard's Hospital.

115 These accomplishments would have certainly enhanced the quality of life and even the life expectancy of so many of our citizens at the time because of course, it follows that having a dedicated health centre and better facilities at our hospital would have translated to an overall better and more sophisticated level of general healthcare in our community. And for this, we have Aurelio Montegriffo to thank, Mr Speaker.

120 Mr Speaker, my father always used to tell me that we have to hope to get lucky not just in life but also even in death, and Aurelio Montegriffo did not have an untimely or painful death. Last Sunday, Mr Speaker, Aurelio Montegriffo had peacefully died in his sleep, had lived for almost ten decades and had been a pivotal part of a collective that shaped our democracy in the harshest times of our political history.

125 Aurelio died a committed husband and father of six on 18th February 2018, leaving 18 grandchildren and 18 great grandchildren. It was incredible to see that the number 18 was all

around Aurelio, Mr Speaker, because a religious, God-fearing Christian like him might have known that in the Old Testament, the numerical value in Hebrew of 18 translates to the words 'God' and 'life' and is time and time again associated with luck, health, positivity and fruitfulness.

130 Mr Speaker, just like the number 18, Aurelio Montegriffo was all of these things and equally we, as a society, have indeed been as lucky as the number 18 to have had this exceptional man in the front line, shaping our political development to the proud nation that we are today.

Thank you. (*Banging on desks*)

135 **Mr Speaker:** The Hon. Dr Joseph Garcia.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I would like to add my own tribute. I was fortunate enough to have met Aurelio Montegriffo in the old days of the *Gibraltar Evening Post* when I was still a child.

140 I think he has shown and his political trajectory shows that he is one of those historical political figures of Gibraltar, somebody who, like many others, were born in the heyday of the AACR and who cut their teeth in that political organisation and indeed who participated actively in the political and constitutional changes which followed very rapidly since the end of the Second World War – so the City Council, the Legislative Council and later on, the House of
145 Assembly.

So I think one thing which people will know about him, those who knew him, is his very human approach to politics and that sense of humanity which sadly is sometimes is lacking in politics in general. But at the age of 97, I think that people will agree, however painful, it was perhaps a good innings and that certainly he has made his mark in the political and
150 constitutional development of Gibraltar.

So I pay my own condolences to his family. (*Banging on desks*)

Mr Speaker: Yes, the Hon. Lawrence Llamas.

155 **Hon. L F Llamas:** Mr Speaker, I did not have the privilege of knowing Mr Aurelio Montegriffo. Nevertheless I am acquainted with many of his descendants, some of whom are here today and others who are not here. What is definitely true from his life is that you know more about the person when they pass away, and that is sad, about the legacy that they leave, than when they have been alive. Obviously, that is as a result of the age gap between some politicians who are
160 here today and when he was serving.

Nevertheless, Mr Speaker, what I have learned this week from the late Aurelio Montegriffo is what a genuine and loving person he was, as much as he cared for his family, but also the deep respect he had within his faith.

165 I would like to pass my condolences officially to the family who are here today and represented, and obviously join and echo what has been said already from Members in this House contributing to his tribute. (*Banging on desks*)

Mr Speaker: Any other Members? The Hon. Neil Costa.

170 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I too unfortunately never met Aurelio and the House has discussed already the many excellent attributes he had as a politician and as a family man. Therefore, there is very little for me to add, except to say that many of the foundations that we take for granted today in our health services were in fact laid by Aurelio.

175 The Hon. Ms Marlene Hassan Nahon has spoken about the fact that he started the Health Centre and indeed he inaugurated it in June 1973 and all of us today will take for granted the fact that we have an outstanding Primary Care Centre and that, as the hon. Lady has said, health is one of those issues that touches all of us at one time or another in our community.

180 But it is not only the Health Centre which Aurelio envisaged and which he inaugurated. To his credit, he also started another foundational block of the Health Service, which is the GPMS scheme and that also occurred during his tenure, so that we have a system whereby we are prescribed medicines in the Health Service and that was all down to the Act which he enacted as Minister for Health in 1974.

185 So in two consecutive years, a primary Health Centre and the GPMS – again another foundational block of a health system which we all take for granted today, but which I think the record of this House should reflect is thanks and due to the vision of Aurelio Montegriffo.

190 But Mr Speaker, there is also yet another revolutionary foundation block which he also instigated, which is the Sponsored Patients Programme, which he started in 1974 during his tenure for Minister for Health. So my predecessor, Dr John Cortes and myself have to thank him for having laid those foundational blocks which have allowed all of us today to receive the health care free at the point of delivery, which we take for granted but which we all I think must agree must pay tribute to his efforts, to his vision and for laying those foundations which provide today the health system that we have today.

195 So I wish to associate myself with all of the words that have been spoken here in remembering Aurelio Montegriffo and to pay my condolences to his family. *(Banging on desks)*

Mr Speaker: The Hon. Dr John Cortes.

200 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have very little to add to all the things that have been said here today, except for one thing. Being I think the oldest elected Member present here today, I did know Aurelio Montegriffo. He was a close friend of my late father and his name was very often mentioned at home. I remember visiting his office on more than one occasion with my father when I was a child.

205 What I want to say, Mr Speaker, is nothing more than this. Everything that everybody here in this Chamber has said about him, for the people who did not meet him, I can confirm was absolutely true. *(Banging on desks)*

Mr Speaker: Anybody else?

210 Listening to hon. Members, it just struck me for the first time that the fact that I am sitting here today, I probably owe to Aurelio Montegriffo since he, more than anybody else, was the person that opened the door to my entrance into Gibraltar politics back in 1963.

215 I first came across Aurelio Montegriffo when I was about 10 years old. My family moved to Willis's Road and we lived a couple of floors below Aurelio, Lourdes, and his already growing family. Then in 1963 when I returned from University, it was through him that I was invited to join the executive committee of the AACR. Then of course, in 1972, we both came into Government when we defeated the Integration With Britain Party in 1972.

220 Aurelio, I have already paid tribute to his qualities as a journalist and as a politician, a man of great ideals and commitments. His ideals as part of the philosophy of the AACR, his ideals of Gibraltarianisation, that the Gibraltarians were fit and proper people to take over the management and the running of Gibraltar, his commitment and nurturing of the campaign for recognition to the right to our land, Gibraltar belongs to the Gibraltarians – these are matters which he always pursued most ably in the columns of the *Gibraltar Evening Post*.

225 Then our friendship grew and developed from 1963 onwards and throughout the last six decades as we shared many similar hopes and ideals.

Another thing that happened in 1972 was that my brother-in-law, my wife's brother, married Aurelio's only daughter and they are our neighbours and so my wife and I, we feel part of that extended family that are the Montegriffos here today.

230 Finally, as I say, going back over these six decades, I share very many happy memories of Aurelio. May he rest in peace. *(Banging on desks)*

The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, before we end on this subject, can I just quickly reflect that I did not realise that Mr Montegriffo lived in Willis's Road. Interestingly, therefore, that makes Willis's Road a place which has had one Chief Minister and two Deputy Chief Ministers, like Buena Vista Road has had.

Not that that is relevant in any way but it is relevant to say that the fulsome gratitude that has been expressed here today to Mr Montegriffo for his contribution and to his family is a reflection of the character of the man and the love that Gibraltar had for this particular servant.

If I could for just one moment reflect that *The New People*, which is not a newspaper that has been known for its praise of the record of the AACR, (*Laughter*) nor indeed those who pretend to be its successors, carries a very fulsome obituary, a very generous obituary of the man, which I think recognises that affection across the political divide that must be a characteristic that we must seek to carry forward. Today, Mr Speaker, as we turn to debate and we characterise each other in less than perhaps as friendly terms as we might, we must bear that in mind as we go forward.

So, Mr Speaker, I would like to thank all hon. Members for the contributions they have made in this House to reflect the contribution of Mr Montegriffo and see the power that a Montegriffo/Hassan partnership had brought before this House before, and hope we never see one again. (*Laughter*)

Order of the Day

BILLS

FIRST AND SECOND READING

Pensions (Amendment) Bill 2016 – First Reading approved

Clerk: We now move to Bills.

A Bill for an Act to amend the Pensions Act and Pensions Regulations.

The Hon. the Chief Minister.

255

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Pensions and Pensions Regulations be read a first time.

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

260

Clerk: The Pensions (Amendment) Act 2018.

**Pensions (Amendment) Bill 2016 –
Second Reading approved**

265 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill amends the Pensions Act and the Pensions Regulations. The Bill gives effect to the agreement entered into by the Chief Secretary, the Gibraltar Port Authority and Unite the Union, to make port officers an essential service akin to fire, prison, police and
270 customs officers and which commenced on 1st April 2016.

Port officers of a marine grade, with the exception of the Captain of the Port, who were transferred from service under the Government to the Port Authority, and to whom the Pensions Act applies, will receive all the benefits attributed to essential services. This includes officers receiving a pension rate of 2/600ths of his pension emoluments between his 20th and
275 27th year of service as a port officer, in accordance with regulation 4(1) of the Pensions Regulations, commonly referred to as the 'doubling up rate'.

Furthermore, like the other essential services, port officers will have their compulsory retirement age set at 55 years. Those measures will be deemed to have applied to all port officers as from 1st January 2018.

280 Officers who retired between 1st April 2016 and the 1st January 2018 are entitled to similar benefits in accordance with the terms of the early exit scheme agreement approved by the Financial Secretary. Like other essential services, port officers will benefit from not paying tax on their pensions as from the age of 55. This will be implemented by way of amendment to the Income Tax (Allowances, Deductions and Exemptions) Rules, 1992.

285 Mr Speaker, we will also be moving amendments to the Bill at Committee Stage. An amendment is required to change the year cited in clause 1 of the Bill, because the Act shall now be known as a Pensions (Amendment) Act 2018 when it becomes an Act.

A further amendment is required to give this Bill retrospective effect as from 1st January 2018, which was the date when the provisions were meant to apply to all port officers. As this
290 date has now passed, amendments to clause 3(4) are required and clause 4(3) can be deleted in its entirety.

Lastly, amendments have been made to remove the Assistant Chief Fire Officer and the Deputy Commissioner of Police from the definitions of 'fire officer' and 'police officer' respectively so that only the heads of department are excluded from the definitions. In any
295 event, the two posts that have been removed from the definitions actually no longer exist.

I therefore commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? No.

300 I will now put the question, which is that a Bill for an Act to amend the Pensions Act and Pensions Regulations be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Pensions (Amendment) Act 2016.

COMMITTEE STAGE AND THIRD READING

**Pensions (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

305

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

310

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

Mr Speaker: Would the Chief Minister formally move that the House resolve itself into Committee.

315

Hon. Chief Minister: Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Pensions (Amendment) Bill 2016.

In Committee of the whole House

**Pensions (Amendment) Bill 2016 –
Clauses considered and approved**

320

Clerk: A Bill for an Act to amend the Pensions Act and Pensions Regulations.
Clause 1 as amended.

Mr Chairman: Stands part of the Bill.

325

Clerk: Clause 2 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 3 as amended.

330

Mr Chairman: Stands part of the Bill.

Clerk: Clause 4 as amended.

335

Mr Chairman: Stands part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Pensions (Amendment) Bill 2016 –
Third Reading approved: Bill passed**

340

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Pensions (Amendment) Bill 2016 has been considered in Committee and agreed to with amendments, and I now move that it be read a third time and passed.

345

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

GOVERNMENT MOTIONS

**Select Committee on Brexit –
Increase in committee membership –
Motion carried**

Clerk: We now move to Government Motions.
The Hon. the Deputy Chief Minister.

350

Mr Speaker: Yes, the Hon. Dr Joseph Garcia.

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

THIS HOUSE:

RECALLS the establishment of a Select Committee on the UK and Gibraltar's departure from the EU known as "Brexit";

HEREBY RESOLVES that The Hon P Balban and The Hon L Llamas be added to the membership of that Committee.

355

Mr Speaker, the motion is self-explanatory. I do not propose to add anything further to it.

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Deputy Chief Minister.

The Hon. the Leader of the Opposition.

360

Hon. E J Phillips: Mr Speaker, it is unfortunate that the Government's rationale for altering the composition of the Brexit Select Committee has not been fully explained to Members on this side of the House.

365

The Gibraltar Social Democrats is the only political party represented on this side of the House. We occupy five out of the seven seats. All seven Members on this side of the House participated in the 2015 General Election under the same GSD banner and supported our programme for Government.

370

Our community decided that we should form Her Majesty's Loyal Opposition and we are proud to serve our community in Opposition and aspire, with the support of our community, to govern Gibraltar. It is a great privilege, Mr Speaker, and responsibility to serve our community in the role of Opposition and we do so with pride and respect.

Mr Speaker, Opposition is not easy. It requires us to hold the Government to account and we are required to challenge their decisions and robustly test their policies. There is a time when

375 the greater good and the public interest of our community means that we must put aside our
differences, swallow our pride and do what is right for the wider and sometimes unseen
interests of Gibraltar as a whole. My colleagues in and outside this place will always put Gibraltar
first.

380 The decision of the UK to leave the EU was not one that we as a community shared or agreed
with, but it is one which we must accept. The world did not stop turning and we must get on
with the job we have been elected to do. We must ensure that Gibraltar continues to succeed in
the context of international challenges to our way of life. Gibraltar will survive. There is no
question that we will overcome the challenges Brexit presents to us. I for one, although
disappointed that we are being dragged through this process, see it as an opportunity for us to
refocus on the domestic agenda and our people.

385 Of course, no one doubts that the Government should be doing everything it can to ensure
Gibraltar's survival, but we must not forget the people who we do this work for. We cannot
forget those in whose name we act for in and out of this place. They are people with real
concerns about education, health, housing and skills training, to name a few.

390 We will support the Government on areas of common interest and put Gibraltar first.
However, we cannot support the Government on a motion when they are demonstrably playing
party politics in relation to the composition of this important committee. It is clear to us that,
despite what anyone says, they will force this issue in without any real analysis and without any
explanation.

395 I know that Members opposite are fond of comparing us to the UK from waiting numbers at
hospitals, to education and in that vein, perhaps they should look at how select committees are
comprised in the UK. In its brief guide to select committees published on the UK Parliament
website, the principle is that the membership of committees reflects the party balance in the
House as a whole, meaning that a majority of each committee will be MPs from governing party
or parties.

400 I remind the House that it was on this principle, the principle that composition should reflect
the composition in this House, that the Government brought a motion establishing the Brexit
Committee in the first place, in August 2016, and it is on this basis that we supported the August
2016 motion. In fact, Mr Speaker, it was the Hon. Chief Minister when bringing the August 2016
motion who recited the following: 'believes that the composition of the select committee should
405 reflect the composition of the House.'

In the debate on the motion of 7th October it was the Hon. Chief Minister himself who made
the following observations on composition of the Brexit Committee namely – quoting the Chief
Minister:

Mr Speaker, the one thing that I think is important is that I explain why the composition would be four, two and
one. In the context of select committees the Government will have always an inbuilt majority, and, in order to
ensure that the committee stays nimble and small enough, the only way that we would be able to have an inbuilt
majority if it were bigger would be to have five Members of the Government, three Members of the Opposition,
and the Hon. Lady, because we think the Hon. Lady, as an independent parliamentarian, should be represented in
that select committee. That would mean that the Parliament would be meeting with almost half its Members in
select committee – there would be eight of us – so, in order to keep it nimble and try and reflect the numbers
opposite, the only way we can do it is to do three and therefore four on our side, if the Hon. Lady is going to be
one on the other side. Of course, the other way to do it is to keep it three on our side, the Hon. Lady, and just one
of the Members representing the party opposite. We thought that would be less representative, so that is why we
are proposing four, two and one, to keep it nimble in that way.

410 Mr Speaker, it is on this basis that I wrote to the Hon. the Deputy Chief Minister in response
to his motion currently before this House, changing the composition of the Brexit Select
Committee and consistent with ensuring that committees are nimble, that the current
composition remain or that, should an addition be made, that the official Opposition should also
be provided a further seat in that form.

415 We make this point as the only Opposition party and the Members who hold the majority on this side of the House and it is our view, that should properly be reflected in the select committee of this House, as has always been the case.

420 To try to construct this in any other way is an attempt to eliminate and denigrate our contribution as the elected official Opposition of Gibraltar. It is not right and it reflects very badly on the GSLP Liberal Government's supposed democratic credentials. It is telling that both the Select Committees on Parliamentary Reform and Constitution Reform have not sat for two years since their establishment by this House. It is a shameful reflection of its purported support for democratic reform.

425 We also suggest that the Government, consistent with further observations by the Chief Minister in the previous debate, could at any stage brief other Members of Parliament at any stage. The Hon. the Chief Minister will recall that, at page 26 of the debate on the 2016 motion, that he himself said:

But hon. Members should know that we do intend to advise them, even without the select committee, of such aspects of the discussion and negotiation ...

Mr Speaker, the Chief Minister went on to cement what he was saying by saying:

but that the hon. Members should be briefed, they will be, select committee or no select committee.

Mr Speaker, what are we doing here? To recap:

430 (1) The official Opposition has five out of seven Members on this side of the House and over 5,000 people voted for us to be in this House. We are the majority and the only Opposition Party in this House.

(2) The Chief Minister is on record as having stated that select committee composition should reflect Parliament's composition.

435 (3) The Chief Minister, is on record, has stated that the independent having the same number as the official Opposition would be less representative.

(4) The Chief Minister is on record as having stated that he could utilise briefing to Members of this House, select committee or no select committee.

440 Mr Speaker, the Chief Minister's clear change of position on all four points smacks of playing party politics with the most important duty and responsibility that he is charged with, namely safely navigating Gibraltar's exit from the European Union.

I call on him to abandon the motion, under Standing Order 22, which has little to do with protecting our community and more to do with him and his petty crusade against the Opposition. (*Banging on desks*)

445 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, what a petty crusade I have just heard the hon. the subordinate to the Leader of the Party that is the Official Opposition, namely the Leader of the Opposition, embark upon, to seek to exclude an independent Member of this Parliament from a Select Committee of the House.

450 I think it is probably the only time in the history of democracy in the world that an opposition has argued for *less* involvement from members of opposition benches in the work of a parliament. It could not happen in a dictatorship, because in a dictatorship the government is the one that is excluding the opposition, but in this democratic society in which we operate, in these complex and difficult times, the Government is seeking to include *more* Members of the Opposition benches in the determinative work that we are doing in respect of the future relationship that we will have with the European Union.

And the leader of the official Opposition – not even the Leader of the Opposition; the Leader of the *official* Opposition – makes an argument to keep fellow parliamentarians out of a select

460 committee process, because he says we can brief them anyway. Of course we can brief them
anyway, but the Select Committee is about briefings and other things too. It is about making
decisions together when the time comes.

That is why ... The Hon. Mr Llamas knows that he and I sometimes have very big
disagreements, Mr Speaker. We probably have many more disagreements than we have
465 agreements. In this Select Committee, he may come in to disagree with us – because we do not
know what attitude he is going to take, because we do not know what we are going to put to the
Select Committee yet – but we think he should be there.

How can it be right to try, as parliamentarians – forget the fact that we sit on this side of the
House as Government and they sit on the side of the House over there as Members of a
470 fractured Opposition – how could it be right to try to exclude a parliamentarian from a select
committee process? I would have thought the argument was to *include* more parliamentarians
in the process.

But of course, we are a small Parliament and we have to be careful not to find ourselves in a
situation where the whole Parliament is sitting as a select committee of the Parliament. But,
475 Mr Speaker, we have to have an inbuilt majority in a committee where we are going to make
decisions. We owe that to the result of the last General Election and we feel that it is right,
proper and appropriate to include Independent Members in that decision-making process.

Now, Mr Speaker, we have been accused of many things unfairly, but never, never with the
lack of political logic that the hon. Member has for what he has got up and said in this House.
480 Mr Speaker, I hope he is fast receiving WhatsApp messages from his Leader outside this place to
try and get himself out of the mess that he has got himself into! Because it is impossible now,
Mr Speaker, in the future for the hon. Member to say anything that will restore any democratic
legitimacy to any argument he can ever make. It is absolutely impossible.

Let us look at the type of contradiction that the hon. Member has brought to this House,
485 both being Leader of the official Opposition and before his Leadership of the Opposition, to
judge the logic of what he says now.

The hon. Member has said to us, alongside his former leader, when we were facing the result
of the referendum, that the Government should stop work on everything and concentrate just
on Brexit. Today, Mr Speaker, he has told us that Brexit should not stop us from continuing our
490 national political agenda. That is the sort of black-and-white thing that the hon. Gentleman will
say and not even blush. He will go from black to white without going red. It is really quite
incredible, Mr Speaker! It is quite incredible. This community deserves better. It deserves a
better and more mature political debate in these difficult and challenging times than a
purported defender of the Parliament getting up to seek to exclude a fellow parliamentarian
495 from an opportunity to discuss and debate the future of this community in a select committee.

Mr Speaker, I do not think that if you were seeking to do petty partisan politics, you would be
excluding parliamentarians who represent independent views from a process of debate. If you
were trying to do petty partisan politics, you would not have included any of the Independents
in the select committee; you would simply have said, 'Right, you are the Opposition, you have
500 got two, we have got three – let us get on with it quickly.'

It is absolutely the opposite of what the hon. Gentleman has said that we are actually seeking
to do, because it is obvious – the hon. Gentleman said, 'We have got 5,000 votes' – well, it is
obvious that the 5,000 votes were not for him, Mr Speaker. They might not even have been for
the person who at least had the gumption to lead the party at the election. I hope he is not
505 claiming those votes for the person who now leads the party, who was not even a Member of
the party at the time they got those 5,000 votes.

But those 5,000 votes, Mr Speaker, would in some measure have been for the hon. Lady. She
came second in the ranking of those 5,000 votes. That means, Mr Speaker, in any democracy,
she is the second biggest vote winner on the other side, Mr Speaker; not him. (**A Member:** Hear,
510 hear.)

And the hon. Gentleman may have just been the 17th Member to caress the list of those elected, but he is nonetheless an important part of the team elected opposite – except that he is no longer a Member of that team. But he is also entitled to claim the credit for his votes – these are the people that he represents.

515 Now, we may have a party system but the hon. Gentleman may wish to reflect upon the fact that each of us has been elected individually, with the votes individually of members of this community. And the Hon. Mr Llamas, although I might disagree with what he says and what he does with those rights of representation that those votes give him, has been elected with a large share of those votes. I cannot actually remember the numbers, Mr Speaker – I think it was just
520 18 more than somebody who thought that they would have been first but it was more than the person who came 18th. Therefore, Mr Speaker, an argument that seeks to exclude somebody like that from the position advanced by the Government, which is an inclusive one, is not an argument that can be said to be based on any attempt to extend democratic legitimacy in a representative democracy like ours.

525 Now, Mr Speaker, I said all the things the hon. Gentleman has read from *Hansard* about being nimble, with the situation that I was presented with – except, Mr Speaker, that the fracturing of the official Opposition as much as it has fractured up to now – up to now – means that we are less nimble. We were dealing with one party first and there was another as Government on this side, Mr Speaker, with two parties but acting as one Government. So one
530 and one suddenly became one and two. Now it is one and one and one, Mr Speaker. We find ourselves, Mr Speaker, with three Oppositions. When it comes to education, we deal with all of them separately, some of them together, one of them doing ...

Mr Speaker, this is really a nightmare for the Government! In the old days, I almost miss the hon. Gentleman and his aggressive press releases. There was one coming and one back, one
535 coming and one back. Now there are three coming and there has got to be three back! (*Laughter*) This is the reality that the breakup of the GSD has visited on our community. But to say that we have to pander to that breakup and that we have to ignore the fact that there are others who have different views, on something as fundamental as Brexit, is really frankly just not acceptable.

540 Mr Speaker, look, we have just seen how the Leader of the party opposite not in Parliament has sought to change the way that the rules on broadcasting should be changed as a result of the circumstances in which they have put themselves. Well, Mr Speaker, that was rightly not agreed to by the GRA, on the unanimous response of everyone who was not in the GSD who was asked for a point of view, Mr Speaker.

545 Indeed, I seem to recall that was the view expressed by Mr Llamas and I wonder, Mr Speaker, whether the very unparliamentary and contra-democratic approach taken by the Hon. the Leader of the official Opposition today is not a vindictive attempt to pay back Mr Llamas for the response he gave to the Gibraltar Regulatory Authority on the attempt by the Leader of the GSD to try and change those rules.

550 But, Mr Speaker, all of the answers are in the way that we have to address each other. The Hon. Mr Phillips is today in Parliament, although not the Leader of the GSD, the Leader of the official Opposition; and there are others in Opposition. We will make a decision in the Brexit Select Committee about things we may put to this Parliament, Mr Speaker and we will make it with the official Opposition and with the Independents, who also represent the voice of the
555 community in however small a way, however deprecatory I have to be about it on other instances, but it is absolutely right that they should form part of that decision-making process.

That is why, Mr Speaker, the motion brought by the Hon. the Deputy Chief Minister enjoys my full support and it will of course enjoy the support of the Government. It was something that we considered in Cabinet, Mr Speaker, and it is a motion which hon. Members may expect to
560 see rolled out in respect of the other Select Committee issues that this Parliament is dealing with, so that the Select Committee decisions made in respect of those other matters are also

truly representative and inclusive of the views, even if I disagree with them, of hon. Members who represent independent opinion in this House.

And if I may say so, Mr Speaker, I am grateful to the Hon. the Leader of the official Opposition for the way that he has represented the view he has expressed in this House today, because never again in any debate will hon. Members be able to claim the mantle of democratic legitimacy and/or indeed, Mr Speaker, to pretend that they are truly parliamentarians at heart. What they represent is an attempt to use this place for their own ends. They demonstrated it when they were in Government and they used the power of the Executive always to get away with it and they thought, Mr Speaker, they would be able to get away with it in Opposition too, and exclude Independent Members.

They have fallen apart already and lost two, Mr Speaker. I would not be surprised if that was not the end to it. *(Banging on desks)*

Mr Speaker: Does any other hon. Member wish to – ?
The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I have to say I have been really surprised by this intervention by the GSD, I honestly did not expect it at all. I have no idea why the GSD would want to curb a voice when it suits them, while at the same time demand and consider it appropriate to be treated as an equal by the GRA, when they have a leader that is not an elected Member of the House. The double standards are totally palpable.

And as for petty crusades, Mr Speaker, I can talk a little bit about petty crusades. Petty crusades is, for example, when Members by my side over here try to get me kicked out of the reception when David Cameron came to town and other such examples which there are many of. *(Interjections)* Those are petty crusades, Mr Speaker, but curbing the voice of another independent speaker, whether they are with them or not, is just an addition to our democratic voice here in this Parliament. So I have no idea why this would even be an issue and I think it is a waste of parliamentary time.

I for one welcome an extra voice on these benches to the Brexit Select Committee.
Thank you. *(Banging on desks)*

Mr Speaker: Is there any other contributor before I call on the mover to reply?
The Hon. Daniel Feetham.

Hon. Chief Minister: Hear, hear! *(Laughter)*

Hon. D A Feetham: I can see that you have all missed me! *(Laughter)*
Well, Mr Speaker, I had hoped to say either very little or nothing at all during the course of this debate, but I think that the contribution of the Hon. the Chief Minister has left me with no alternative but to rise and to give my own views on the matter.

The Hon. the Chief Minister referred to logic and what I would like to do is to examine through the cold calculus of logic some of the issues that are at stake in this debate, because I think what we are doing today is setting a very dangerous precedent indeed in simply inviting or electing somebody onto a select committee by dint of his status as an Independent Member of the House.

What I would like to do is to examine very briefly what the role of a select committee is, not only in Gibraltar but also elsewhere; then look at the question of ‘Who does Mr Llamas actually represent?’, because that lies at the heart of this debate. When we talk about somebody or a select committee being representative, we do not talk about a select committee being representative simply because somebody is in this House. A person represents people and I would like to examine more closely who exactly Mr Llamas represents.

615 And then finally, Mr Speaker, I would like to draw a distinction, even though she has been particularly ungenerous to me today, but I would like to draw what I believe is a distinction between the hon. Lady and the hon. Gentleman. I will conclude with that and I hope that I will be able to persuade Members opposite that it is not the right course of action. I will not hold my breath but nonetheless, let us examine some of the issues logically.

620 Mr Speaker, in the United Kingdom, select committees are convened on a cross-party basis – and I will return to the concept of cross-party – and provided by Parliament with a very specific remit in order to report back to Parliament on its findings. It is then Parliament that makes a decision on any recommendation made by the select committee. There is no question of anybody curbing a voice by not forming part of a select committee, because of course, the hon. Gentleman, Mr Llamas, will have as much of a say of what is recommended by the select committee as anybody else in this House, and nobody is trying to dampen or quiet or suppress the voice of Mr Llamas.

625 In the UK, although there are differences between the select committee here and the UK, because in the UK select committees are selected from the cadre of backbenchers – very rarely do we see a front bench spokesman either on the Government side or on the Opposition side, forming part of a select committee because their function is usually to hold the Government to account – but the way that they are chosen I think is instructive, and it is not unusual to have a competition for places in a select committee. An individual may propose himself to a select committee, may be proposed by Members of a political party, but what the Parliament actually does is it chooses the best people for a particular role in a particular select committee.

630 There is not a Parliament in the world that simply says, ‘Because you are an Independent Member of the House, you have got to form part of a select committee.’ It is an absolute absurdity and an absolute nonsense with respect to the position that is being adopted today by the Government.

635 And it is easily tested. Look, Mr Speaker, there have been occasions and I know that the hon. Gentleman when I make this point, it is going to draw derisions from the other side and the usual response about the GSD breaking up and all the rest of it. But look, in 1975-76, the IWBP crumbled. You could have a situation in the future whereby for whatever reason, you have seven Members in the Opposition that are all Independents because of circumstances. Are we seriously suggesting (*Interjection*) that in those circumstances, every single Member of the Opposition, because by dint of the fact that they are Independents, should form part of a select committee? I think that is nonsensical and it sets a dangerous precedent.

640 And in fact, Mr Speaker, I probably would have sat down, would have made no contribution but for the fact that the Chief Minister appeared to suggest, which caused me concern, that this is the precedent that we are establishing. Not only is it going to be this committee but it is going to be the Constitutional Committee, it is also going to be the Committee on Parliamentary Reform.

645 Let us look at it logically. We are a Parliament and we are making a decision that is extremely important: choosing the people that the Parliament believes are best suited to be on a select committee to set out a road map about how Gibraltar deals with Brexit.

650 And do you know what? If the Hon. the Chief Minister had come to this House today and he had said, ‘Look, we want to add one more person on the Government’s side’ – the Hon. Sir Joe Bossano, for example – ‘because we feel that his knowledge of public finance and of certain areas in the economy is such that he can make a valuable contribution, but because we do not want the select committee to become unwieldy, we are not going to be adding anybody else on the Opposition side’, do you know what I would have said to the Leader of the Opposition and to my colleagues? I think that is a good enough reason and therefore we should not object to what the Government is trying to do. Because what we should be doing is we should be choosing the best people for this particular job as indeed the best people for the role of the Select Committee on Constitutional Reform and the best people for the role of the Committee on Parliamentary Reform.

665 And we have to look at it logically – what does Mr Llamas have to offer this particular select committee that Mr Bossano does not have to offer, or Mr Licudi, or Mr Clinton with his experience in banking, or Elliott Phillips with his experience of cross-border commercial litigation extraditions, which could be useful in terms of considering Justice and Home Affairs as part of Brexit deliberations?

670 If we had been talking, for example, if we had been saying this is a select committee on canine welfare, for example I would have been the first one to say – and I am not suggesting that that is the only talent that the hon. Gentleman has or that he cannot contribute in other ways, but I would be the first one to say – (*Interjection*) that his expertise is second to none. But the reality is, that to say that we are adding somebody by dint of the fact that he is an Independent Member of this House is not, in my respectful view, the right decision.

675 I know that the Government will come back and the Government will say, ‘Ah, but the Select Committee ought to be representative of this Parliament,’ and that lies at the heart of this debate, because when we examine who Mr Llamas actually represents, we are drawn to the inevitable conclusion that he represents no one that he is not represented by the people here in the GSD, Mr Speaker.

680 Look, the hon. Gentleman has mentioned the number of votes that Mr Llamas obtained at the last election. Fact number 1: Mr Llamas obtained less votes than anybody else in this Parliament. Fact number 2: a swing of 14 votes would have meant that Mr Llamas would have been left out at the last election.

685 Now, I give the hon. Gentleman an example that I wish the Parliament to consider. Let us assume that he had been selected for the GSD and after nominations had closed, Mr Llamas turned round to the electorate, we could not add somebody else to the slate, and Mr Llamas turned round to the electorate in 2015 and said, ‘We intend, I intend, to now ask the people of Gibraltar to vote for me as an Independent.’ The reality, Mr Speaker, the inescapable truth is that Mr Llamas would never have been elected to this Parliament, because at the very least there would have been a swing of 14 votes against him, if not thousands of votes. Therefore, when we ask, ‘Who does he actually represent, that the GSD does not actually represent?’, no one, Mr Speaker – that is the reality of the situation.

695 Then I come to, Mr Speaker, the difference between the hon. Lady and the Hon. Mr Llamas. Because you see, I think there is an important difference here, and if there had not been this difference, perhaps my view would have been different.

The hon. Lady has said, ‘I intend to fight the next election and set up a political party.’ That is my understanding of her position and she has said, ‘Look, even though I stood for election with the GSD in 2015 and I left within six months of being elected as part of the GSD slate, I will ask the people of Gibraltar to hold that in the balance with all the other positive things that I have done in the last four years, and if the people of Gibraltar decide to elect me, fine.’ But she has had the courage to come out and to say, ‘I have an office in Main Street at Headquarters and I intend to fight the next election and it is my aspiration to form a political party.’ That takes courage, whatever my criticisms of her may be as to how she is where she is now but that is the reality. That is the reality.

705 Now, Mr Llamas, we all know – we are not stupid – we all know is not a lone wolf. (*Interjections*) He forms part of a pack of wolves, political wolves. (*Laughter*) A rather timid pack of wolves, (*Laughter*) one that prefers to lurk in the political shadows (**A Member:** Hear, hear.), rather than come out openly in broad daylight, but a pack nonetheless.

710 And indeed, Mr Speaker, the House should not take my word for it. I will just read from the hon. Gentleman’s, Mr Llamas’s Christmas message. He said, ‘I am acutely aware of the privilege that serving you as an Independent MP represents’ – and of course it is a shame that he did not have and feel that same privilege and honour to represent people in the capacity that he was elected. But look that is not the type of logical argument I am asking the House to consider, let us ignore that.

715 But what he said was this:

I share a vision with a growing number of people who I am working with. We believe that it is important that this new vision for Gibraltar be alive to the dangers we have yet to articulate, whether home-grown or external. We believe that this vision requires honesty, regardless of whether we like what we find when we search within.

Then he says:

Join me and others who already share these views, others who are keen to make a difference and keen to see the vision I have set out a moment ago become a reality. You can make a difference. We can make a difference.

Mr Speaker, the Hon. the Chief Minister, a few weeks ago, asked Mr Llamas from a sedentary position whether he was asking anyone by WhatsApp what supplementary question he should ask next. *(Interjections)* Indeed, and he is absolutely right, I have a lot of sympathy from the view that he expressed from a sedentary position. Politics should not be conducted vicariously. Politics is not a form of ventriloquy. Politics is to be conducted openly, Mr Speaker.

The hon. Gentleman and I have had many battles over the years in this Parliament – many, many battles but nobody can accuse me of not saying to him in his face anything, because that is the way that politics ought to operate. And, Mr Speaker, I say also this: that the majority of people in this Parliament have tasted defeat in politics in one form or another. The reality is that you have got to be able to take defeat in order to make success meaningful. *(Interjection)* I once said that victory is all the sweeter when you have tasted defeat, but you have got to have the ‘castanets’ to be there! *(Laughter)* Yes sir, and I am not referring to a Spanish percussion instrument when I use the analogy ‘castanets’! But you have got to have the courage and the guts! **(A Member: Hear, hear.)**

That is why whatever the hon. Lady may say and whatever the hon. Lady’s historic decisions, look, she has had the courage to say, ‘That’s my aspiration.’ But the people around Mr Llamas do not appear to have the same type of courage. *(Interjection)* If you are a political person and you aspire to lead this community, you have got to have the guts to say, ‘I am going to stand as the leader of a political party,’ the same way as Mr Clinton had the guts to do so. Or if you do not agree with that political party, you have got to have the guts to set up your own outfit, openly, transparently, out of the shadows, into the full glare of the sunlight.

But what you cannot and what is objectionable is to do what Mr Llamas and his group are doing, which is operate from the shadows as I have indicated a few moments ago.

And, Mr Speaker, in the immortal words of the US rap singer, Eminem: ‘Will the real Slim Shady please stand up, please stand up?’ *(Laughter)* And that I am afraid is the message that this Parliament – *(Interjection and laughter)* I can assure the hon. Gentlemen that my gym sessions have not been the same ever since. Every time the song comes up I have visions of ‘slim’. *(Laughter)* Behave please!

The message from this Parliament should be that if Mr Llamas has, and those around him have the courage that she has shown, well then, the Parliament will consider him as a separate political entity that intends to contest the next election, that they will form part of other select committees. But not in this way, Mr Speaker, when we can all laugh, but we all know what is going on.

Some of the people around Mr Llamas continue to be GSD members, so what are we saying? What is this? That this Parliament provides political cover for a situation where, let us use Mr Llamas as the Turk’s head, let us see whether his cry to arms to people, ‘Come and follow us, come and follow us,’ whether that succeeds or it does not succeed. If it does not succeed, we are still in the GSD, Mr Llamas can come back to the GSD and we will do an Alien Resurrection and let him take over the GSD from within. It is not right, Mr Speaker, and I think that this Parliament is making a wrong decision in doing what it is doing and is setting out the precedent that it is establishing for the future.

Therefore, Mr Speaker, for all the reasons that I have outlined, I think that this Parliament should not be setting the precedent that it is setting, which is just that by mere dint of the fact that somebody is an Independent – not elected into this Parliament as an Independent – that

person is entitled to form part of every single select committee. And I have risen, Mr Speaker, because the Hon. the Chief Minister appeared to indicate that that is precisely what the Government intends to do.

765 I have to say, I am going to think about things very, very carefully over the next seven days, but at this stage of my political career I do not have to hide from anybody. I have always been known to speak my mind, more so now than ever, and I feel so strongly about this particular issue that I will be considering my own position within the Select Committee over the next seven days, because I think that this one I might have been prepared to just allow under the radar, but
770 it is the precedents establishing for the future.

And lest anybody says, 'This is a piece of political vindictiveness by Feetham', let me set the record straight. I was one of the biggest supporters in the Executive of the decision to have a joint platform with the hon. Lady on education. I believe that you have got to make the right decisions for Gibraltar and to the extent that it is possible for the Opposition to come together
775 and hold the Government to account on issues, I think that is important.

And look, if the hon. Member wanted tomorrow to join his members of his group and return to the GSD, I am not going to attempt to block him at all. I am not, as indeed I left before he left. He did not have to leave because of me, so I am nobody's political beard, but what we cannot do is just simply ignore realities and ignore what is going on in this Parliament and in politics today,
780 with Mr Llamas and the people around him, and something that the Hon. the Chief Minister knows that is happening. And I for one, just cannot just remain seated and not express my views about this.

Mr Speaker, thank you very much for your indulgence. *(Banging on desks)*

785 **Mr Speaker:** Is there any other contributor to this motion? If not, I will call – Yes, the Hon. Lawrence Llamas.

Hon. L F Llamas: Mr Speaker, I am grateful for the Government on bringing this motion to the House giving effect to that commitment of including Independent Members of the House in
790 relevant select committees and I look forward to contributing in this Select Committee and any other further select committees requiring our attention as we move forward.

Unfortunately, Mr Speaker, it was never my intention to cause any harm to the GSD whatsoever. It has certainly not been my intention to do anything that may in any way negatively influence the process of consolidation, repair and rebuilding which I expect the GSD is
795 engaged in, following its leadership election.

It is clear on the party's own admission that the GSD is at a critical juncture in its path and in that context, the return of a credible and capable people who once sat on that Executive should be welcomed and not resisted.

It would seem, Mr Speaker, that Mr Feetham is unable to accept the possibility that I have
800 developed a rapport with such people – people who remain GSD members and people who hope and keep the possibility of rebuilding bridges alive. This is, in my view, the approach the current Leader is hoping to engender, and I would have expected and would have welcomed a more positive approach, especially from Mr Feetham.

I do not wish to reopen the reasons for which I left and resigned from the party I once stood
805 for. For whatever reason and from the party's own admission, there was a communication breakdown on such an important issue and on the analysis of facts, I had been left out of a decision-making process on such an important Bill such as the Appropriation Bill.

It was my view, Mr Speaker, at the time that I had to put Gibraltar first and my party second. It was my view that voting against the Budget, however much I agree with the arguments put in
810 favour, Gibraltar in the context of a Brexit backdrop needs to unite. Mr Speaker, Gibraltar at this point in time, needs parliamentarians to have faith and to support the Government of the day and to show a vote of confidence in Gibraltar, in its economy, in its workers and in its public service.

815 Mr Speaker, unfortunately the main Opposition Party, the GSD failed to realise the implications of their actions or lack thereof. When the original motion for the Brexit Select Committee arrived in this House, they unflinchingly allowed the original motion forming various select committees, debated in this House, to go through. Back then, they made absolutely no mention of any dissatisfaction with this setup and therefore endorsed what they now consider a weakening of the GSD Opposition.

820 This, once again, Mr Speaker, exposes the lack of foresight the GSD has and the characteristic hypocrisy of the party. It is quite rich, Mr Speaker, for a party who has a leader in this House, and a party who has a leader outside the House, to make representations to the GRA on challenging the legitimacy of how broadcasts are done by GBC, even though the leader of the party does not enjoy a seat in this House. But for it, Mr Speaker, it is the audacity to challenge a democratic, legitimate participation of a Member of this House in a select committee.
825 Mr Speaker, it is deplorable and you simply could not make it up.

All this, Mr Speaker, while still publicly declaring a desire for the return of past Members. It is awfully confusing, Mr Speaker, but awfully confusing is what the GSD appears to have become. *(Laughter)* A leader inside and a leader outside. *(Laughter)* Being led, or perhaps misled, by the other Independent Member to make joint statements is utterly confusing.
830

Mr Speaker, the GSD is asking who I represent. *(Interjection)* Yes, I do my homework and I am committed to what I do. *(Interjection)* The GSD is asking who I represent. Well, Mr Speaker, I represent those who contact me, those who know I am always on the other side and, Mr Speaker, in particular, I represent many of the GSD members who are lost, many of the electorate who are lost.
835

What qualities do I have, Mr Speaker? I am not one to judge myself. I shall let the electorate do that, if I do stand again. But what I can say, is that I do possess a vision and an initiative which they so far have failed to provide this community. Unlike a former member of my party, a former colleague I should say, I consider my parliamentary allowance to be simply a stepping stone in order to fulfil my commitment in this House and a way in which I can provide for my family. I do not consider it, Mr Speaker, to be my holiday money.
840

Mr Speaker, for me it is a privilege to serve this community and I shall ensure and endeavour that that privilege is always met. No doubt, Mr Speaker, I shall be voting in favour of this motion *(Interjections)* on the basis that it is legitimate, that I should be included following the precedent set in this House by all its Members.
845

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

Mr Speaker: Is there any other contributor? The Hon. Roy Clinton. *(Interjections)*

850 **Hon. R M Clinton:** I rise only to talk about numbers. *(Laughter and banging on desks)* I am glad to have brought a smile to people's faces.

Mr Speaker, the original composition in terms of ratios of the original Select Committee, in fact as it stands today is in a proportion of four to two to one; I am happy to be corrected on that. But with the proposed amendment, it becomes five to two to one to one.

855 So from the point of view of the Opposition, regardless of the arguments we have heard this afternoon, the Official Opposition of which the Government must recognise we are the majority on the Opposition benches, there being five of us, no longer have a majority of the Opposition views in that Select Committee.

And where the Government have been very careful to ensure that their representative majority is retained, we being the Official Opposition, have lost ours. And, Mr Speaker, it is on that point I feel that the proposed amendment is inequitable because all the Government has to do is add one more Member from the Official Opposition and then perhaps we might be satisfied in terms of ratios at the very least.
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Thank you, Mr Speaker. *(Banging on desks)*

865

Mr Speaker: Any other contributor?

I call on the mover to reply.

870 **Hon. Deputy Chief Minister:** Yes, Mr Speaker. I think little did the Government know that when we tabled a two-line, seemingly (*Laughter*) perfectly innocent motion for this House, it was going to lead to this kind of discussion.

But I have to say that in 19 years as a Member of this House, I have seldom heard such nonsense coming from an official Opposition. (*Laughter and banging on desks*) (*Interjection*) And I think, as the hon. Member said, it was unfortunate and that it was remarkable that this motion
875 had been presented. What is unfortunate and remarkable, I think, is the lack of pure political acumen that is continued to be displayed both inside this House and outside it.

And they said that the rationale for the motion had not been fully explained. But, Mr Speaker, the reality is that the rationale *had* been fully explained to them. It has been fully explained by me, by email to the hon. Member when he asked what it was. I told him then and I
880 agreed from the email, the position of the Government is that select committees should contain as wide a representation of Parliament as possible. We believe that Mr Llamas is therefore entitled to be on the Committee and to have his views heard within its formal structure.

It is also our view that such committees should be composed of one more Government MP than all the Opposition MPs combined. The proposed arrangement for the Brexit Select
885 Committee would provide for four Opposition MPs and five Government MPs.

The further expansion of the Committee runs the risk of making it unwieldy and unworkable in the context of Gibraltar, were six Government MPs to continue, or to sit as members of the committee for no good reason. And then I told him that we would have to agree to disagree on
this one.

890 So, Mr Speaker, the rationale behind the decision taken by the Government to propose the motion was fully and properly explained to the hon. Members opposite. When they are going to accuse the Government of indulging in party politics over this issue, I think the reality is in them indulging in their own internal intra-Opposition party politics, which really has got absolutely nothing to do with us. (*Interjection*)

895 When the hon. Lady left the Opposition, the official Opposition as Mr Llamas I think has rightly explained, the Government then changed the structure of all the Select Committees and decided to add the hon. Lady to each of them. (*Interjection*) Then to balance that, a Government MP was also added to each of those Committees.

900 So, Mr Speaker, what we are proposing to do now with Mr Llamas is exactly what we did when the hon. Lady left the Official Opposition. It is exactly the same.

We believe, as I said, that there should be as wide a representation of parliamentary views as possible on the Committee. What we cannot do is to add an MP from the official Opposition every time that an MP is added or an Independent MP is added to the committee. That would then require us to add a Government MP as well and we will end up with a situation where we
905 have more than half the Government sitting on the select committee. So, Mr Speaker, that is simply not possible and is not going to happen.

So, we took the view as I said that Mr Llamas is entitled to be on it and whatever views he may care to express on the important subject of Brexit, he is therefore entitled to sit on the committee and to express it.

910 But I should also add, something that was said earlier about who represents who and who do each of us represent. The reality, Mr Speaker, is that, as the Chief Minister rightly said, Members are elected individually and that we sit as Members of Parliament also on each or any select committee.

915 But this whole situation reflects very poorly not on the Government as the Leader of the Opposition has said, but I think the petty, short-sighted and nit-picking approach they have taken reflects very poorly on them, Mr Speaker. That they should seek to exclude an Independent Member with clearly different views to them and to the other Independent

Member, from expressing an opinion on a select committee, is unacceptable and undemocratic. It also betrays, I think, a singular lack of knowledge of what select committees are for and how they work.

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I have had the opportunity to sit on every select committee in this House in the last nearly 20 years that I have been a Member of it, and the hon. Members should know that this idea of having more MPs from the official Opposition than Independent MPs on the committee, really shows that they do not know what they are talking about, because each individual Member represented on a committee is free to dissent or to disagree with the view expressed by the majority of Members on that committee.

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And there can be, and there are in the UK and in other places, there is a majority report expressing the majority view of the committee on any given issue and there are then also minority reports on minority views expressed on whatever that issue might be. So the actual manner and the procedures, the way in which select committees operate, allow for that to happen already, does not require for there to be more MPs from the official Opposition than there are Independent Members on it.

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And I think, Mr Speaker, I have to say also that I think it is particularly inappropriate, and I did raise this issue with them too, that they should choose to raise this particular issue with this particular committee, which is a Select Committee about Brexit, which is a hugely important issue of our time – not only for Gibraltar but also for the wider United Kingdom and European Union, where we have tried I think, as far as possible, to be as united as we can in the views that we express, indeed in the information that we provide to the hon. Members opposite and where we are trying to work together for the wider interests of Gibraltar.

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There are other select committees already in existence where they could have taken this view and perhaps behaved in this petty and inappropriate manner with regard to those issues, which are still also considerably important – I would not try to diminish that – but on Brexit, Mr Speaker, to choose Brexit to raise this issue is wrong.

940

I think it was, the hon. Member mentioned this idea that Mr Llamas was the last one who had been elected and that it took a swing of 10 or 14 votes. Well, I think my answer to that, although really it is perhaps not for me to answer, but my answer is that look, Members are elected and elections are lost by one vote. So if it was 14 or 9 or 10 or 15, so be it. But it just takes one vote to lose an election. That is what democracy really is all about.

945

And who do we represent? Well, Mr Speaker, all 17 of us represent the 32,000 people of Gibraltar. That is who we represent. Each of us represent all the people of Gibraltar, not just the people who voted for you. **(A Member: Hear, hear.)**

950

So, I think as I said before, it is intolerant of different opinions, it is blinkered, it is undemocratic, it is holier than thou, and is an approach to politics that we thought was confined to the dustbin of history in 2011. So I was very sorry to hear all this resurrected again in this particular motion on Brexit.

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So, Mr Speaker, as I said earlier, the Government value having Independent voices on the committee. It is our policy that those voices should be there and before I close on the motion, I give way to the hon. Member who I think wants to say a few words.

960

Hon. Chief Minister: I am grateful to the hon. Gentleman for giving way, Mr Speaker, because in the course of the intervention that the hon. the former Leader of the official Opposition – *(Interjection)* former, former Leader of the official Opposition made, he told us that he had considered not making any intervention and it was just something I said that moved him to become involved in referring us to the cold calculus of logic.

965

Well, Mr Speaker, what he is missing is the abacus of parliamentary mathematics and that is what he has got to put in the balance. The abacus of parliamentary mathematics tells us that we started with ten and we have still got ten. They started with seven and then they lost one, and now they have lost another one. And for that reason, Mr Speaker, it is necessary for us to act in

970 the way that we are going to act by supporting the motion that the Hon. the Deputy Chief Minister has put before the House.

He started with a theory, Mr Speaker, that because Mr Llamas no longer sits with the GSD whip, he now represents no one – or at least no one that the GSD does not also already represent, although he wants us to think that that does not apply to the hon. Lady because she said that she is going to stand for election with a political party in the future.

975 Well, Mr Speaker, that may be true about the future. The hon. Lady may seek her own independent mandate in the future, but the hon. Lady's position is, as he knows, whether he shares the view or not, that she has an Independent mandate today because she had 4,892 votes. That is the position.

980 Why should the position of the Hon. Mr Llamas, because he had 4,565 votes, be any different? He may or may not yet evince an intention to stand for election in the future, with her, with them, with us or with the wolf, (*Laughter*) but that does not change his position, Mr Speaker. It does not change his position at all today and the regard we must have for the democratic legitimacy of his position in this House.

985 Mr Speaker, he then presented the work of select committees as if we had not on this side understood what the work of a select committee is here and in the United Kingdom and indeed, in the work of the former select committees that have been in this House, including important ones like the ones on the Constitution. It is because we understand the work of select committees that we have thought it appropriate to bring this motion and have indicated that we will bring similar motions in respect of other select committees.

990 And, he told us in one breath that the GSD is not breaking up, although he then told us in another breath, in what was clearly, Mr Speaker, a further fit of pique, that there are some within the GSD who are working with the hon. Gentleman, Mr Llamas. Well, Mr Speaker, we may not be a million miles away from thinking that breaking up is hard to do, unless you are in the GSD these days, because the breakup does not seem to have ended yet. The fissures may not have become entirely visible to all of us on this side of the House or in the public yet.

995 The example he gave of the breakup of the IWBP is perhaps the wrong example for him to have chosen, for a simple reason. Good students of history, other than those who have lived history like Mr Bossano or Mr Speaker, will have read in the Deputy Chief Minister's book on the political history of Gibraltar that in fact those who stood with the Gibraltar Democratic Movement, did not just leave the GDM after the breakup of the IWBP; they left the GDM and then were seduced by the clutches of a formidable actor then as Leader of the House, and they crossed the floor.

They did not become Independents, Mr Speaker. (*Interjection*) Mr Mascarenhas and –

1005 **Mr Speaker:** The Hon Mr Mascarenhas was not a Member.

Hon. Chief Minister: Mr Mascarenhas was not a Member, you're right. The Hon. Brian Perez (*Interjection by Mr Speaker*) and Mr Valarino crossed the floor, Mr Speaker, at the time. They did not stay Independents, Mr Speaker. So that is not the best example to have chosen.

1010 And what if they all went Independent, Mr Speaker? Well, he did not say that this would not happen, which was interesting. The hon. Member said, 'What happens if we all go Independent?' without saying, 'but of course that will not happen', because of course with the underlying tensions, there is very little GSD on the other side, Mr Speaker. There is the Hon. Mr Clinton, Mr Reyes; but I look up and the rest of what I see is PDP and Labour Party so it could still go a million miles from where it is today.

1015 What happens if they all go Independent? Well then, Mr Speaker, I suppose we would ask them as a group of Independents, to nominate who they would like representing the Independents on the select committee (*Laughter*) because it would be impossible, Mr Speaker, to have a select committee of the House with seven Independents in it without having at least eight Members of the Government.

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But then there would not be an official Opposition. Doesn't he realise that the example that he postulates lacks logic because there is no official Opposition in that example; there are seven Independent Members? That is the reality and that is not what we are dealing with.

1025 And if there are people, Mr Speaker, in the GSD who are working with Mr Llamas as he has said today, well then, Mr Speaker, it is important that we hear their voice and we will not hear it from him, we will hear it from Mr Llamas who is working with them. He has legitimised the exercise that we are doing in that respect.

1030 He pretends to try and drive a wedge between us on this side of the House, by saying, 'Of course, if you were saying Sir Joe Bossano should be a member of the Select Committee, well then, we would take a different attitude. Does the hon. Gentleman think that we did not ask Sir Joe Bossano whether he wanted to be a Member of the Select Committee before we determined who should be in the Select Committee?

1035 But he should know Sir Joe well enough that Sir Joe says he wants to spend more time at his desk if possible and give us his input in Cabinet, which is the place where we have the benefit of the input of Sir Joe Bossano, of Gilbert Licudi who he mentioned, Albert Isola, Paul Balban, Neil Costa, Samantha Sacramento, John Cortes and Steven Linares. We do not need to bring them into a select committee to hear their contribution. Frankly, it is nonsensical to have made that attempt to drive a wedge between us. We meet together in the Über-Select Committee every Monday morning.

1040 'And what has Mr Llamas got to offer?' he says in such a derisory fashion that it is impossible for him, the hon. Gentleman, to not demonstrate the utter vindictiveness with which he has approached this debate. Now, we saw some of that vindictiveness in the now legendary press conference that he gave when he retired as Leader of the GSD. He talked about dogs and canine issues and I am not going to talk about crocodiles and tears, Mr Speaker, but we saw some of that vindictiveness then.

1045 If Mr Llamas is putting together a group, it is even more important that we hear what he has to say in the Select Committee. If there are people assisting him, we must hear their views. But how does he know that he represents no one but the people who voted GSD. Is it that we do not have secret elections in Gibraltar, Mr Speaker? We have a secret ballot, don't we? How does he know that the 4,565 people who voted for Lawrence Llamas are included in the 5,054 that voted for him? How does he know that?

1055 There is enough difference, Mr Speaker, between 10,852, which is the number of people that voted for me and 5,054, the number of people that voted for him, that they could represent the 4,565 that voted for Mr Llamas. Hasn't he worked that out? People who voted for him might have been called Peter and Keith and the people who voted for him might have been called Ned and Marlene for all we know, Mr Speaker. So it is just utter nonsense to say his votes are represented by the GSD. It is just remarkable, Mr Speaker, that we have heard that in this House today.

1060 And if the hon. Gentleman is going to pretend that he was not pejorative, then to refer to the hon. Gentleman as a wolf and talk about canine aspects of what he does, Mr Speaker ... I mean to think that he got up and said that it was wrong to have referred to a dog show, when the hon. Gentleman was not here and he now talks about canine aspects of what the hon. Gentleman can be an expert at, and talk about wolves –(Laughter) the petty crusade was never clearer than at that moment.

1065 But it was not on this side, Mr Speaker. The petty crusade was on the lips of the hon. Gentleman and I apologise to Mr Phillips, Mr Speaker, the Leader of the official Opposition because I thought he was getting his prompts from WhatsApp and from beyond this House; he was obviously getting them from just across the way from next door. He did not need an electronic device; he had the former, former Leader of the Opposition to give him all of the vindictiveness and pettiness that was required, because that was clearly what was coming across.

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1075 But for him, Mr Speaker, of all people, to get up and say that politics is not ventriloquy, well Mr Speaker, tell it to Michael Bain – that is what I say. But I will say one thing, Mr Speaker, to the hon. Gentleman. It is true that in politics and here, he and I are fully in agreement: if you want to succeed you have to suffer defeat as well. He will recall the editorial of the former editor of *The Gibraltar Chronicle* who referred to the cold steel of election night, cold steel that we have both felt on election night, Mr Speaker. That is absolutely true.

1080 I give him another quote to match the one he gave us. Nixon said on the day of his impeachment that his supporters and those who worked with him should not have pity for him, because it was only by being in the lowest valley that he could understand the value of having been atop the highest mountain, namely to have held the office of President of the United States. If somebody wants to hold high office, Mr Speaker, they have to have the courage to suffer defeat in elections. Otherwise, the political system that they want to operate in is not the political system that he and I have operated in with relative amounts of success.

1085 So, Mr Speaker, he talked about, in all of that context, people having to come out of the shadows; but he was the only one shadow boxing in the course of this debate. He was the only one who seemed to be talking not at Mr Llamas, but at someone else, Mr Speaker, in the context of this debate. In fact, I will say that one of the reasons I miss him so much, Mr Speaker, is because he is probably, he is the only person who can masquerade as wholesome in the way that he presents himself in debate, whilst actually being petty and vindictive like no one else.

1090 But to talk about wolves, Mr Speaker, when he is the perennial wolf in sheep's clothing, especially in the way that he has presented the arguments today – and I am very sorry to have seen us reach that level of discord in the context of a debate on enlarging the Brexit Select Committee – something as important, as the Deputy Chief Minister said, as Brexit.

1095 I can only say, Mr Speaker, that in respect of the things that Mr Llamas has said when he referred to the 'characteristic hypocrisy of the GSD', I sometimes feel with him that I have found a political soul mate, Mr Speaker, and that when the *Hansard* of this debate is available, I will ask him to autograph a copy of his speech and give it to me for posterity. Because it is absolutely right, Mr Speaker, that hon. Members of the official Opposition opposite present themselves as wanting democratic legitimacy and wanting parliamentary debate and then when we come to a moment where we seek parliamentary involvement, they try and shut it down.

1100 I can only say one thing, Mr Speaker, to this community today after this debate. The Deputy Chief Minister, the Attorney General, the Cabinet, the Financial Secretary, who is an important part of the team also, the Brexit team must be doing a pretty good job for Gibraltar if the Opposition think that the use of parliamentary time to which they have put the last hour makes any sense in the context of the challenges facing this community today.

1105 And, Mr Speaker, I know that the Deputy Chief Minister will now rise to commend the motion to the House. Before he does, I will say, Mr Speaker, that involving the hon. Gentleman opposite I think is a demonstration of the inclusiveness of the debate that we want to have in the context of this difficult moment, but that today in this debate more than one mask has slipped and once they slip, they can never go back.

1115 **Hon. Deputy Chief Minister:** Mr Speaker, I commend the motion to the House. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Deputy Chief Minister.

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

1120 **Hon. Chief Minister:** Mr Speaker, I think that it is appropriate for the purposes of history and *Hansard* that we call a division.

Mr Speaker: A division, very well.

A division was called for and voting resulted as follows:

FOR

Hon. P J Balban
Hon. Dr J E Cortes
Hon. N F Costa
Hon. Dr J J Garcia
Hon. Ms M D Hassan Nahon
Hon. G H Licudi
Hon. S E Linares
Hon. L F Llamas
Hon. F R Picardo
Hon. Miss S J Sacramento

AGAINST

Hon. R M Clinton
Hon. D A Feetham
Hon. T N Hammond
Hon. E J Phillips
Hon. E J Reyes

ABSENT

Hon. J J Bossano
Hon. A J Isola

1125 **Mr Speaker:** Two Members are absent. There are 10 votes in favour, 5 against. The motion is carried. (*Banging on desks*)

**Rules on Points of Order and giving way –
Ruling by the Speaker**

Mr Speaker: Before we move on to the next motion, there is something that I feel bound to say. I must draw the attention of hon. Members to the Rules of Debate, Rule 45(10):

No Member shall interrupt another Member except:
(i) [on] a point of order ...

and then Rule 45(10):

(ii) to elucidate some matter raised by another Member in the course of his speech, provided that the Member speaking is willing to give way and resumes his seat and that the Member wishing to interrupt is called by the Speaker or Chairman.

1130 I think the intervention this afternoon of the Hon. the Leader of the House goes beyond that. It goes beyond the spirit of that Rule. What has happened I think is that sometime between 1991 and 2012, this practice grew. It did not happen during the years that I was a Member of the House of Assembly.

1135 Yes, a Member might give way, say, on the Government's side or on the Opposition's side, to give one of his colleagues an opportunity to make a point. But to make a point is not to make a speech and what we have had this afternoon from the Chief Minister is a speech. Therefore, the Government have had really two rights of reply and that is wrong.

1140 When the Hon. Mr Feetham spoke, I suspected that the Chief Minister would want to answer him. If it had been the other way round, if Mr Feetham had spoken before the Chief Minister spoke in the debate, he would have answered him in the course of his speech. But of course, having lost the opportunity in the debate, he then had to ask his colleague to give way in order to make a speech answering Mr Feetham. I believe sincerely, as Speaker, that that is not the spirit of this Rule and I hope hon. Members will agree. I hope the Chief Minister will agree that he went beyond the bounds of clarifying a point.

1145 Now, given that it is also incumbent on the Speaker to call the Member, because the Rule says (a) a Member must give way and (b) the Speaker has to call the Member, I feel today that the spirit of that Rule has been exceeded, and I hope that that practice will not continue in whatever time there remains for me to be Speaker, because if it were to continue, then I will invoke the Rule which requires that I call the Member, because then I will not call any Member to interrupt.

1150 Having said that, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am very grateful for that clarification. As you said, this is a practice that has built up in the time that you have not been here, but I think your Ruling is a helpful one. We shall ensure that of course, we abide by your Ruling and the spirit of the Rule that you have referred us to, which I have no doubt is exactly as we should be behaving.

1155 But hon. Members will know that with so much talk of sheep and wolves, it was essential that I get up and reply.

Mr Speaker, I think this might be a convenient moment for us to recess for 15 minutes for a comfort break before we come back to deal with other business.

1160 **Mr Speaker:** The House will now recess for 15 minutes.

The House recessed for 15 minutes.

**Gibraltar Courts Service –
Caseload and waiting times; monitoring need for fourth judge –
Motion carried**

Mr Speaker: The Hon. the Minister for Health, Care and Justice.

1165 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

‘THIS HOUSE:

ACKNOWLEDGES the work of our excellent Judiciary, Justices of the Peace and the Gibraltar Courts Service in upholding the highest standards of judicial independence and ensuring the effective administration and delivery of justice in Gibraltar;

NOTES the oath made by the Minister with responsibility for justice, pursuant to the Judicial Services Act 2007, which provides that the Minister should discharge his duty to ensure the provision of resources for the efficient and effective support of the courts;

NOTES that the appointment of judges on a temporary basis to deal, when the need arises, with the short-term needs of the judiciary, namely, backlogs of specific types of cases, dates back to 2011;

FURTHER NOTES that in 2014 a need was identified for a fourth judge to be employed on a temporary, fixed-term basis for a period of three years in order to clear a general backlog of civil cases in the Supreme Court and that, with the contract having come to an end, the backlog being cleared and in the context of Brexit, the Government deemed a fourth judge, in that role and at that time, unnecessary to the effective working of the Courts;

NOTES that the Honourable Mr Justice Dudley, Chief Justice, at the Opening of the Legal Year on the 29th September 2017, stated that-

- 1. he did not have any legitimate expectation that the post would continue beyond the 3 year term;*
- 2. it was always clear to him that the funding was made to provide for the short-term needs of the judiciary and this was not a permanent increase to the judicial complement and;*
- 3. “The judiciary, like any public service needs to justify the need for resources and that includes justifying an increase of the judicial complement. I will be monitoring the impact which the reduction in the number of judges has upon the*

workings of the court and if the evidence justifies it, I will seek to persuade Government to reconsider its funding decision.”;

AND THEREFORE RESOLVES that the Government should, in close consultation with the Honourable the Chief Justice and the Bar Council, keep the case load of the Courts and the waiting times for cases under constant review, so that, if evidence justifies it, the need for a fourth judge may be reconsidered in order to meet the short-term needs of the judiciary AND that such review should pay particular attention to future demands regarding complex and high value litigation and any impact that the proposed legal assistance reforms may have on current resources.’.

Mr Speaker, I am pleased to say that the text of this Government motion has been agreed with the Hon. the Leader of the Opposition and therefore counts with the support of the official Opposition.

1170 I am also pleased to say, Mr Speaker, that both hon. Independent Members, the Hon. Ms Marlene Hassan Nahon and the Hon. Mr Lawrence Llamas, have also agreed and that therefore the motion enjoys the support of the whole House.

1175 There is no doubt in my mind, Mr Speaker, none whatever, that our judiciary upholds at all times the highest standards of judicial independence and that the service works tirelessly in ensuring the effective administration and delivery of justice in Gibraltar.

I remind Parliament of the Oath which, as Minister with responsibility for Justice, I took under the Judicial Services Act. The Oath provides among other vital duties, that I will ensure the provision of resources for the efficient and effective support of the Courts.

1180 Mr Speaker, this is a duty that I, like all the previous incumbents in the post have taken with the utmost seriousness and we have all given the Oath the weight and attention it deserves. In fact, it is an opportune moment to note that the investment and commitment of Her Majesty’s Government of Gibraltar, as well as the excellent work of the Judiciary and Court Services, has meant that there continues to be no backlog at the Magistrates’ Court and the Supreme Court in respect of dates provided for criminal trials and for civil and family applications waiting for first hearing dates.

1185 Furthermore, the Gibraltar Court Service continues to modernise and improve the services provided to court users. In this respect, since October 2016, court users can enjoy the use of Wi-Fi facilities in all of the courtrooms. The Gibraltar Court Service website continues to be regularly updated, with judgments being available for the Supreme Court and Court of Appeal since 1997 to date.

1190 Since January 2016 sentencing pronouncement for criminal trials at the Supreme Court are also available to download from the website, enabling the general public and the service users to keep up to date with court decisions.

1195 Further, the Laws of Gibraltar Judgments website continues to be up to date, with all reported judgments since 1812 available for download, with future reported judgments to be uploaded subsequent to the publication in the Gibraltar Law Reports Volumes.

The Gibraltar Court Service is constantly looking at ways in which to improve the services and level of performance, with court users today enjoying a modernised, open and approachable court service, through which the public can have access to the justice system.

1200 Of course, Mr Speaker, as the Hon. the Chief Justice has pointed out, the making of provision for the administration of justice in a small jurisdiction such as ours is as much an art as a science. It is, when one looks at, for example, the number of senior judges required, an art that necessitates finding the right balance between having sufficient resilience to cope with unforeseen extraordinary demands whilst not being at the same time over-resourced and therefore wasteful. Such a delicate assessment is all the more necessary given the uncertainties

1205 that the current Brexit position brings to our shores.

It is against this background, Mr Speaker, that the custom of appointing additional judges on a temporary basis is, in the Government’s view, adequate and sufficient to address the short-

1210 term needs of the judiciary, namely backlogs of specific types of cases such as criminal trials or complex commercial matters.

The solution, Mr Speaker, as I have had occasion to note previously, dates back to 2011 and commenced under the then GSD administration. The criteria set out for such an appointment by the then Minister for Justice is the same as it is today. Short-term appointments will be made and I quote:

‘for a limited period to help with the backlog of cases and the idea is to have a temporary appointment, so effectively as and when there is no need for that fourth judge, we will go back to three judges.’

1215 It is on exactly the same basis, Mr Speaker, that the Government decided that the most recent appointment of a fourth judge in 2014, which was for a fixed three-year period to deal with a backlog of civil cases, was no longer necessary for the efficient and effective support of the courts. This decision was made in the context of the backlog having been cleared and, as mentioned, in the context of Brexit.

1220 The motion, Mr Speaker, sets out the most salient points that the Hon. the Chief Justice had set out in the context of judicial resourcing, namely that it did not have any legitimate expectation that the post would continue beyond the three-year term. It was always clear to him that the funding was made to provide for the short-term needs of the judiciary and that this was *not* a permanent increase for the judicial complement and that, and I quote:

‘the judiciary like any public service needs to justify the need for resources and that includes justifying an increase of the judicial complement. I will be monitoring the impact which the reduction in the number of judges has upon the workings of the Courts and if the evidence justifies it, I will seek to persuade Government to reconsider its funding decision.’

1225 It is also, Mr Speaker, important to note that the Hon. the Chief Justice set out that, in the context of the decrease in civil claims, the Government’s decision was not unreasonable and that the three remaining judges should be able to cope with the demands that are made of the Supreme Court.

1230 Mr Speaker, the Hon. the Chief Justice has to date not sought to persuade the Government to reconsider its funding decision.

Mr Speaker, it is of course right that I and the Government should keep the caseload of the courts and the waiting times for cases under constant review and that this should be in consultation with the Chief Justice and all relevant stakeholders.

1235 Mr Speaker, as in 2011 and as in 2014, if the evidence justifies it, funding for a short-term, fixed-period puisne judge will be made available to meet the needs of the judiciary at that point in time. I am more than happy for the need to keep this under review, to be included on the face of the motion as it is already the case.

1240 I am also happy to agree that the possible areas that should be most closely monitored are those of high value civil litigation and the possible impact of the legal assistance reforms on judges’ caseload. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Minister for Health. Does anybody wish to ... ?

Yes, I call upon the Hon. the Leader of the Opposition.

1245 **Hon. E J Phillips:** Mr Speaker, initially, firstly I would like to seek leave of this House to withdraw the motion that stands in my name of 13th October 2017 in respect of this particular issue of judicial resourcing.

1250 Mr Speaker, the starting point for my contribution, of course, was the original motion that we have now sought leave to withdraw. Both the Minister and I have enjoyed a useful discussion in an attempt to deal with the contents of this motion which has been agreed by way of consensus and agreement. Although we describe it, Mr Speaker, as a joint motion, clearly the Rules do not

provide for a joint approach in the way that was suggested and therefore, mechanically it has been done in this way.

1255 Both the Minister of Justice and I met to discuss the redraft. That was circulated and it is our hope, Mr Speaker, that the joint motion will reflect the unquestionable support that this House has for the function and role of the judiciary in our community and the administration of justice.

1260 Mr Speaker, it is of course, common ground that all Members of this House hold in high regard the work being done by our judges to preserve, protect and advance the administration of justice in Gibraltar. Our judges are very ably supported by the work of civil servants and in the Court Service.

1265 Mr Speaker, there is a strong bond between the legal profession, the Courts and many of us in this House, who have the privilege of working in the court environment on each day. Many of us will recall fondly not only our time preparing and appearing before our judges past and present, but also the friendly and efficient interaction with the Court Service and the Registry.

I am sure that both – if she was here – the Minister for Housing and Mr Licudi, who I see here, will remember our many interactions as opponents at the Bar and our almost daily contact in a set of interesting cases which dominated the resources of the Acting Chief Justice as he was then.

1270 Our legal profession, Mr Speaker, our judiciary and our Courts have seen radical changes in the last 16 years. We have all in this House been impressed with the investment that the Minister talked about in his contribution and the redevelopment of our Courts into a modern court complex which by any standard, and from comments that I receive from visiting professional cousins, our Courts are the envy of many of the British Overseas Territories.

1275 Mr Speaker, we have four Supreme Court rooms which can cater for any type of case from complex fraud, international commercial disputes including commercial trust disputes, to serious crimes involving vulnerable witnesses. I am proud of what we have done in respect of the investment into our court infrastructure and our human capital. I am especially proud as a commercial litigator, when I am asked to express a view of our court structure and our judges, and to demonstrate to the outside world the high value and high regard in which our judiciary is held by people abroad.

1280 Mr Speaker, if we are serious – and this was the reason why the original motion was put in that language – about attracting big business to our homeland, then we have to be equally serious about ensuring that we respond accordingly to having a robust judicial resource that can be called upon by litigants to have their disputes adjudicated here. Our legal disputes are becoming more complex, more technical, with values of some cases eclipsing our own GDP. Dealing with cases such as these brings new opportunities to develop our jurisprudence even further and to show to the outside world that we are able to adjudicate important cases that involve the common law. Just as the Cayman, the BVI, Jersey and Guernsey have developed a body of trust law, for instance, so should we.

1285 Mr Speaker, if we are serious about creating more access to justice from those who cannot afford to vindicate their rights in terms of the legal assistance, we will need a robust and flexible justice system that delivers to the ordinary citizen. Mr Speaker, the Government has announced, following a consultation with the legal profession that it intends to increase the threshold for legal assistance from £5,000 to £14,000, which may well see an increase in litigation before our courts.

1295 We should be live to the impact of those reforms on our judicial resources and I think it is appropriate that the Minister, when he has talked to the motion on the second page, has referred to that specifically after our discussion at his offices. This is something that both the Minister and I focused a great deal of time on.

1300 Mr Speaker, I am fortunate, as Mr Licudi, Miss Sacramento and Mr Feetham have, to be involved in very complex and high value litigation, which from time to time places very significant pressures on the resources of our Courts. Members will know that it does not take long for a fairly busy judge to be entirely overtaken by one complex criminal or commercial case.

1305 It is said by the Government and echoed by the Attorney General in his speech at the Opening of the Legal Year, that the number of actions instituted may be down on previous years. That is right, Mr Speaker, but on the ground, cases are becoming more complex and more document heavy than ever before. Therefore, we should be careful to rely solely on statistics in an area which requires a degree of flexibility.

1310 Mr Speaker, the Chairman of the Bar, in the Opening of the Legal Year, said, amongst other things, that the number of cases are only a small and not a decisive indicator of the need for judicial resources nowadays, he said. The lower numbers of cases that hit the Courts are also significantly more complex both in terms of issues that they raise and in terms of the volume of paper that they generate. That requires resources. In a jurisdiction with three or four Supreme Court judges, it is easy to see the emergence of a couple of complex trust matters or a long criminal matter in effect put a judge out of action for a long time.

1315 Mr Speaker, the Chief Justice in his unprecedented statement also said that the judiciary required this degree of flexibility. He said that the workload of the court cannot be measured exclusively by relying upon statistics, but it is also dependent upon the complexity of matters coming before the courts. The Chief Justice went on to say:

‘Because we are demand led, it is also useful to retain an element of flexibility, which the extra judicial resource provides. Therefore, whilst I understand the decision not to fund the post of a third puisne judge at this stage, it is one that I will seek to persuade Her Majesty’s Government to reconsider.’

1325 Mr Speaker, the front-line litigators on both sides of this House will appreciate the force of both points that I have raised on this issue. The motion, Mr Speaker, has been brought to this House on a joint basis and on a collaborative approach, as both sides of this House clearly wish to ensure that our judiciary receives the appropriate support it needs to perform its vital function.

I have set out, Mr Speaker, two practical examples which I hope reflect on the ground views in response to the production of judicial resources. There are of course, important matters of principle that I would just like to raise very shortly... thus far, in terms of the position that has been adopted so far by the Government.

1330 On 17th August, Mr Speaker, the Government said that the reduction of the number of Supreme Court judges will not make our court less agile or robust. Secondly the Government say that the policy of fixed-term judicial appointments was implemented by the GSD. Thirdly, it is said on behalf of the Government that in 2014, a need was identified for a fourth judge to be employed on a temporary fixed-term basis in order to clear the backlog of civil cases in the Supreme Court. Fourthly, Mr Speaker, it was said that the fixed term had come to an end and in the context of Brexit, a fourth judge was deemed unnecessary to the effective working of the Courts.

1340 If I can deal with those particular arguments that were deployed by the Government in this way. Firstly, as regards GSD policy yes, the Government is correct: just as the Government has done, the former GSD administration had utilised fixed-term judicial contracts in line with the Commonwealth Latimer House principles on the three branches of Government.

1345 Latimer House addressed the question of judicial appointments and said judicial appointments should normally be permanent, whilst in some jurisdictions, contract appointments may be inevitable. Such appointments should be subject to appropriate security of tenure. Secondly the appointment judges on fixed-term contracts requires special justification.

1350 Secondly, Mr Speaker, Latimer House acknowledges that fixed-term contracts in small jurisdictions may be inevitable, where there is a shortage of candidates with the legal skills and experience required at that level. However, Mr Speaker, the Venice Commission recommends strongly against the use of fixed-term contract appointments for ordinary judges, due to the concern about judicial independence, although the Commission makes an exception for constitutional judges who are appointed for fixed-term contracts in some European countries.

1355 It is true, Mr Speaker, that the making of non-permanent judicial appointments is controversial and the IBA Minimum Standards of Judicial Independence in 1982 recommended the practice should be avoided as far as possible, except where they exist along democratic tradition.

1360 In summary, Mr Speaker, there is clearly a debate about the efficacy of fixed-term contracts, but I am inclined to agree with the Minister of Justice that in a small place like Gibraltar and in the absence of willing members and senior members of the Bar to be able to make that contribution to our legal precedent, we may need to look beyond our country for suitable candidates on fixed-term appointments. In our view, it is not a question of the efficacy of the fixed-term appointments; it is a question of funding.

1365 This brings me to the second point. The Government has said that with the contract having come to an end, the backlog cleared and in the context of Brexit, a fourth judge has been deemed unnecessary to the effective working of the Courts.

1370 Mr Speaker, as the Minister for Justice did refer to in his contribution, he swore an Oath to this House under section 7 of the Judicial Services Act, which guarantees the respect for the rule of law, defence of the independence of the judiciary and a discharge of his duty to ensure the provision – and this is the key point – provision of resources for the end, for the, and effective support of the Courts.

Mr Speaker, the Chief Justice in his unprecedented statement and the Chairman of the Bar are clear in their views, which I have already repeated to this House and I understand the Minister of Justice also repeated the comments from the opening of the new year.

1375 I know from my dealing with the Government and particularly the Minister of Justice on this issue that they will keep a close eye on judicial resources with close consultation with the Chief Justice, the Bar Counsel and the Bar generally, given the likelihood that they may have to return to a fourth provision within our judiciary.

1380 Mr Speaker, this brings me neatly to the main thrust of the position and that is one of funding, which is an important thread running through. Mr Speaker, Principle IV(b), Guideline 2 of the Latimer House Principles declares the following:

Sufficient and sustainable funding should be provided to enable the judiciary to perform its functions to the highest standards. Such funds once voted for the judiciary by the legislature, should be protected ...

The footnote to that declaration states the following:

The provision of adequate funding for the judiciary must be a very high priority in order to uphold the rule of law, to ensure that good governance and democracy are sustained and to provide for the effective and efficient administration of justice. However, it is acknowledged that a shortfall in anticipated national income might lead to budgetary constraints.

Finance ministries are urged to engage in appropriate consultations in order to set realistic and sustainable budgets where parliaments should approve to ensure adequate funds are available.

1385 Mr Speaker, in summary and although there has been much debate on the question of the fourth judge publicly, we hope that the raising of this issue in this place and the joint collaborative approach adopted by the Government and the Opposition will serve as an example how our continued co-operation on the question of matters that relate to the delivery of justice and access to justice.

1390 Our courts are in many respects the window to the common law world and interactions with business high-end commercial activity is often played out in our courtrooms. It is with this that is at the forefront of our minds, alongside the important legal assistance reforms which demonstrates to many that there is a real requirement for flexibility and the resourcing of our courts.

Mr Speaker, in a number of common law jurisdictions, commercial courts have been established to deal with complex matters and one day, I would like to see our courts being

1395 resourced to that level. Step by step, Mr Speaker, we shall develop but we must ensure that we do not take a step back in the level of judicial resourcing and expertise.

Mr Speaker, I would commend the motion to the House. (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to contribute to the debate on this motion?
The Hon. Lawrence Llamas.

1400 **Hon. L F Llamas:** Mr Speaker, I would just like to say that I am glad that the Brexit context has been taken into account and acknowledged in this House, a context requiring a prudent and sensible approach to the management of the public purse, and I shall hereby support the motion.

1405 **Mr Speaker:** Any other hon. Member?
I call upon the mover to reply.

1410 **Hon. N F Costa:** Mr Speaker, I think it is a very good thing that the whole House has unanimously supported the motion on the administration of justice. I think it shows that there is consensus on this issue. I just want to reply on a few matters that were raised by the Hon. the Leader of the Opposition.

1415 He said that we should not rely solely on statistics but I want to assure him that that is not the case. I think that statistics are important to the extent that they show that there was a vertiginous drop of I think it was 60% from one year to the other in ordinary civil claims and that from 2015 to 2017, the drop is still something like 40%.

1420 So, although he is right to say that statistics cannot be the only yardstick, and we agree with him completely, it is also true to say that it is a salient fact. But I have given a commitment to the Hon. the Leader of the Opposition, and indeed to Parliament and therefore the wider community, that we will keep a close eye on the potential of complex commercial matters overwhelming the judiciary because there may be interlocutory applications, submission of large volumes of documentation and that therefore, whereas there may be a lower number of civil cases, one or two civil cases could in effect overwhelm a judge more than a particular number of cases.

1425 So we have agreement across the floor of the House that it is not only the number but also the complexity of any particular case, which is why we both say on the face of the motion, that we will keep a particular eye specifically on complex commercial matters and also, the impact on the legal assistance reforms.

1430 I wish to say, in respect of the legal assistance reforms, that there has also been unanimity both from the former Leader of the Bar, which is the Leader of the GSD and also the Chief Justice, during the course of the Opening of the Legal Year, that the legal assistance reforms as currently formulated and put to the community will result in a significant increase in the access to justice, which is why I agree with him entirely that we should have made particular mention of any potential impact on judicial resources that may come from the positive consequence of having more members of our community having access to legal assistance.

1440 He did say, and I really do not want to sound controversial in saying this, during the course of his contribution that 'it is said by Government'. With respect to him, it is not said by Government; it is said by the entirety of this House. It is also said by him, because the motion, although presented in my name on behalf of the Government, also enjoys his support. So all the matters raised in that motion in fact are agreed by all of us.

1445 Therefore, Mr Speaker, I think it is fair to say that in respect of the practice instituted in 2011 of having fixed term appointments, we are persuaded and the hon. Gentleman at the conclusion of his contribution, also said that notwithstanding concerns about the potential impact on access to justice due to the legal assistance reforms, the possibility that the judicial calendar may be overwhelmed as a result of a particularly complex commercial case, as a result of interlocutory

applications and so on, that they are inclined to agree with the Government that fixed-term appointments in a small jurisdiction such as ours, are necessary.

1450 He makes the point, and I am going to disagree with him on this point only: he says that it is a question of funding, but with respect to him, for us it has never been about funding. The contract clearly stipulated that the contracting of this particular fourth judge was expressly stipulated within for the short-term needs of the judiciary for a fixed period of time, so that both parties knew that there was a particular period of time in respect of which this fourth judge would be serving the community.

1455 And in that respect, it bears mentioning that the Hon. the Chief Justice himself, in the Opening of the Legal Year, himself says that he did not have any legitimate expectation that the post would continue beyond the three-year term and it was always clear to him that the funding was made to provide for the short-term needs of the judiciary and that this was *not* a permanent increase to the judicial complement.

1460 As a result, Mr Speaker, it is not that we are taking a step back; it is that we are returning to the usual complement of the Supreme Court, which comprises one Chief Justice and two puisne judges. Therefore, Mr Speaker, for all of the reasons that I have mentioned, I commend the motion to the House. (*Banging on desks*)

1465 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Minister for Health, Care and Justice. Those in favour? (**Members:** Aye.) Those against? Carried.

ADJOURNMENT

Mr Speaker: The Hon. the Chief Minister.

1470 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am conscious that there are other motions on the Order Paper and I know that hon. Members have been giving indications that they do not wish to progress with them today, given that the time at which we find ourselves makes it impossible for the House to sit for much longer and so, Mr Speaker, I am going to move that the House should now adjourn *sine die* – with this final thought.

1475 Thirty-seven years ago today, in a parliament in the Iberian Peninsula, shots were fired. Today in this Parliament, the only bullets flying are the words we throw at each other in democratic debate, Mr Speaker, and long may it be so in this place, that we never have to commemorate anything like that, Mr Speaker.

I now move that the House should now adjourn *sine die*.

1480 **Mr Speaker:** The House will now adjourn *sine die*.

The House adjourned at 5.17 p.m.