



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 6.40 p.m.

Gibraltar, Thursday, 18th January 2018

Contents

Prayer	4
Confirmation of Minutes	4
Communications from the Chair	4
Congratulatory to Sir Joe Bossano KCMG MP on receiving knighthood from Her Majesty the Queen	4
Papers to be laid	16
Questions for Oral Answer	16
Economic Development, Telecommunications and the GSB	16
Q1/2018 Chinese trade mission – Tangible outcomes	16
Q2-5/2018 Public debt, liquid reserves and General Sinking Fund balance – Figures as at 1st October 2017	17
Q6-7/2018 Government supply workers – Maternity leave; services provided	18
Culture, the Media, Youth and Sport	19
Q8/2018 Gibraltar Sports and Leisure Authority – Grade 9 Administrative Assistant post ...	19
Q9/2018 GSLA indoor facilities – Cancellations	20
Q10/2018 GSLA facilities – Criteria for whole season bookings.....	21
Q12/2018 Garrison Gymnasium – Policy re use	21
Q13/2018 Ministerial direct allocations over £2,000 – Government website	23
Q14/2018 Gibraltar Music Festival – Impact of change of dates	26
Q15/2018 MTV Gibraltar Calling – Viewing figures.....	27

Infrastructure and Planning	30
Q16/2018 Castle Steps – Ramps	30
Q17/2018 Upper Town escalator – Breakdowns and costs	30
Q18/2018 Fixed Penalty Notices – Forward-facing motorbikes	31
<i>The House recessed at 5.06 p.m. and resumed its sitting at 5.27 p.m.</i>	34
Culture, the Media, Youth and Sport	34
Q9/2018 GSIA indoor facilities; cancellations – Further information	34
Environment, Energy, Climate Change and Education	35
Q19/2018 DNA testing of dog faeces – Number of samples tested, results and fines	35
Q20/2018 Beach lifeguard services – Privatisation	36
Q21-22/2018 Skywalk – Confirmation of completion and reason why not yet open; admission charge	36
Q23/2018 Gibraltar Nature Reserve Management Plan – Publication of final version	37
Q24-25/2018 Upper Rock Nature Reserve – Works to remove <i>Chasmanthe Floribunda</i> and <i>Acanthus</i> plants	38
Q26/2018 2016 <i>Thinking Green Digest</i> – Publication date; air pollution data	38
Q27/2018 Thinking Green underwater camera – Current status, breakdowns, maintenance and repair costs	39
Q28/2018 Environment Charter 2006 – Current status	39
Q29-31/2018 Europa Foreshore tunnels – Sampling; environmental management plan; environmental impact assessment	40
Q32-35/2018 Renewable energy – East Side power generator serviceability and output; proportion of total power from renewable sources and targets	41
Q36-37/2018 LNG facility – Safety report	42
Q38 and 42-43/2018 Cleaning of public areas and facilities – Tenders received; current workforce;	44
Q39/2018 New buildings and refurbishment of schools – Update re completion dates, contractors and costs	46
Q40/2018 Gibraltar Teachers’ Association – Review of salaries structure	47
Q41/2018 St Martin’s School – Provision of new bus	47
Commerce	47
Q70 and 83/2018 Business licensing process and regulation of real estate agents – Updating of legislation	47
Q71-82/2018 Financial Services Commission – Appeals by licensed entities; appointment of inspectors; appointment of skilled persons and hybrid skilled persons with powers of an inspector; new licences issued; enforcement strategy	49
Housing and Equality	51
Q47/2018 New affordable housing scheme – Expressions of interest forms received	51
Q48/2018 Regulation of private landlords – Government position	52
Q49/2018 Disability Act 2017 – Delay re coming into force	52
Q50/2018 Supported independent living – Plans for those with mental health problems ..	53

Q51/2018 Housing waiting list – Backdated applications	54
Q52/2018 Housing matters – Lack of statistical information on Government website.....	54
Deputy Chief Minister	55
Q84/2018 Key worker housing – Update	55
Q85/2018 Bayside, St Anne’s and St Martin’s Schools sites – Expressions of interest received	56
Q86/2018 Chinese and Commonwealth nations – Nature of interest in Gibraltar.....	57
<i>The House adjourned at 6.40 p.m.</i>	57

The Gibraltar Parliament

The Parliament met at 3.03 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Thursday 18th January 2018 – Order of Proceedings.

(i) Confirmation of Minutes. The Minutes of the last meeting of Parliament which was held on 22nd November, 5th and 6th December 2017.

5

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

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Congratulations to Sir Joe Bossano KCMG MP on receiving knighthood from Her Majesty the Queen

Clerk: (ii) Communications from the Chair.

10

Mr Speaker: This item on the Agenda affords me the opportunity to pull rank. Moreover, the fact that I was first elected to this House on the same day as the Hon. Sir Joseph Bossano, back in 1972, perhaps also makes it appropriate that I should be the first one to congratulate the hon. Member today.

15

By any yardstick, an unbroken period of public service of 45½ years and still going strong is a remarkable achievement and throughout that time, the hon. Member has always fought Gibraltar's corner without fear or favour.

I am delighted that his well-deserved knighthood can also be enjoyed by his wife, now Lady Rose Bossano, who has been a pillar of strength for him.

20

My sincere and heartfelt congratulations to the hon. Member and to Lady Rose. (*Banging on desks*)

The Hon. the Chief Minister.

25

Chief Minister (Hon. F R Picardo): Mr Speaker, if you have known him for 45-plus years, you know that Joe Bossano is the hardest taskmaster that there is in Gibraltar politics. If you do

nothing, Mr Speaker, in your life, you will do nothing wrong – except of course that it is wrong to do nothing.

If you do things, Mr Speaker, especially if you do a lot, it is likely that amongst all the good that you have done, you may also do something which is not entirely to the pleasure of all those
30 around you and Joe Bossano, Mr Speaker – Sir Joe Bossano KCMG MP, (*Interjection by Mr Speaker and laughter*) as I believe his name will now feature in the *Hansard* of these proceedings, has done a lot for this community, Mr Speaker. He has done perhaps more than most for this community.

He has, therefore, in my view, Mr Speaker, rightly earned the respect of most, if not all in our
35 community. And he has delivered more than most for this community. He is also therefore, necessarily incurred the displeasure of some, when he has thought it necessary or appropriate in the public interest of Gibraltar to do so, and quite right too, Mr Speaker.

He has been the person who has most developed in the public consciousness of Gibraltarians the doctrine that the right of self-determination is acquired through the attainment first of the
40 self-sufficiency of a people.

Mr Speaker, he is a man who has led on issues of union rights, he is a man who has led on issues of human rights and of course he was the man who in great measure led the battle on parity.

He led us through a difficult period when the Ministry of Defence was withdrawing the amount of spending it made in the Gibraltar economy. He transformed Gibraltarians into a
45 community of home owners. He introduced the concept of the mandatory scholarship for undergraduates and I can tell hon. Members in this House and in the community at large that when the time came to have the debate to prepare the manifesto for the 2011 General Election, it was him leading the argument that we should introduce mandatory scholarships also for
50 postgraduates in today's economy.

He led on the concept of reclamation to gain land from the sea and to be able to extend further our community. And of course, one of the incarnations of which he is proudest is Community Care: a charity that every quarter has a positive effect on the lives of so many of his fellow Gibraltarians. I will not say 'fellow pensioners', Mr Speaker; I will just stick to 'fellow
55 Gibraltarians'.

But going back a little further and perhaps in terms of the most apposite today, Mr Speaker, this is a man who led in respect of the various processes that required opposition from Gibraltar. Whether it was the Strasbourg process, the Lisbon process or the Brussels process and the
60 bilateralism linked to the United Nations resolutions that saw the transfer of the Gibraltar sovereignty into Spain, they found a rock of opposition in Sir Joe Bossano from the mid-1970s, when the attempts began to try to suck Gibraltar into those processes.

Then as Chief Minister, Joe Bossano, as he then was, led the return of Gibraltar to the United Nations. Mr Speaker, that return continued unabated whilst Joe Bossano was in Government; it continued whilst hon. Members were in Government, except for this agreement between us as
65 to attendance at the C24 after 2006.

Joe Bossano continued whilst he was in opposition, funding the trips out of his own pocket because he thought it in the interest of Gibraltar to turn up at New York every year on two occasions and to go to the UN seminar wherever that might be held in the Pacific or in the Caribbean, where he is recognised by the secretariat of the United Nations as an authority on
70 the right of self-determination of the people of the non-self-governing territories.

Mr Speaker, I should add that in respect of the latter, in respect of the seminar, they paid his way for some time because they wanted him involved in those deliberations of theirs.

Mr Speaker, therefore, in the context of all of that and all of the things that Joe Bossano has done which I cannot reflect just in the moments that we have here as we begin our
75 parliamentary session, in the things that I have written about the merit of this award since it was made, those who know Joe Bossano know everything that he has done and anybody who studies the history of Gibraltar will realise the impact of the return to Gibraltar of Joe Bossano in 1972

and the effect it has had on the plans some others might have had for the future of this community.

80 Therefore in the grant of this honour, Her Majesty the Queen has not just rightly recognised somebody who I think the whole community is proud to see take a knighthood, but I see personally huge vindication of the legitimacy of the stands that Joe Bossano has taken since 1972 and vindication, if I may say so, for all those of us who have stood with him and I do not just mean for election, but who have stood with him in respect of the defence of the principles
85 that he has espoused, in respect of the policies that he has espoused and in respect of the politics that he has represented and represents.

If I may say so with respect, Mr Speaker, I will say proudly that in my view, and I believe it is the view of all his Government colleagues, no one in the modern era has done more for Gibraltar to remain British than Joe Bossano – sometimes even in the face of the British, and I think that is
90 the most important part of the contribution that Joe Bossano has brought to the modern history of Gibraltar. In our view therefore, Mr Speaker, Her Majesty could have chosen no better knight to continue to guard against any erosion of her unhindered dominion over British Gibraltar.

But I do think, Mr Speaker, that Sir Joe Bossano will be no silent knight. I do not expect that he is going to keep his views to himself, now that he has been knighted, in a way that others
95 might think was more appropriate. I think that this vindication, this recognition is simply going to spur him on to do more and that is exactly the effect that those of us who believe in him would want to see.

Joe Bossano, Mr Speaker, I think has still got a lot to do. He represents a part of the past modern history of Gibraltar, he represents the present and I think he also represents a huge part
100 of the future. He hates it when anybody gets up and says something nice about him. Imagine how much he must be hating the fact that we are all saying things about the fact that he has been honoured by Her Majesty herself! It must be embarrassing indeed to be lauded in your own presence, but it is a sign of his longevity that he is lauded whilst he is still a Member of this Parliament and still very active. It is a recognition of what he still has to contribute.

105 I say to the House today that the Government will, at the appropriate time, be moving a motion to bestow, with the support I hope of the whole House, the Freedom of the City of Gibraltar on Sir Joe also, now that Her Majesty has recognised his contribution as well. We think on this side of the House that it is important that the recognition of the people of Gibraltar in the way that the people of Gibraltar bestow that recognition also be considered.

110 Now, I suppose he will have to declare a conflict of interest and not vote on that motion, but it will be the best way of reflecting the requited love of the people of the Rock who he loves so much. Mr Speaker, he is to all of us an inspiration and a mentor. (*Banging on desks*)

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

115 **Hon. E J Phillips:** Mr Speaker, may we on this side of the House echo the sentiments expressed by Mr Speaker and the Hon. the Chief Minister and congratulate Sir Joe and indeed Lady Bossano and his extended family for this great honour that has been bestowed on Sir Joe.

120 Clearly the Chief Minister has set out the background to the honour insofar as Sir Joe's commitment – the commitment of the Father of the House to Gibraltar – and unquestionably 45 years of politics is certainly an unquestionable commitment to Gibraltar, despite where we sit on this side of the House.

125 There are many areas on which there has been disagreement over the many, many years between Sir Joe and his opposite numbers on this side of the House, and when he was sat on this side of the House, but clearly that is not for today. Today is to warmly and genuinely congratulate Sir Joe on his honour and also to remind our community of the work that he did together with others, in relation to our transition from an MOD-based economy to part of what it is today, together with others that led after him.

130 It is also true that we are reminded of his efforts and his work in relation to parity. And most importantly for me in fact is that most Members in this House of course are beneficiaries of the mandatory scholarship and the work that Sir Joe has done in relation to education and the development of opportunity for young people in our jurisdiction. I think many in this community, if not all of us that have been the beneficiaries of that, owe him a great debt insofar as the work he has done to develop opportunity for young people.

135 Although we may disagree moving forward and I think Sir Joe and I have had various debates on the question of how we increase opportunity and offer better opportunity to those in our community moving forward, it is right to recognise the hard work that Sir Joe has done in relation to mandatory scholarships, together of course in creating a nation of home owners, which I think is again an achievement that he should duly be recognised for.

140 What we say in this House, certainly on this side, is that we warmly congratulate him on this great honour and that for Lady Bossano. *(Banging on desks)*

Mr Speaker: Dr Joseph Garcia.

145 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I would also like to if I may, to congratulate my friend and colleague, Sir Joe Bossano on the award of this honour by Her Majesty the Queen.

150 As you have rightly said, from 1972 until 2018 having the confidence of the electorate and of your fellow countrymen in election after election and being elected to this Parliament and to the House of Assembly before it for such a long period of time, is a record for Gibraltar and 45 years is the longest period of time that anybody has been elected to any of our institutions. That is a truly remarkable achievement.

155 I think one trait that Sir Joe has always shown is that his expositions and has taken positions on principle and not on their popularity, and that has continued throughout the years and it continues indeed to this day.

The analysis I recall he made at the time of the Brussels Agreement, of the Lisbon Agreement, at a time when people were taking different views on it, have been borne out in the fullness of time. It has been shown that the analysis that he made after these agreements were struck was actually the correct analysis and these views are now widely shared by everyone, even by those who opposed and who took a different opinion at that moment in time.

160 In 1965 he started with the pro-integration movement and since those days until today I think, Joe is still a revolutionary at heart, somebody who has never sought honours for himself and who probably finds, as the Chief Minister has rightly said, this whole process of congratulations uncomfortable and embarrassing.

165 The reality is that he deserves nothing less. He has been an ardent exponent of the Gibraltarian identity; he has contributed to its development significantly; the establishment of National Day in the early 1990s; his defence of Gibraltar at the United Nations – all that adds to the record that he has created in defending this community locally and abroad and in advocating our right to self-determination and our equal determination to reject the Spanish claim.

170 So it is, Mr Speaker, a very well deserved honour. It is an honour for him, for Lady Rose, for this House and indeed for our country as a whole. *(Banging on desks)*

Mr Speaker: The Hon. Daniel Feetham.

175 **Hon. D A Feetham:** Mr Speaker, I am delighted to be able to rise and to add my own voice to the voice of the Chief Minister, the Deputy Chief Minister and the Leader of the Opposition in congratulating Sir Joe and also Lady Rose on what is by any measure, in my view, a well-deserved and indeed a belated honour that should have been bestowed on the hon. Gentleman a long, long time ago.

180 It is a great privilege and also it is a great honour to represent this community and also to do
what he has done, which is to lead this community for eight years in what has been a career
spanning 45 years. But it is also phenomenally difficult as well to be a leader of this community
and indeed to represent this community, even though it is a great privilege. The size of Gibraltar,
185 the closeness with the electorate, it bring with it dynamics that make it at times very difficult
indeed.

There is one quality which the Hon. the Deputy Chief Minister alluded to which I have always
admired in the hon. Gentleman, and that is that he makes and he also defends decisions,
however unpopular those decisions may be, but he takes them out of principle. In my view, that
is something that our electorate expect out of its politicians. It is something that our electorate
190 respect in its politicians and you do not have to agree with the decisions that people take, but
you do respect the fact that people do make, as the hon. Gentleman does, decisions out of
principle.

As he knows, because he knows that even though I am one of the fallen – one of the fallen! -
that I came to Gibraltar in order to follow him. He knows that. Things did not work out, but that
is the reality of the situation. I have spent the last 17 years opposing him! (*Laughter*) But I did
195 come back in order to follow him.

There are two principles that he has always adhered to that I have, in my own political career
and indeed as Leader of the Opposition, sought to weave into my own political discourse, out of
conviction, and that is firstly the resolution to be resolute in the defence of our homeland; but
200 secondly, that in order to be resolute in defence of our homeland in the long run, you must also
be able, in a community like Gibraltar, to be able to say no to people when that is justified, to
live within your means, to make sure that you save for future generations, and to make sure that
you have an overriding duty to protect the standard of living not only for working class people,
but indeed for everybody in Gibraltar today but also tomorrow too; and that that part of that
205 Gibraltarian way of life that you are protecting is also protection against outside pressure from
Spain, from the United Kingdom. It is terribly important that we live within our means, that we
always have sight of those kinds of issues because they are – in my respectful view and I have
always understood it, that is also his discourse – inextricably wound up.

I have to say, Mr Speaker, that although I have spent 17 years opposing the hon. Gentleman,
210 I am proud that my family has always and will always be linked with the hon. Gentleman and
stood shoulder to shoulder with him right up to the end of the 1990s, when my father resigned
from politics. I have absolutely no hesitation in adding my voice to congratulate the hon.
Member. (*Banging on desks*)

215 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I rise from this corner of the House to congratulate
the hon. Gentleman. We have not always agreed on much, but I suppose that maybe we can
220 agree on the fact, coming from a political family, that politics takes its toll on the family as much
as on the politician himself or herself.

So I take this opportunity to wish congratulations to Sir Joe and his entire family on this
knighthood.

Thank you. (*Banging on desks*)

225 **Mr Speaker:** The Hon. Neil Costa.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I think it is the very first
time ever that I stand in this House to congratulate and to speak on the merits of a particular
person. I think that it is in the character of Sir Joe that he should be a living legend today in our
230 politics.

I remember, Mr Speaker, in St Anne's, when in 1987 the class was asked as to whom parents would vote and every single person in that class – and there are other persons in this building today, who were also part of that class – who held up their hands to say that they would be voting for Sir Joe and his team. It is incontrovertible, Mr Speaker, that Gibraltar underwent a transformation during those eight years, in terms of the mandatory grants where students who wanted to go to university and who may not have obtained three As nonetheless went. I thought that was transformative.

I think the fact that there was so much reclamation and co-ownership and affordable homes built for the community, that was transformative, Mr Speaker, and also of course as has been mentioned, the tenacious defence of Gibraltar's interests abroad in foreign affairs. Very few people will also doubt that Joe was also transformative and fearless in the way that he defended Gibraltar.

Mr Speaker, Sir Joe for me has always been an inspiration and certainly a guiding light. I do not think I have ever told him this, but I in fact was drawn to politics when I was in St Anne's because of his programme, because of his politics. Every day he has served as a true inspiration for me. He always has time for me to provide guidance and to provide advice.

He has been a tireless and fearless promoter I think of all of us on this side of the House, always ready to help, always ready to provide advice, always ready to be painfully honest when required and, Mr Speaker, from the bottom of my heart I wish to sincerely thank Sir Joe and Lady Rose. I think that it is most certainly a most well-deserved and richly deserved honour and I could think of no-one better to be knighted than Sir Joe Bossano. *(Banging on desks)*

Mr Speaker: The Hon. Lawrence Llamas.

Hon. L F Llamas: Mr Speaker, from the other corner of the House, I would like to congratulate Sir Joe Bossano and his family and anybody who supports the last 45 years in which he has been serving this community.

For my part, having served this community for just two years, knowing what it entails, the endurance that Sir Joe has had over the last 40 years is admirable and I congratulate him.

Thank you very much. *(Banging on desks)*

Mr Speaker: The Hon. Dr John Cortes.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I had the honour and pleasure of serving with the Hon. Sir Joe Bossano when he was Chief Minister. I was the General Manager of St Bernard's Hospital at the time and we achieved great things then.

I also had the honour and pleasure of working with Lady Rose Bossano when she was a union representative. We developed an excellent working relationship and took the health service very far and completely converted the old health service at the time, back in the late 1980s, and gave it another boost of life, which we then took on again when we were elected more recently.

Apart from that, Mr Speaker, I do not know whether other people are aware that it was in the Government of Sir Joe Bossano that the first Minister for the Environment and the first Ministry of the Environment was created.

It was during his time and because of his vision and his commitment to the environment that the Botanic Gardens were created, that the Nature Reserve was created, that nature conservation legislation was created. So that Sir Joe Bossano had a profound effect on my own life personally and I owe him much of my development since then, but also to the environment and the governance of the environment in Gibraltar.

I am not going to repeat everything that has already been said that I totally agree with, but I thought I had to add my own personal congratulations. We go back a long, long time and I never

thought at the time that I would have the honour and pleasure of serving with him as a Minister in the Government.

285 So, my own personal congratulations to Sir Joe, Lady Rose and all the family, who I know very well. *(Banging on desks)*

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, I too wish to add my congratulations to Sir Joe because, Mr Speaker, I think I have known Sir Joe since the day I was born. Mr Speaker, I was born in the same year that Sir Joe founded the GSLP and I am a
290 third generation member of the party that he created. It is therefore, no surprise, Mr Speaker as to why all my life I have looked up to Sir Joe Bossano, particularly because of his socialist principles that he has enshrined throughout his life and in Gibraltar.

Mr Speaker, I have to have particular gratitude to Sir Joe because I am one of those in the generation of Gibraltar that we have to be particularly grateful to the visionary policies that
295 were introduced in the late 1980s and the early 1990s such as the grants that were given to students, Mr Speaker. I and people of my generation are examples of the success of the policies of Sir Joe Bossano's Government at the time.

Mr Speaker, we all know that Sir Joe's principles and steadfast ideals are unquestionable and it is always about having Gibraltar and the best for Gibraltar and Gibraltar citizens in his heart. I
300 frequently refer to Sir Joe as my role model and as a legend, and I know that he hates it when I say it but it is true, Mr Speaker: you cannot help but feel like that with someone who has been a very close family friend all my life.

I therefore wish to also extend congratulations to Sir Joe, to Lady Rose and all of the family.
(Banging on desks)

305 **Mr Speaker:** Perhaps for the sake of the accuracy of *Hansard*, I should have said that that was the Hon. Samantha Sacramento.

The Hon. Albert Isola.

310 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, Sir Joe is probably having the worst time in Parliament in 45 years this afternoon, but I think it is absolutely right and proper that we should be airing our thoughts on an individual whose contribution to Gibraltar, as the Chief Minister has said before, I think is unprecedented.

It is impossible in the time that we have today to begin to list each of the things that he has
315 been involved in, whether it is defence of our community, whether it is in relation to our health services, our housing, our education, our business community and indeed our economy. Because in each of those areas that I have mentioned, his contribution and the work that he did between 1988 and 1996 is absolutely critical and crucial to the success that we enjoy today.

Because what he did in those years was do what was joked by Members on the other side of the House as, 'Oh yes, so Joe Bossano is going to deliver an economic miracle!' The truth is, he
320 actually did. Because what he did in those eight years in the transformation from the MOD to a private sector based economy was an absolute economic miracle. And the success that we have enjoyed since then can be traced and tracked very simply back to the work that was done in that time.

325 A few of the speakers today have talked about his vision and I think that is absolutely right. When you rewind the clock to 1990 and you imagine a socialist Chief Minister of Gibraltar engaging with a professional accounting firm, like KPMG I think it was at the time, who were instructed by Joe – *(Interjection)* PWC my apologies – who were instructed by the Chief Minister at the time to do a review of our entire financial services product range to see how they could
330 be improved, to see how they could be adapted and made more fit for purpose at the time, the first and only time it has ever happened. And those same products today are still being used by our professionals every day of the week. That is the sort of vision that Sir Joe has brought to Gibraltar and to this Parliament and that is which we should be applauding.

335 But there is another side to the man which we all know and love. Every single time that
Sir Joe has stood in an election in Gibraltar in the 45 years that he has been, whatever the result
the day after the election, he has gone back to thank the people in all the estates that voted for
him. You would say that is clever politics: it could be, but to do it every time you have lost an
election, to still go back to the people and thank them for trusting you with their vote, is
340 something that I have never, ever seen before and I am delighted that this party, under our
current Chief Minister's tenure, is continuing with that programme in thanking people for their
support the morning after an exhausting night, when people have voted for you at the election.
That tells you a little bit about the principles-based individual that Sir Joe is and has led by
example for all these years of service.

345 Mr Speaker, when I heard the news of the appointment, I was absolutely overjoyed and what
struck me most was that many of my friends who have not voted for him every time that he
stood for election like I have said to me was that they too were delighted, because even they
recognise the contribution, not just to Gibraltar but its structure; its fundamental base of
success in its economy is down to Sir Joe. Even they, those who have not voted for him, fully
agree that this honour is necessary and very, very richly deserved.

350 I have had the benefit of working with Joe within this party since 1987-88 but of course as a
young child when Sir Joe would come home to my house in Bell Lane, in the days of the IWBP, I
had the pleasure as a younger child of having spent many, many fantastic hours listening and
learning from this wonderful Gibraltarian.

355 So it is with huge pleasure that I congratulate Sir Joe, Lady Rose and the family on an honour
that is absolutely deserved and I am delighted to be a part of the Parliament that is here to greet
him.

Thank you. *(Banging on desks)*

Mr Speaker: The Hon. Paul Balban.

360

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, I cannot remain
seated and not contribute and therefore also I wish to associate myself with the comments
made here today.

365 I have had the privilege of sitting at the left hand of this man, the Father of the House, for six
years; now giving me also a great opportunity to share time with him and to discuss matters
while I sat behind him. A man who, love him or not, agree with him or not, you cannot fail to
recognise what he has done for Gibraltar and its people. His beliefs and his actions have been
purely dictated by what in his mind he felt was best for Gibraltar and its people, and he has
stood by this regardless as a man of principle.

370 I have many things to thank Sir Joe for, not least his work on the Government's mandatory
scholarships for all, which allowed me to gain an education and countless others in Gibraltar. His
addictive attraction to the youth and its work with them is something quite remarkable and
special.

375 I see countless young people run up to him to greet him or simply shout out his name, 'Joe,
Joe', and I have been present when this has happened and you can see the immense pride
within him every time that happens.

380 Only yesterday I was given a photo of him taken at this year's New Year's bash standing with
my eldest daughter, the same daughter who clung to him just a few years ago now, thinking that
he was Father Christmas – but if not Father Christmas himself, she was already thinking that
there was something very special in him.

Sir Joe is synonymous with Gibraltar. I wish to congratulate him for his work and his wife,
Lady Rose for her years of support. I am sure that she would love me to say that clearly behind a
great man, there is a greater woman.

Congratulations, Sir Joe. *(Banging on desks)*

385

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, the Members of this House I think have already said a great deal about the qualities and virtues of Sir Joe. I alas have only known him in active politics for the last two years. But I can say, Mr Speaker, from my heart, that it has certainly been an experience (*Laughter*) and in every exchange that we have had across the floor I certainly do learn something new each time. I think just for that, Mr Speaker, I thank Sir Joe for his contribution to politics.

He said recently, I think in a *Chronicle* interview, that he felt that if in Gibraltar and in politics you could make a contribution you should do so. I think, Mr Speaker, he has certainly done so – 45 years' worth of doing exactly that. I do know he is a man of conviction, a man of principle and I salute him for that, and I think the people of Gibraltar also salute him for that.

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

Mr Speaker: The Hon. Steven Linares.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, in honouring Sir Joe, I can say that when I returned from the UK in 1987 to become a young teacher, one of the things that I did was join the union and join the GSLP. I was a member of the GSLP for a long time and during the time that I was in the union, one thing that I remember when I was negotiating with him, Juan Carlos and Joe Moss, one of the things that were very clear to me was that if you made your case, whatever the case, and you made your arguments, then you would be listened to and they were implemented. That was Joe Bossano who at the back used to say, 'If you can justify why you should get things, you will get them'.

Due to differences that we had, I presented myself in 1996 and lost my deposit and there was a change of Government. But in the year 2000, when the Liberal Party and the GSLP got together, one thing that I asked Joe Garcia to say to Joe Bossano was, 'Look, I have been very much of an opposition against the GSLP in many cases. How do you feel now that I present myself with you?' I can tell you, there was not a shadow of doubt because Sir Joe actually realised that I was defending the teachers and that what was I was doing was as a matter of principle, and that is why he used to agree with these things.

After that, from the year 2000, I sat on that side in the Opposition because that is when the GSLP Liberals were in Opposition as an alliance, and I can tell you that the experience, the wise advice that I used to get from Joe Bossano in helping me draft questions, in helping me deal with the issues at the time is immense. I could not have had a better person helping me draft questions and getting statistics, which he used to love me to get from the utilities, whether the utilities were ... how many units things were costing and all that.

But it is a learning curve. Whatever I know now about politics and whatever I know now about this House is thanks to Sir Joe. He has given me a vision and that is why it is very easy for me to be on this side and to be serving in a Government with Sir Joe.

So, Sir Joe, thank you very much for helping me and I think you really deserve what you have got and also Lady Rose, I would also like to congratulate her.

Thank you very much. (*Banging on desks*)

Hon. T N Hammond: Mr Speaker, I do not rise simply to continue to the misery that Sir Joe must be enduring or indeed to –

Mr Speaker: Let me say for the record of *Hansard*, the Hon. Trevor Hammond.

Hon. T N Hammond: – or indeed because I do not want to be the only one in this House not to rise and say something in terms of congratulating Sir Joe, and indeed I do congratulate Sir Joe. In the two years that I have now spent in this House, I have learned to appreciate a very

different side to Sir Joe that I was not aware existed prior to entering this House and that is a side that represents a man who dearly loves politics. I will not say loves politicians, but whether
440 you are with him or against him, he has a deep respect for what you do and say. That is always very evident in interactions both in this House and indeed outside of this House.

So in that regard I think the honour is wholeheartedly deserved. The surprise for me was not so much that the honour was extended to Sir Joe, but that he accepted. (*Laughter*) But there you go! (*Interjection*)

445 So Sir Joe and all your family, congratulations. (*Banging on desks*)

Mr Speaker: On this historic day, 18/1/18 – again I am pulling rank – something that I forgot, really, is that Members have mentioned the extent to which the hon. Member was responsible for improvements in various areas of public administration.

450 I recall how from 1972 to 1980 with his questions from that side, from the Opposition, he influenced the work of a young Minister for Labour and Social Security who adopted measures like legislation against unfair dismissal, linking the level of old age pensions to average earnings. Those were matters which, from where the hon. Lady is sitting, he urged me to adopt and I was very happy to do so. A lot of the credit is due to him in that respect as well. (*Banging on desks*)

455 And last but by no means least, the Hon. Edwin Reyes.

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

It is indeed a real personal pleasure for me to be able to stand up today and round up and re-echo, and re-echo the ... what is it the 15 or 16 ...? (*Interjection*) Yes, the congratulatory
460 messages towards Sir Joe.

Sir Joe and I, I do not know if he remembers or not, actually first came into contact in a formal situation way back in 1973. I had just left school and was working as an extremely young civil servant at the time and I had joined the GGCA union. Sir Joe was considered as a walking legend already back in 1973. They were the early, early days of the fight for parity and Joe
465 Bossano sat there in his right as a branch officer of the TGWU and certainly we all looked forward, like my colleagues have said, to the inspiration that Joe gave. He always came across as an extremely fair person, he came across as someone who would never be afraid to call a spade a spade and when he had to put someone in their place, he did it with a decorum and a smile that only Sir Joe could have done.

470 I know he has done it in this House (*Laughter*) for the last 45 years, and in the 10 years that I have sat in this House, Joe and I have never coincided on the same side, we have been on one side or the other, but certainly I welcome the way that he has encouraged Ministers to work, like Mr Speaker has just said, the way that he can advise you behind the Speaker's Chair and above all, his frankness and his love for Gibraltar and all things Gibraltarian is what will always remain
475 in my heart.

Congratulations, Sir Joe, for many more years to come. (*Banging on desks*)

Clerk: We now carry on: (iii) Petitions; (iv) Announcements; (v) Papers to be laid.

480 **Mr Speaker:** For the first time in this Parliament (*Laughter*), the Hon. Sir Joseph Bossano.

Members: Hear, hear! (*Banging on desks*)

Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano): I do not know whether I have earned the honour in the last 45 years, Mr Speaker, but
485 I have certainly earned it in the last 45 minutes! (*Laughter*)

I can understand the surprise that I have been persuaded to accept the honour because I do not believe in honours. That is to say I am a socialist and we socialists believe that a better world can be created, one in which there is not a hierarchy.

490 But clearly I was wrong because the reaction has been that I have made more people happy by saying a three-letter word in five minutes than I have done in 45 years for all the other things put together because the response to the information that came out, the news that came out in the New Year, has been quite astonishing, I have to say.

I knew that those close to me who had been urging me to accept this for many years would
495 be happy that I had finally relented. It is not very often that people change my mind! But certainly I did not expect that almost every sector in Gibraltar and every person that I have known either as a friend or a foe would be so happy to see it happening.

I think it is good that it should be so, because when the whole of our community celebrates something, we do something that is the envy of the rest of the world, when we all share in
500 something and we see it as a collective good.

You know we always see that every year on National Day. On National Day we put our differences on one side and we are one people and I think when we are like that about an individual, if it happens to be the misfortune that on this occasion it is me, (*Laughter*) that what is happening is a good thing.

505 So I would like to thank everybody, Members of the House, my colleagues here, my family in the GSLP and my biological family, and everybody that has written to me or e-mailed or texted me. I am still in the process of answering each one individually, it reduces my efficiency of and productivity but I have to do it! (*Laughter*)

I think that there are two important messages that I would like to take this opportunity to
510 give for the benefit of Gibraltar and for the benefit of my colleagues in Parliament, whose responsibility it is to lead the people of Gibraltar in the problems that we face in the future like we have faced in the past.

I think the importance of economic self-sufficiency in our case is greater than in any other community because we have got somebody on our doorstep who is several thousand times
515 bigger than us that wants to take us over against our will. Therefore, economic strength is not just something desirable; it is something *essential* for our survival.

We are not in a position to be able to say no to the UK, no to Spain and no to the UN if we are not in a position to pay our way. That is why it is so important to be prudent in the use of money and to be putting money away for the future. You know, the rainy day fund now has got
520 universal acceptance – well, it used to be derided as a joke in 1996!

It is easier for politicians to do things that are popular with the money rather than to leave it as I did for somebody else to use it to be popular with the money I left him, which is what happened. (*Laughter*) And that meant that you are tempted to say, 'Well, I am not going to make the same mistake twice.' Well look, my advice to my colleagues is well we have to make
525 the same mistake again, even if the same thing happens again in the future, because it is the right thing to do.

It is the right thing to do that when we have got an opportunity to have more money than we need to spend, that that money should be there for the time when we may not have more money than we need to spend, and there is therefore a strength in having that money there.

530 The thing that has got mentioned less but in fact what was then the rainy day fund has now become the standard for anybody that creates a sovereign fund because whatever is the source of their revenue there is a surplus and they do not spend the surplus. They do not give it away back to taxpayers. They actually put it away in order to provide a safeguard.

In the world in which we live, independent of our own particular problem, today, in my 45
535 years of experience, I have to say the level of uncertainty in the world is something that I have not seen before in the whole of the 45 years. I think the level of uncertainty on a global scale is unparalleled and it is the first time that that level is happening since 1945, since the end of the war when the European countries decided that they should work to have a permanent peace time, which has only been broken occasionally in different geographical spots.

540 But what we are seeing also is a reaction against the establishment almost everywhere. That is a myth that I do not object to. (*Laughter*) But the way that that reaction is manifesting itself is

545 very dangerous because the reaction against the establishment is a reaction that is leading to people that instead of being people who seem to be capable of improving on the performance of the establishment, in many cases – in the case of the United States – that is now a scenario that the most powerful nation in the world is being led in a direction which changes almost on an hourly basis, never mind from one day to the next.

550 We cannot escape what happens in the world. The nature of the global economy is such that every day that globalisation is reaching deeper and deeper into every corner of life. We have to position ourselves wherever the future is going to be. The essence of success is to make a judgement – an intelligent judgement based on a logical analysis of where the world is going to be in x years and be there when that happens and be ahead of the rest.

555 That is part of the responsibility you have in Government. That sometimes makes it difficult for the people in the Opposition who may not understand where it is that you are heading for in what you are doing today. But again, in the case of Gibraltar we have to do that on the basis that there is somebody a few yards away from us that does not want us to succeed and therefore, planning for success requires us to do it so that when things are dried and signed is when we then can have the luxury of making them public because otherwise, they might never happen.

560 I believe that one of the most important things that has happened since the entire process of the attempted handover of Gibraltar to Spain which is what we have been subjected to in this Parliament almost since 1972 – certainly it is was not as clear in 1972, but it became very clear post-1975. But already in 1972 I think the transition was being seen in Spain. The days of the dictatorship were numbered and the position in the United Kingdom was changing, not in the political sphere in the people in Whitehall, that a Spain that had a democratic government should receive greater reception to its aspirations over Gibraltar than a dictatorship had.

565 As far as we are concerned in Gibraltar whether there is ... I often used to say if there were to be a socialist republic in Spain and a Conservative government in the United Kingdom, I have no doubt where I would want to be: as a socialist with a Conservative government in London and not with a socialist government in Spain.

570 Governments change. You cannot put the destiny of a country and its people simply because a particular government be there at a particular point in time because you do not know. We have seen how the things in the Córdoba Agreement that the previous Government genuinely believed could not be cherry-picked, they did not just pick a cherry; they picked the whole tree when they came in! Therefore, we know that we need to learn from those lessons when we take decisions for the future.

575 But for me there are some very important things about the situation we have today and one of the most important is that we have got a situation where we agree on both sides of the House of the need to be prudential in the use of money and put money away for the future. The rainy day fund is now a position that Members on that side take as well as we do and as important for the security of our country.

580 And we both agree that there is no future in the bilateral Brussels process which for many years only the GSLP was the entity that attacked Brussels when other people were defending it, Mr Speaker. I know that the position of the AACR was not one that was particularly popular within the AACR, but one that the leadership of the AACR at the time felt that it was and said so publicly. The best that could be obtained in the circumstances was what was agreed in Brussels and the same was true of the airport deal which is now being revived again by Spain.

585 So, we are now back with Spain thinking that it has the upper hand, as it has thought so many other times in our history and it is up to us – not just the Government, but we the 17 representatives of the people of Gibraltar – it is up to us to make sure that we fight shoulder to shoulder to defeat Spanish aspirations for Gibraltar.

590 And of course as I am the Knight Commander for the Queen (*Laughter*) I would expect every man and woman in this House to do their duty! (*Banging on desks*)

Mr Speaker: After those 17 communications from the Chair (*Laughter*) we can move on.

PAPERS TO BE LAID

Clerk: (vi) Papers to be laid – the Hon. the Chief Minister.

595 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I thank you on behalf of the whole House for your indulgence in respect of Communications from the Chair.

Can I reflect that it is probably the first time in the history of his presence in this House that Joe Bossano comes to a Parliament where the Opposition come to praise him and not to bury him, (*Laughter*) and can I beg your forgiveness for the disclosure by Neil Costa that in 1987 there was a plot at St Anne's School to vote for Joe Bossano and not for Adolfo Canepa. (*Interjection by Mr Speaker and laughter*)

600 To take a leaf out of the things that Paul Balban said, Mr Speaker, I rise from the right hand of the Father with the honour to lay on the table the Consolidated Fund (Supplementary Funding) Statement (No. 1) 2015-16, the Consolidated Fund (Reallocation) Statement (No. 2) 2015-16, the Improvement and Development Fund (Reallocation) Statement (No. 1) 2015-16 and the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2017.

605

Mr Speaker: Ordered to lie.

Questions for Oral Answer

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q1/2018

Chinese trade mission –
Tangible outcomes

610 **Clerk:** We now move to Answers to Oral Questions. We commence with Question 1/2018. The Hon. R M Clinton.

Hon. R M Clinton Mr Speaker, can the Government advise if there have been any tangible outcomes from the four-day Chinese trade mission to Gibraltar in November 2017?

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

620 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Yes, Mr Speaker.

Hon. R M Clinton: Mr Speaker, would the Hon. Minister care to share with the House what those tangible outcomes might be – whether there are any inward investments or any particular business lines that the Government are looking to develop with the Chinese?

625 **Hon. Sir J J Bossano:** No, Mr Speaker.

Hon. R M Clinton: Mr Speaker, seeing as the Minister is not willing to share with the House any of the tangible outcomes, may I ask perhaps if he could tell the House who paid for the visit?

630 **Hon. Sir J J Bossano:** Mr Speaker, I am not prepared to share any tangible outcomes because in fact I am following his advice, which is also my view, that we should not make announcements until they are signed, sealed and ready to be delivered. That is what he said we should do and that is what I am doing, although I would have done it even if he had not advised it.

635 The visit was funded by the Embassy in London, except for what was provided here in terms of receptions or the accommodation and that kind of thing. They paid their own fares to Gibraltar and we looked after them while they were here, which is the normal thing that happens in situations like this.

640 I can tell him that I will be staying a day in London during our visit next week and I can tell him that I will be having meetings in London with both the China Development Bank and the Bank of China, so that shows that something is happening.

Q2-5/2018

**Public debt, liquid reserves and General Sinking Fund balance –
Figures as at 1st October 2017**

Clerk: Question 2. The Hon. R M Clinton.

645 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st October 2017?

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

650 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question together with Questions 3 to 5.

Clerk: Question 3. The Hon. R M Clinton.

655 **Hon. R M Clinton:** Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for the following date, being 1st October 2017?

660 **Clerk:** Question 4. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all savings bank accounts and cash held for the following date, being 1st October 2017?

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

Hon. R M Clinton: Mr Speaker, can the Government advise the balance on the General Sinking Fund at 1st October 2017?

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

675 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, the position as regards the total liquid assets composition, when, where and how these are invested on a particular date chosen by the Member opposite continues to be as previously stated.

The figures requested for 1st October are: gross debt, £447.7 million; General Sinking Fund, £5.2 million; aggregate debt, £442.5 million; cash, £150.4 million; net debt, £292,100,000.

Q6-7/2018

**Government supply workers –
Maternity leave; services provided**

680 **Clerk:** Question 6. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what is the Government's policy in relation to supply workers who have been covering vacant posts for over 12 months within the Civil Service, Government-owned companies or agencies and have to take themselves up to six months' maternity leave?

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

690 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question with Question 7.

Clerk: Question 7. The Hon. L F Llamas.

695 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule as at 8th January 2018 relating to supply workers within the Civil Service, Government-owned companies and agencies detailing: (a) the Department/company/agency the worker is providing services for; (b) the grade/position the supply worker is covering; (c) the reasons for which the cover is required; and (d) since when the supply worker has been providing services to the Civil Service, agency or company?

700

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

705 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, it is not possible to provide the information for the date required in the timescale of the question. If the hon. Member repeats the question for the next meeting it will be answered.

710 As regards persons employed by private sector companies and who provide relief cover, they are employed on private sector pay and conditions of employment. It is not therefore a matter of Government policy but of statutory provisions.

Mr Speaker: May I say to the hon. Member I would have no difficulty in exercising my discretion and allowing him to put the question again at the next meeting.

715 **Hon. L F Llamas:** Mr Speaker, I understand fully that obviously the employees and supply workers are employed directly by private sector companies and as such their conditions and rates of employment are as such. However, when a person is covering a vacant post within the Civil Service over 12 months they commence to acquire rights towards that post or to any other

720 vacancy which may arise within the Civil Service. Therefore, does the Government not see that perhaps there is a case of discrimination where women who are covering for these vacant posts are then having to leave to take three to six months maternity leave but then when they return from their maternity leave they go back obviously to the private company and they lose out on that right which they acquired and perhaps they might be sent to another company or agency where the right is lost?

725 Therefore, Mr Speaker, would it not be possible for the Government to look into this policy? I believe there is a case for discrimination because obviously men do not have to have babies and the vacant post continues, so it only affects a demographic of women who have to go and exercise their right of maternity leave.

730 **Hon. Sir J J Bossano:** I am not sure whether the hon. Member is saying that it has happened to somebody or that it is capable of happening to somebody, (**Hon. Chief Minister:** Absolutely.) but I am certainly not aware that it has happened to anybody and I am certainly prepared to have a look at the point he has made; I thought he was referring to the nature of the entitlement that exists amongst the workers. Certainly I am not aware that anybody was deprived of the
735 opportunity of applying for a vacancy on the basis that they were back in doing supply work but there had been an interruption in the period because of their maternity cover. If it happens, then I think he has got a point that merits examination but we will see if it is really happening or not. I do not think we would take a policy decision on something that is not happening and has not happened just because it might.

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Mr Speaker: From a procedural point of view, may I advise the hon. Member there are two things that he can do: he can either write to the Hon. Minister saying 'please can I have the information in February'; or for the February meeting you can give notice of the question straight away, but for the February meeting.

CULTURE, THE MEDIA, YOUTH AND SPORT

Q8/2018

Gibraltar Sports and Leisure Authority – Grade 9 Administrative Assistant post

745 **Clerk:** Question 8. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the answer provided to Question W194/2017, can the Minister for Sport update this House in respect of the Grade 9 – that is Administrative Assistant – post, which was or is vacant within the Gibraltar Sports and Leisure Authority?

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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 vacant Grade 9 Administrative Assistant will be advertised shortly, after which the standard recruitment and selection process will be undertaken.

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Hon. E J Reyes: Mr Speaker, this question obviously was a follow-up to the Written Question last time where the Minister in his Written Answer said that there was one vacant post, a Grade 9, which we have now heard is to be advertised shortly. Is the Minister aware, can he
760 confirm, that this is the only pending vacancy at the moment, or have there been any changes?

765 **Hon. S E Linares:** Mr Speaker, after the extensive review that we have had in the GSLA, which I have explained in this House before to the hon. Member, this is the last post in the managerial side of the GSLA. As the hon. Member knows, there are admin and then there are the SLOs and centre managers and all those other posts, but in the case of the management this is the last post to be advertised.

Q9/2018
GSLA indoor facilities –
Cancellations

Clerk: Question 9. The Hon. E J Reyes.

770 **Hon. E J Reyes:** Can the Minister for Sport inform this House as to how many cancellations have been necessary at any of the Gibraltar Sports and Leisure Authority's indoor facilities since September 2017, indicating the location, date and reason for the cancellation?

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

775 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Tercentenary Hall was closed for the Christmas and New Year events on 19th December 2017 to 3rd January 2018. The impact on sports use was minimal due to the normal diminished use because of the festive period and training allocations were not requested.

780 Additionally, the Victoria Sports Hall had been closed on Tuesday, 9th January 2018 after 3.30 p.m. due to water ingress.

785 **Hon. E J Reyes:** Mr Speaker, in my question on Gibraltar Sports and Leisure Authority's indoor facilities, I took it that within that the 25-metre pool or the pool for the learning of swimming and so on should have been included. Can the Minister confirm that those have not required any closures at all?

790 **Hon. S E Linares:** Mr Speaker, I do not have that information, actually, but I will ask for him if the pool was closed. I guess that in the question when you say indoor facilities they have taken it as should I say the 'dry' indoor facilities, but I will check for him.

Hon. E J Reyes: Yes, I am satisfied, Mr Speaker, if the Minister is going to check and if he has anything then in a follow-up session ... if he is able to present it during this session of Parliament, so much the better because then it remains in *Hansard*. I appreciate it.

795 **Hon. S E Linares:** Mr Speaker, just to say that I will be communicating with the CEO straight away after this – at least the exchanges we are having now – to find out whether the answer also includes ... i.e. that there was no closure of the pool.

Q10/2018
GSLA facilities –
Criteria for whole season bookings

Clerk: Question 10. The Hon. E J Reyes.

800 **Hon. E J Reyes:** Can the Minister for Sport say what are the qualifying criteria in order to be able to attain a fixed booking or allocation valid for the whole season in respect of facilities falling under the auspices of the Gibraltar Sports and Leisure Authority?

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

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Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, fixed bookings or allocations in respect of facilities are only offered to those governing bodies of sports who are registered with the Gibraltar Sports and Leisure Authority. In addition, regulated and registered commercial entities, i.e. aerobic classes, are also allocated slots for the whole season on a rental basis.

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Q12/2018
Garrison Gymnasium –
Policy re use

Clerk: We move to Question 12. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain the change in policy for usage of the Garrison Gymnasium, given the facility is being used but not by the whole of the sporting community?

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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, there has not been any change in policy regarding the usage of the Garrison Gymnasium. No GSLA facility is used by the whole of the sporting community.

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Hon. L F Llamas: Mr Speaker, in the last session I asked about allocations to Garrison gym and there had been none. This time – well, December last year, in 2016 – the Hon. Minister did say that the Garrison gym would undertake a refurbishment which would enable the use for the sporting community. However, it seems that the Garrison gym is back up and running but no allocations have been made, and at the same time we do not have any allocations or identification of who the premises are being exclusively used by. Is the Minister able to confirm what the situation is?

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Hon. S E Linares: Mr Speaker, the situation is exactly the same as I said when this question was last posed, which is that the Garrison Gymnasium is still under the auspice of the GSLA. The GSLA will give allocations to the general ... and that is why I said it is not used by the whole of the sporting community.

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Does the hon. Member expect that every single sport is going to be using the gym? The gym will be used by those sports that might not have allocations elsewhere, so it might be two sports that use the Garrison gym as opposed to the whole of the community or the whole of the sporting fraternity. What I am saying is that the gym itself allocations... As has been the case, the

840 GSLA will be ... Because of the refurbishment, the allocations have not yet been given, but once the refurbishment is finished, allocations will be given to those sports which will be able to use the gym.

Hon. E J Reyes: I think I understand that, but the allocations ... Am I right then in saying that the allocations will be available to those who fall under the criteria that he answered in
845 Question 10 – that is, as well, not only governing bodies but also registered businesses and so on? Am I correct in deducing that as well?

Hon. S E Linares: Yes, Mr Speaker, as has always been the case with the GSLA, the GSLA is the one that manages the allocations of these premises. So, when sporting governing bodies come
850 and ask for an allocation, depending on the sport and depending on the places that are allocated, they are given allocations.

For example, I can tell you that allocations for basketball are not any more given in the Garrison gym because the Garrison gym happens to have a low ceiling and it is not the actual size of a basketball court, although there are baskets there. I remember playing basketball there
855 and it was not the actual size of basketball, so we have other facilities which we then allocate to the basketball the GABBA to play in the Tercentenary Hall, albeit in the Victoria Sports Hall and not in the Garrison gym. But there might be other sports that might be able to use that and that is up to the GSLA to give those sports the allocation in the Garrison gym.

Hon. L F Llamas: Mr Speaker, given that there is a sign belonging to a football club outside the gym, can the Minister confirm that the gym has not been given exclusively to one football club in particular?
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Hon. S E Linares: No, Mr Speaker, I have just said that the gym ... What has been given to the football club that he is mentioning is just the mezzanine. I know the hon. Member knows that
865 place really well. It is just a mezzanine of the premises, so the premises has a mezzanine and then there is the gym. That football club has taken over because we have come to an agreement that they can use the mezzanine. They have refurbished the mezzanine and therefore the mezzanine they can use as their club. The rest of the gym is still for the community, not the
870 whole of the community but the community who are able to use it.

Hon. D A Feetham: Mr Speaker, just returning a moment to Question 10, the Hon. the Minister said commercial entities as well as sports organisations. If I give the hon. Gentleman an example he will know where I am coming from with this particular question.
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At the Tercentenary Hall on 31st December there was an event that was for all intents and purposes an event run by the Young GSLP, where I am told in fact the Hon. the Father of the House, Sir Joe, provided a speech. If, for example, the Young GSD would wish to undertake something similar at some point, how would that be structured? Would it be structured
(*Interjection*) by a commercial entity? How much experience does that commercial entity have
880 to have in order to be able to book something like that? Could he give us a flavour of that, please? (*Interjection*)

Hon. S E Linares: Yes, Mr Speaker, it is very simple. If the person who is in the young youth GSD, *the* person, can come and approach the GSLA and say they want to do a function there,
885 (*Interjection*) they can then go through the process as if it was a private entity. A private entity pays for the use of the hall, but so does the GSLP youth pay for the use of the hall; there is a fee and any private ...

What we cannot have is what we used to have with the previous administration, where you have private entities doing, for example, concerts in the MUGA area, the private entity making
890 the money and taking all the profits and the GSLA being left with a bill, and the bill is the

overtime of the people who have to be there, the cleaning and any damage that is done to the place. So we do not allow private entities to do events there unless they pay the fee, and the fee is to cover the costs to the GSLA. I think it is sensible that the Government does not have to subsidise private entities to use the venue and the Government subsidising and then they take their profit. That is the idea.

Hon. D A Feetham: Thank you very much and I quite understand the rationale behind it. The confusion has arisen – and we were debating it internally – because the hon. Gentleman in his original answer said ‘commercial entities’ and of course a political party is not a commercial entity. So effectively the answer is that it is open to private entities as long as they pay their way?

Hon. S E Linares: Yes, but the GSLP contracted a private entity to do it for them, so they can say ... The GSLP says, ‘I want to organise –’ (**Hon. Chief Minister:** A private party.) (**Hon. A J Isola:** A joint venture.) Yes, well, a joint venture! What happens is that there is somebody who organises it for the GSLP youth and then they come as an entity and they say, ‘Well, we want to do this for the GSLP youth.’ So it is similar to what the hon. Member has explained, yes.

Hon. E J Reyes: Just one small thing, Mr Speaker, because I know the Minister quite well and I am sure he is not trying to mislead this House or anything but perhaps it could be misinterpreted. In referring to how facilities have been used in the past, the Minister said under previous administrations private entities have used the place and it could have been deduced that the GSLA had to foot exclusively the bill for overtime and so on without having recovered those expenses from the private entity. I can testify in this House that certainly during my tenure as Minister for Sport, the CEO of the Sports Authority did include the costs of any GSLA staff that may have had to work over and above for that there. If I am wrong, then the Minister can obviously check the information, but I do not want to just accept it on a point blank basis without either of us having the real facts, having checked it up on the accounts. But I know recovery of those moneys did have to come through, and the Estimates Books in the past I believe will reflect that.

Hon. S E Linares: Mr Speaker, he is right in the sense that what entities used to do before was leave a deposit, so any private entity that used to use the premises of the GSLA, the other CEO used to say, ‘Right you put down a deposit just in case there is ...’ and it used to be only damages but the rest was not charged and what they used to have was a deposit. I think, if I remember correctly, it was in the region of £500, where the private entity used to put up front £500 and then give back to the GSLA the premises. If there were any damages, they used to deduct the damages from the £500 but there was not a regime of actual charging all the costs.

Q13/2018

Ministerial direct allocations over £2,000 – Government website

Clerk: Question 13. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Minister for Culture confirm that all ministerial direct allocations over £2,000 appear on the Government’s website in a document entitled ‘Government Contracts GC.6 Government awarded contracts (over £2,000) by Ministerial application’?

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

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, I can confirm that all ministerial direct allocations over £2,000 on behalf of my Ministry appear on the Government's website.

If the hon. Member opposite wants to write to me with any particular contract he feels has been awarded or is not listed on the website, I can investigate the matter and revert to him with further information in this respect.

Hon. L F Llamas: Mr Speaker, there is one query and I will say it now: can the Minister explain why he has not included in this list the allocation to Neon Angel Ltd for the MTV Gibraltar Calling Music Festival in this document?

Hon. S E Linares: Mr Speaker, because that did not go out to tender. Neon Angel are the agents of MTV. (**A Member:** Direct allocation.) No, we came to this House and gave a whole explanation because the question was posed before about Neon Angel and the relationship between Neon Angel, MTV and the Gibraltar Government. The hon. Member may want to go back to *Hansard* and see that everything was explained there in relation to Neon Angel.

Hon. L F Llamas: Mr Speaker, if I recall correctly, the Minister said that he would not divulge the value of the contract due to commercial sensitivity. Is that correct?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman needs to put his question into context. The Government made a public statement in a press conference that this was being directly allocated and gave the reasons why it was being directly allocated, and said that the amount would be reflected in the Estimates as the cost of the concert but not the detail of the amounts paid to each party. And so, Mr Speaker, I think the Government has done exactly what the hon. Gentleman has asked us, whether we have done or not. That is to say we have disclosed any contract which has not been awarded by tender. That is the contract that the hon. Gentleman is referring to in respect of Neon Angel because it was directly allocated in the context of the statements which set that out in detail at the press conference, which was followed up with a press release, which is on the record, and the statements in this House when we have been questioned about it.

Hon. L F Llamas: Mr Speaker, although I agree that that is how the Government presented the festival, in the past obviously it has been through a tender and the taxpayer has been – (*Interjection*) Well, at least it was on the same document on the Government website, so the taxpayer was able to compare the value of the previous organisers in comparison to what we have now. At the moment we are not seeing what the direct value of this contract is and I feel that the taxpayer is not being informed of the full disclosure of this contract.

Hon. Chief Minister: Mr Speaker, for all of the reasons that we have set out before there are some contracts which are commercially sensitive. The hon. Gentleman may want to go back and read what we said about the music industry and the commercial sensitivity of it, but the taxpayer knows exactly what the Music Festival costs because it is set out in the Estimates and then the Hon. Mr Clinton asked us to tell the House not just what the estimate had been but what the final account is and we provide that when it is ready and we have a ding-dong about when it should be ready, but when it is ready it is provided for.

So you have an estimate of cost and then you have an actual cost. The breakdown within that of each artist, each organiser etc. is not provided because it is that sort of industry; it cannot be provided. We would not be able to go back and organise it the following year if we had disclosed

sensitive information the year before about an artist, about an agent etc. Nobody would touch us.

990 But the taxpayer knows exactly what it costs and what he or she gets for the value that is paid. So on an estimate of £2.5 million you got one concert one year and on an estimate of £2.5 million a year later you got a different concert the year after – so you know what you are getting. Whether Bananarama costs x or whether Duran Duran costs y or whether the agents that organise them cost x or cost y is not detail that we can give, but I have told the hon. Gentlemen before – at least I think I have told one of them – this is not information that we will
995 keep from them, it is just information that we are not allowed to give publicly. Therefore we are quite happy to tell them the amounts behind the Speaker’s Chair on the basis of confidentiality, but they cannot share that amount because this is the nature of that industry. It would be the death knell of the Gibraltar Music Festival if we started to disclose what we are paying artists and what we are paying agents or what we are paying organisers. It would be the end; nobody
1000 would touch us the year after.

Assuming that hon. Gentlemen want to see the Government prosper and deliver on its commitments – and one of the things that we were committed to doing was to organise a mega concert; we are now organising a mega festival – we want to continue doing that because we think it is good, not just for taxpayers but for Gibraltar as a whole in the context of the
1005 entertainment that is provided, how Gibraltar becomes a magnet for people, how international companies based in Gibraltar bring their international boards to Gibraltar around the Music Festival, all of the things I have said before when I have had to justify the existence of the festival to Members opposite who sometimes feel as if they do not want us to continue with it.

Well, we think it is a good thing for Gibraltar, we are going to continue with it and we are not
1010 going to do things or give information which does not enable us to continue with it.

Mr Speaker: Let me make one position clear. Under the guise of the question in the manner in which the hon. Member has made it, the Minister has invited him to say whether there is any instance where the information has not been included and he is prepared to investigate and
1015 revert to him. I cannot allow, in the exercise of my discretion of the matter of the Music Festival, greater ventilation of the matter than I have already done. There have been a number of exchanges on the Music Festival which do not arise directly out of this question, so I warn the hon. Member that I will allow him one last question but that is it.

Hon. L F Llamas: Mr Speaker, I just wanted to clarify that it has got nothing to do with the artists or the agents who are bringing the performers over; it is to do with the organisers that the taxpayer used to see what the organisers were costing the taxpayer and that is no longer the case. I feel that obviously the commercial interests of a private company are being put over and above those of previous organisers, and the Gibraltarian taxpayer is none the wiser.
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Hon. Chief Minister: That is plainly and utterly ridiculous! How are the interests of the commercial entity being put ahead of the interest of the taxpayer if what we are doing is in the interest of the taxpayer to ensure that the taxpayer can continue to enjoy the festival at the best possible prices? Does he think that we do not want to disclose it, Mr Speaker, because it costs us
1030 more if we do that? Doesn’t it obviously make sense if you apply a modicum of consideration that we are saying that we should not disclose it because that is how we get a better deal? Well, look, Mr Speaker, maybe by WhatsApp he can be told what to ask us next.

Q14/2018

**Gibraltar Music Festival –
Impact of change of dates**

Clerk: Question 14. The Hon. L F Llamas.

1035 **Hon. L F Llamas:** Mr Speaker, has the Government considered the impact of the return of students to university when changing the dates of the Gibraltar Music Festival?

Mr Speaker: Let me make it abundantly clear before the Hon. Minister answers this question that I will only allow supplementaries in respect of students, no other members of the community. Are you with me? Very well, answer then.

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): Yes, sir.

1045 **Hon. L F Llamas:** Mr Speaker, can the Minister confirm how many students the Government expects will not be able or be able to attend the festival?

1050 **Hon. S E Linares:** Mr Speaker, to tell him the truth I would not know how many students would like to go to the Music Festival, so that question does not arise. How on earth could I assume? Or is it that all the students who go to the UK like music? Is it that every single student who is studying in the UK is going to come to the Music Festival? There are probably students who do not like music and therefore they do not come to the Music Festival. What I am saying to him in answer to his question, which is 'did we take into account?' ... I have already given a public statement as to why we chose the dates. There is a reason why we chose the dates. So, yes, of course when the dates were given to me one of the things that I said was, 'Well, the students are probably going to miss out' – and one of them is my daughter, who is cursing me because I have got it on the 21st and the 22nd and she might be leaving for university on the 19th. These are things that you have to work around other people. I have told him that we work around the GFA. It is to do with the dates that the GFA give us. So, do I take into consideration? Of course I take into consideration. These are people that are not going to pay in because if there are 200 students that are not going to come to the Music Festival, it means that we are going to make less money from those 200 people, but I expect people to come from the UK on that date because it might be better that they come from the UK on that date.

1065 Mr Speaker, I can tell him that I have got a little bit of experience of doing events now, I think, and when you do events of course you look at whether it is the high or low season of tourism; whether the fraternity of darts, for example, are going to come in March or April; which is the best time after the premier league in darts; are we going to have the tournament here. All these things are taken into consideration, of course they are, but when you are tied up with the GFA telling you these are the only ...

1070 By the way, last year the hon. Member must know that on 3rd September when we were all enjoying the Music Festival there were about 150 people going to Faro at the same time because there was a football match on the same day. We could then dictate, because the Victoria Stadium was ours, and I said to the GFA, 'I am sorry, you are going to go to Faro because I am doing the Music Festival on that date.' This year, because of what we have done with the GFA, it is a completely different ball game; I cannot do it on the week that it was done last year because there are football matches. That is where the dynamics of all these things are. So yes, of course I take ... That is why I said yes, sir – there is no other answer to the question: of course I did take into consideration students and everybody in the community.

Q15/2018
MTV Gibraltar Calling –
Viewing figures

1080 **Clerk:** Question 15. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, with regard to last summer's MTV Calling Festival, does Government accept viewing figures in the UK; and if so, how do they measure up to the one billion global audience that they said it would reach?

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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 one billion reach figure has a specific definition in the media industry in that it is an estimate of the total number of people who can access, i.e. see, a particular TV programme on MTV networks globally as opposed to the number of people that actually watch the programme.

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To date the programme has been broadcast in 16 countries and on five MTV channels. Furthermore, *MTV Gibraltar Calling World Stage* was also broadcast last Friday, airing around another 150 countries worldwide.

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Hon. Ms M D Hassan Nahon: Mr Speaker, it is very easy to say 'access' but at the end of the day no one cares about access unless you actually watch it, and the Broadcasters Audience Research Board (BARB), who provide a minute-by-minute report which I have right here, on two of their programmes have shown that the average viewing was 0.06% at best on both programmes. So how can the hon. Gentleman expect us to believe that simply because it has got a access to a worldwide audience that everybody watched it, when at the end of the day the typical rate of viewing was 0%? Either the hon. Gentleman has misled the House or somebody in MTV has misled the hon. Gentleman about the potential of who was going to watch this programme, or these programmes, which both came at 0%.

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Chief Minister (Hon. F R Picardo): Mr Speaker, nobody has misled the House. What the House has been told is that this is the reach, in other words the number of people who can watch it – 0.6% of the UK watching population on television is more than watched the year before, I think the hon. Lady will accept that, so the exposure is going further, let alone what the hon. Gentleman has told her, which is the many other instances when the programme has been shown.

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The hon. Lady just wants to concentrate on two occasions when the programme has been shown because of the data that she has, no doubt having read an article about the subject in the *Gibraltar Chronicle*, as we all did. If that is the case, then the hon. Lady of course is entitled to say, 'On this occasion it was watched only by this number of people: are you disappointed?' Of course I am disappointed, Mr Speaker. I would like 100% of the UK audience available to switch off BBC1, switch off BBC2, switch off Channel 4, ITV and Channel 5 when there is something on which is about Gibraltar on MTV, and when *Gibraltar: Britain in the Sun* is on, I would like people to switch off MTV, switch off Channel 4, ITV, BBC2 and BBC1 and just watch *Gibraltar: Britain in the Sun*, because as a proud Gibraltarian I think we would all agree we want the whole of the available UK audience to watch the programme about Gibraltar – let alone when I am on *Andrew Marr*, Mr Speaker! If the Gibraltar programme is then going to be shown on the worldwide channels, as the hon. Gentleman has told her that it is being shown, not all of which are subject to the BARB because one of those Bs stands for 'British', we do not know exactly how many people have watched this programme but we know it has been watched by many more people who did not watch the programme, that did not exist, the year before; and we know that the advertisements that were shown about Gibraltar and MTV reached an audience.

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1130 What the hon. Lady has to decide is whether she is taking the position that having the exposure is valuable or that you only are interested in actual viewers. This is a very live issue in the world of advertising. Do you pay a channel based on the number of people who might watch it, on the number of people who do watch it on average, or the number of people who watch the programme where your advert appears? If you have ever done a contract for advertising you have to pay based on the potential reach of the channel and its average view, and that is what the hon. Gentleman has talked about in this House when we have been talking about viewers, 1135 when we have been talking about the potential number of viewers. We are very happy that the Gibraltar programme is going further; we wish it would go even further still. Perhaps as we continue in this process we will be able to persuade more people to watch the magnificent Gibraltar Music Festival programmes that are being produced by MTV.

1140 The reality is that this is a great advertisement for Gibraltar, it is a good thing for Gibraltar, Mr Speaker, and I do not understand why Members – if I may say so, on the extremes on the other side – now seem to want to do it down. Perhaps we should consult them on the list of people who are coming to perform and we might find them happier Members of the concert-viewing community.

1145 **Hon. Ms M D Hassan Nahon:** Mr Speaker, with respect, I think we continue to be misled.

By the way, following on from the Chief Minister talking about *Britain in the Sun*, just to get an idea, the BARB has shown that *Britain in the Sun* gets 1.9 million viewers. Now that is viewing. Viewing is 1.9 million, which would only have been a fraction of the one billion we were told, but actually we had 7,000 people watching this. So, of course my position is that I want to know whether Gibraltar has had the exposure that we were promised or led to believe, and saying that this was only the British association that was putting out the figures and that therefore does not mean much, I think actually the MTV show being in Gibraltar, for obvious reasons of proximity and accessibility, if it was going to be watched anywhere at a peak it was going to be the UK. So, even taking that as an average and timesing that by 30, you do not even get to 1150 130,000.

1155 So, yes, I continue to think we have been misled and I would like to ask the Government if they actually agreed to pay MTV to air the *Gibraltar Calling* shows directly or indirectly.

1160 **Hon. Chief Minister:** No, Mr Speaker, there is no question of us having paid MTV to air a show directly or indirectly. We explained to this House what the deal with MTV was when we came to this House and we set out to the hon. Lady and all Members opposite what the position was.

1165 If 0.06% of the global audience watched, that is 600,000 people around the world watching a programme about Gibraltar. If 0.06% – (*Interjection by Hon. Ms M D Hassan Nahon*) Mr Speaker, I understand that 0.06% is in the UK; I just made the point to her that it was in the UK. I am extrapolating to her 0.06% of one billion, which is the potential global audience of channels ... If we achieve 0.06% it is 600,000 people. If 7,000 of those are in the UK then 593,000 are in the rest of the world, which might not hear about Gibraltar so often.

1170 Mr Speaker, are we dissatisfied that there have not been one billion people watching? Yes. Are we dissatisfied that 1.9 million people did not watch? Yes. Are we dissatisfied that 52 million people in the United Kingdom did not watch? Yes. Do we want more to watch? Yes. Does that mean that this is the wrong deal? Quite not the case, the opposite: this is exactly the right deal because it is putting us in a position where we are potentially having that reach and where potentially more people will watch in the future, and perhaps this could become a classic and more people will watch it again in the future. 1175

But, Mr Speaker, I do not understand the belligerence. Why is it that hon. Members opposite, at least those at the extremes, do not appear to want us to do everything possible to advertise Gibraltar? I am left with the view that if we were now doing it with local promoters we would be

1180 told that we should consider doing it with international promoters who might give us a potential global audience reach of up to a billion.

Hon. Ms M D Hassan Nahon: Mr Speaker, advertise by all means if it is viewed and absorbed, not if you get a 0% viewing rating.

1185 Following on from the question that has been confirmed that you paid MTV –

Hon. Chief Minister: Mr Speaker, a point of order. I said the opposite. I said we did not pay MTV. We did to air this programme. We did a deal which included a television programme, so the opposite.

1190 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Culture therefore confirm whether this Government still believes, despite all these contradictory figures and promises, that the MTV deal is good value for taxpayer's money, or is this actually a case of a salesman pitching massive numbers to Government, the Government failing to conduct its own due diligence and now finding itself in a position where it either holds the provider to account and risks political embarrassment or carries on rolling forward as if everything is going to path.

1200 **Hon. Chief Minister:** Mr Speaker, I can confirm on behalf of the whole Government, before giving way to the Hon. Minister for Culture, who is going to give the hon. Lady more figures, that we consider that having a potential global reach of one billion is very good for the Gibraltar taxpayer, that we will continue not out of a fear of political embarrassment – which will not scare us; if we ever do something which turns out to be wrong, we will be the first to tell the public that we think we have got something wrong and we will deal with it – but that this is the right thing to do, both from the point of view of the entertainment provided, the cost at which the entertainment is provided and the potential reach of the advertisement that is this programme after the entertainment has been provided. A very good deal too. I commend the Minister for Culture for having done it, I believe it is absolutely right that we continue and I do not understand the potential motivation for Gibraltar not to make an international advertisement of a function in Gibraltar which is a promotion of what we do in Gibraltar.

1205 I give way, before I sit down, to the Hon. Minister so that he can give her the figures that he has available.

1210 **Hon. S E Linares:** Mr Speaker, first of all I would like to say to the hon. Lady that I do not know where the figure of 7,000 comes from. (**Hon. Ms M D Hassan Nahon:** Three and a half thousand.) She mentioned 7,000 in the BARB, which I have figures from of exactly how many people saw it. If she wants to go and say to the whole of Gibraltar that it is only 7,000 people who saw it, that is wrong.

1220 **Hon. Ms M D Hassan Nahon:** Mr Speaker, they may actually have been the same three and a half thousand twice, so he might be wrong.

1225 **Hon. S E Linares:** Mr Speaker, what she does not understand is that you might have one programme which is shown and maybe only 7,000 people see it, but if the programme is repeated and repeated then they add on how many people have seen it because there is the iPlayer and there are different ways in which people see different programmes. Nowadays you do not just sit and say, 'Oh, hold on, at seven o'clock we all have to sit round the TV and see *Gibraltar Calling*.' (**Mr Speaker:** I do.) Well, you do, sir, but then there are different ways of – (**Mr Speaker:** I'm a dinosaur) Yes, but there are different ways and means of seeing the programme. It is there for people on demand to see programmes and I can tell the hon. Lady that her figures are wrong.

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Hon. Ms M D Hassan Nahon: They are not mine, they are BARB'S.

Hon. S E Linares: And I have got BARB'S figures: 162,000. (**Several Members:** Hear, hear.) (*Banging on desks*) If the hon. Lady wants, I can now quote figures: 282,000 – (*Interjection*) Yes, I have got it here: 282,000 because you can have one TV seen by four people or one TV seen by no one, and therefore it is very difficult to see how many people are actually watching this.

And then we go to the advertising value and the social media value. MTV has millions of Twitter followers. I took a photograph with Scotty T, who has 1.8 million, and I said, 'Here, have a photograph with the Minister in *Gibraltar Calling*'. He was brilliant, the guy, and he said, 'Now I am going to put it on my Tweet.' Look: he has got 1.8 million followers. And it goes on and on. *That* is the value and I can say to the hon. Lady that it has been valued as in advertising air time to 1.4 million.

Hon. Ms M D Hassan Nahon: But none of them watched it.

Hon. S E Linares: *Nada no se entera.*

Mr Speaker: Next question.

INFRASTRUCTURE AND PLANNING

Q16/2018 Castle Steps – Ramps

Clerk: Question 16. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker – (*Interjection*) To more important matters, yes! Is Government intending to replace the ramps on Castle Steps to facilitate disabled and pushchair access as well as improve access to the emergency services?

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

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the ramps at Castle Street were always intended to be temporary and were originally placed by developers to allow contractor vehicles access during refurbishment works to certain properties within the area. The ramps were defacing the original steps and in recent times were being used to illegally park vehicles in what is a pedestrianised area.

The Technical Services Department is already exploring the possibility of introducing pushchair ramps as currently exist along lower Castle Street.

Q17/2018 Upper Town escalator – Breakdowns and costs

Clerk: Question 17. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, since 1st September 2017, on how many occasions has the Upper Town escalator been unserviceable, and for each occasion for how long was it broken and what was the cost of repair?

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

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Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the major repairs required and carried out in September and finalised in November cost £74,316.73.

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During the period commencing 22nd November to 31st December 2017 the Upper Town Link escalators were out of service on five occasions as per the schedule I will now hand over, and on every occasion repaired under the annual maintenance contract at no additional cost.

ANSWER TO QUESTION 17/2018

UPPERTOWN LINK ESCALATORS – FAULTS

Date Reported	Fault Details	Date Repaired	Duration	Cost of repair
15.06.17	BOTH escalators out of order due to major breakages because of water ingress. 130 steps needed replacing. One escalator fixed	30.09.17	3.5 months	£23,078.92
15.06.17	Second escalator now fixed	15.11.17	5 months	£51,237.81
22.11.17	DESCENDING escalator out of order	22.11.17	<1 day	£0.00
23.11.17	ASCENDING escalator out of order	24.11.17	1 day	£0.00
01.12.17	ASCENDING escalator out of order	01.12.17	<1 day	£0.00
15.12.17	ASCENDING escalator out of order	19.12.17	4 days	£0.00
24.12.17	ASCENDING escalator out of order	27.12.17	3 days	£0.00
07.01.18	DESCENDING escalator out of order	Still broken		
09.01.18	ASCENDING escalator out of order	11.01.18	2 days	£0.0

**Q18/2018
Fixed Penalty Notices –
Forward-facing motorbikes**

Clerk: Question 18. The Hon. T N Hammond.

Hon. T N Hammond: Since the introduction of speed cameras, how many Fixed Penalty Notices have been rejected by the RGP for forward-facing motorbikes?

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

1285 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, since the introduction of the speed camera pilot scheme a total of 608 motorcyclists who were exceeding the speed limits have been fined using the cameras that capture the image of the rear of the motorcycle. A further 98 cases are being pursued by the RGP from images arising from cameras that capture only the image of the front part of the motorcycle.

1290 The Government expects that the introduction at the end of the pilot scheme of more cameras which capture the rear of motorcycles will result in more motorcyclists being fined for falling foul of the law. We would hope, however, that as motorcyclists see the effects of the speed cameras, their pockets, if not their consciences, will mean that less and less people offend.

1295 Finally, Mr Speaker, the Government is not aware of any model of motorcycle which has yet been developed or imported to Gibraltar which is not forward facing

Hon. T N Hammond: Indeed, very droll. I used the terminology that the Minister himself used at the last session of Parliament, which is why I thought by describing it that way he would understand the question.

1300 He did not actually answer the question, which is whether any had been rejected by the RGP.

Hon. P J Balban: Mr Speaker, those are the statistics that we have in our possession.

1305 **Hon. T N Hammond:** If I may then, just to make sure that I have understood the statistics, 608 were ... The question was how many Fixed Penalty Notices have been rejected by the RGP; the answer I received was that 608 people have been fined, 98 further are being investigated. Therefore, am I to assume that zero have actually been rejected, that there is not a case of one instance where it was not possible to identify the rider or pursue it?

1310 **Hon. P J Balban:** Mr Speaker, I have given the hon. Gentleman the figures for the amount of people that have been pursued. One must remember that before this pilot scheme was implemented everyone who rode along that road, either on a motorcycle or in a car, would have gone past at the speed they wished and only in a few instances where perhaps the RGP had the roving cameras in sight would it have been potentially possible to have caught these individuals who are obviously flouting the law. Ever since this pilot scheme has come into effect, there has
1315 been a considerable decrease in the speed along this road, making it a lot safer, clearly, markedly safer not only for drivers but for pedestrians and for everyone in Gibraltar as a result of this pilot scheme.

1320 I am very clear and I have stated very clearly that this is a pilot scheme and before such a scheme there was no control. What will happen in the following months is that we will increase the amount of cameras throughout Gibraltar and we will also tackle the issue from both angles, as I have said in answering the question. A pilot scheme is there to be looked at, to see how it can be improved with other locations. As I said, there is a marked improvement on what was there before and this Government is extremely proud of the effect it has had on calming road traffic, making the streets safer and also reducing the levels of pollution, in terms of noise
1325 pollution, because fast vehicles mean greater noise on our roads.

We will continue embarking upon this scheme and we can safely say it will cease to be a pilot scheme because clearly it is working and all we need to do is make it work even better in the future.

1330 **Hon. T N Hammond:** Mr Speaker, the question was not designed to pass any kind of judgement on the scheme itself. I welcome the scheme, I want it to work as well as possible; I think it is a very good and very necessary part of managing traffic on our roads.

However, the Minister still has not answered the question or confirmed whether no Fixed Penalty Notices to motorbikes have been rejected. That is all I am after: whether it is possible

1335 under the current scheme for you, if you are riding a motorbike, to pass one of these cameras in
excess of the speed limit and not to be pursued by the RGP because it is simply impossible to
identify either the bike or who was riding it. That is all I am asking, it is quite straightforward,
and the information I have indicates that certainly some at least are being rejected, or it is not
1340 possible to pursue every case where motorbikes have been flagged up and photographed by the
cameras; but if the Minister can confirm this is otherwise I will be very happy.

Hon. P J Balban: And the question that has been answered is the one referring to forward-
facing motorbikes. If the hon. Gentleman wishes further information he can pose a more specific
question on that matter and I will be happy to respond to him at a later date.

1345

Hon. T N Hammond: Mr Speaker, is the Minister being deliberately obtuse? (*Laughter*) The
question is about motorbikes and whether it has been possible to fine every single one of them
that has been captured on the camera or whether they are being actively pursued. It is not
about those that have been fined, it is about those that have not been fined and he has not
1350 answered whether any have not been able to be fined for that reason.

Chief Minister (Hon. F R Picardo): I do not know whether the hon. Gentleman is being
particularly obtuse on purpose or whether we all stand accused of the same thing. What we are
saying is all motorbikes are forward facing, so the statistics that the hon. Gentleman seems to be
1355 asking us for, we find difficulty in trying to identify. All motorbikes are forward facing, and so if
all motorbikes are forward facing we are giving him the data in respect of which the
prosecutions are being pursued or people have been dealt with, but we are giving him that data
in respect of a pilot programme – a pilot programme which the hon. Gentleman has already told
him is being changed to include the ability to identify a vehicle from the front and the back at
1360 the same time so that we can see the licence plate ... if it is a motorbike which only has a licence
plate on the back, how to identify them in that way. That is how the speed camera works: it
works by identifying the licence plate. But the whole point of his question, Mr Speaker, is that it
is phrased about forward facing motorbikes. All motorbikes are forward facing. We are giving
him the statistics we have of prosecutions, or Fixed Penalty Notices or whatever it is, given in
1365 respect of such bikes.

Mr Speaker: I think the hon. Member is entitled to receive information in the future in
respect of the 98 cases that are being pursued. If some of those are rejected, then that would
satisfy the Minister in respect of his actual answer, which was about any of them being rejected.
1370 If the process had not been completed, obviously the Hon. Minister is not in a position to give
the information, but I will allow the matter to be pursued at the next meeting if the Minister has
the information by then. Can we move on then?

Hon. T N Hammond: If I just add one thing, Mr Speaker, yes, I agree entirely and if it is the
1375 case that in every case where a motorbike is involved there has either been a fine or they are
currently being pursued – in other words there are none that have been dropped entirely – then
I can fully understand the Minister's answer.

Mr Speaker: And therefore in the future I think we are all agreed that the questions would all
1380 deal with motorbikes or motorcycles. Okay?

Hon. Chief Minister: Mr Speaker, there may be instances where not involving a motorcycle,
involving a motor vehicle of another sort – there may not be a prosecution because there may
be another difficulty with a camera, which is not the identification of a number plate on the
1385 front or back of a vehicle. What we are doing is we are giving the numbers that we have of
prosecutions commenced, because if we start to look at why has a prosecution not been

1390 commenced or why has a fine not been issued there could be a myriad of issues in respect of that. There could be issues in respect of visibility at a particular date in question, there could be issues relating to the conditions of the road at the time, which might be identified and which might lead people to decide that it is not appropriate to issue FPNs or any other prosecutorial mechanism in respect of that moment.

Mr Speaker: Does the hon. Member have any supplementary arising from the question on the escalators?

1395 **Hon. T N Hammond:** I will have to look at that in a while.

Mr Speaker: Okay, well, I think this is a convenient point in which to have a recess of 20 minutes.

The House recessed at 5.06 p.m. and resumed its sitting at 5.27 p.m.

CULTURE, THE MEDIA, YOUTH AND SPORT

Q9/2018

GSLA indoor facilities; cancellations – Further information

1400 **Minister for Culture, the Media Youth and Sport (Hon. S E Linares):** Mr Speaker, if I may, it is in relation to the question that the hon. Member asked me about the pool and about whether we had closed down the pool, and I have already got an answer to that.

Just to say that on Tuesday, 10th October 2017 the pool was closed for one hour due to solid stool and it was at 18.25 when there was a Tarik swim session.

1405 Then on Thursday, 12th October the pool was closed for super chlorination because of somebody who had had a diarrhoea incident that occurred within the pool.

On Friday, 20th October 2017 the pool was closed at 5.45 for 30 minutes, again for another of those incidents.

1410 And then the last one was on Thursday, 7th December, where the pool had to be closed due to an electrical problem that occurred in the GEA electrical meter room. The incident occurred at 7.36 and the pool was closed until it was actually fixed.

1415 **Hon. E J Reyes:** I am very grateful for that, Mr Speaker. The only one I did not catch was on 12th October, the length of time it was closed. Was it the whole day? He never mentioned any actual timing – *(Interjection)* 12th October.

Hon. S E Linares: The pool was closed for 24 hours.

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q19/2018

DNA testing of dog faeces –
Number of samples tested, results and fines

Clerk: Question 19. The Hon. T N Hammond.

1420 **Hon. T N Hammond:** Mr Speaker, continuing on the scatological theme, how many samples of dog faeces have been sent for DNA testing since 1st September (*Laughter*), have any results yet been received and have any fines been issued under this scheme?

1425 **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, 25 samples have been collected since 1st September. One positive result has been received and one fine issued under the scheme to date.

1430 I need to qualify that, Mr Speaker: there were in fact two positive results but they were from the same dog, so the view was taken that, being the first one, only one fine would be issued and I am informed only today that another batch of results has come in and there appear to be a number of matches there too, so they will be processed and fines issued.

1435 **Hon. T N Hammond:** Mr Speaker, does the Minister think that the pace of collection may increase as we get more habituated to this process, bearing in mind 25 collections since 1st September does not represent a very large number?

1440 **Hon. Dr J E Cortes:** Mr Speaker, the point is that of the first results received there were quite a number of non-matches, which means that the dogs had not been registered. It obviously is clear that if you have had your dog registered and you are law abiding, you are not usually going to let your dog deposit faeces in the street because you know you are going to get caught, but if you have not bothered to register your dog then you are going to take the risk. What we have now done is we have changed the emphasis over the last couple of months to challenging people with dogs and asking for evidence of registration. We are doing it in a conciliatory way and warning people that they have to do it and we have been able to entice a number of people who have not registered their dogs to do so. We will shortly step that up and then we will be issuing fines to anybody who has not followed the legal procedure. So the emphasis changed from collecting the faeces to identifying those who were breaking the law by not having registered, and hopefully that will then sort itself out.

Hon. T N Hammond: Mr Speaker, I certainly welcome the Minister's words in that respect. Clearly, if people are not registering their dogs it is impossible to fine them.

1455 Will the Ministry be making it known through a public campaign of some description to warn people that this is happening and you had better register your dog quickly because otherwise fines will be issued?

1460 **Hon. Dr J E Cortes:** Yes, Mr Speaker, the hon. Member may recall that we introduced this regime in January last year and we gave a period of grace of about three months. We intend to do the same and by the middle of March we will then change the chip almost and issue the necessary press comments and so on to encourage people to make sure that their dogs are properly registered, and then we will continue and enhance the number of samples collected. Hopefully the time will come when there is nothing to collect, but sadly I do not think that will actually happen.

Q20/2018
Beach lifeguard services –
Privatisation

1465 **Clerk:** Question 20. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, does Government intend to privatise the lifeguard services at the beaches; and if so, will the contract go to tender?

1470 **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):
1475 Mr Speaker, the Government is exploring options to improve the service offered to the public. No final decisions have been taken.

Q21-22/2018
Skywalk –
Confirmation of completion and reason why not yet open; admission charge

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

Hon. T N Hammond: Can Government confirm that the Upper Rock glass walkway has been completed; and if so, when it was completed and why it has not yet opened?

1480 **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):
1485 Mr Speaker, I will answer this question together with Question 22.

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

Hon. T N Hammond: Does Government intend to charge for access to the glass walkway on
1490 the Upper Rock?

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, although the Skywalk itself was completed last year, as I think I have said before in this House, additional works along Douglas Path had to be carried out since then. These works are nearly complete and the Department is now finalising the management aspects of the attraction ahead of the official opening.

1500 The Government is considering whether to introduce a separate charge for access to the glass walkway.

Hon. T N Hammond: I did not quite catch the phrase the Minister used, but it certainly sounded like management speak in terms of finalising – was it ‘finalising’? – who will manage
1505 the Skywalk that you referred to?

1510 **Hon. Dr J E Cortes:** Mr Speaker, what I said is that it was realised that the attraction would increase the footfall around Douglas Path and therefore some works had to be carried out to make that safer, which is what is being done now; and I said that we were considering whether there would be a separate charge for access to the walkway or whether it will be included within the general Upper Rock charge. *(Interjection)* Mr Speaker, I cannot hear.

Hon. T N Hammond: And in between those two points you made, you made a further point about the management of the walkway.

1515 **Hon. Dr J E Cortes:** Oh, yes, sorry. The management aspects of the attraction, as to how it is going to be run: it is related to whether there would be a separate charge and therefore you would have to raise a fee there. That is the sort of thing that we are considering.

1520 **Hon. T N Hammond:** So, Mr Speaker, can the Minister confirm which Department will be responsible for the Skywalk?

Hon. Dr J E Cortes: The Department responsible for all the sites on the Upper Rock now is currently the Department of the Environment and Heritage.

Q23/2018

Gibraltar Nature Reserve Management Plan – Publication of final version

1525 **Clerk:** Question 23. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, when does Government intend to publish the final version of the Gibraltar Nature Reserve Management Plan on its website?

1530 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1535 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Government will publish the final version of the Gibraltar Nature Reserve Management Plan on its website – there is a draft version already there, just for clarification – as soon as it is ready to do so. It is currently not possible to give a firm date, given that the plan forms part of a wider and ongoing management review.

1540 **Hon. T N Hammond:** Does the Minister envisage the plan being changed substantially after the consultation process?

1545 **Hon. Dr J E Cortes:** Not changed, Mr Speaker, but expanded. Given that the Department of the Environment, Heritage and Climate Change now is responsible for the sites, which was not the case when the plan was produced, there has been a change in the way that we run the different attractions and we are trying to marry the two and come up with a product that will be beneficial both for residents and tourists, and that is the process that ... So the actual management aspects in the draft are not expected to change in themselves but the remit will widen to other areas.

1550 **Hon. T N Hammond:** So, one final question. I am not going to try and pin the Minister down to a date because he has clearly said that he cannot provide one, but are we talking about

perhaps the second half of this calendar year? Just to have a rough idea when maybe to come back with another question.

1555 **Hon. Dr J E Cortes:** Certainly within this calendar year and I suspect that we may be making announcements around the summer with a view to implementing in the autumn, but it is not a firm commitment.

Q24-25/2018

**Upper Rock Nature Reserve –
Works to remove *Chasmanthe Floribunda* and *Acanthus* plants**

Clerk: Question 24. The Hon. T N Hammond.

1560 **Hon. T N Hammond:** Was any work conducted during 2017 – and forgive me if I pronounce it wrong – for the removal of the invasive species *Chasmanthe Floribunda* from the Upper Rock Nature Reserve, and where did that work take place?

1565 **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 25.

1570 **Clerk:** Question 25. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, was any work conducted during 2017 for the removal of *Acanthus* plants from the Upper Rock Nature Reserve, and where did that work take place?

1575 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Hon. Dr J E Cortes: Mr Speaker, *Acanthus* plants from different locations within the Upper Rock were removed, notably firebreaks, Jews' Gate, along Engineer's Road and Willis's Road.

1580 *Chasmanthe floribunda* were also removed from the roadsides near St Michael's Cave, St Michael's firebreak, Ince's Farm and Tovey Battery.

Q26/2018

**2016 *Thinking Green Digest* –
Publication date; air pollution data**

Clerk: Question 26. The Hon. T N Hammond.

1585 **Hon. T N Hammond:** Mr Speaker, when will Government publish the 2016 *Thinking Green Digest* and will it contain data for air pollution?

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):
1590 Mr Speaker, the 2016 *Thinking Green Digest* is available online already from the Gibraltar Government website under Publications in the Environment section.

Data concerning air pollution are included within the 2016 *Statistics Digest*, which is the partner publication, which is also available online.

Q27/2018

**Thinking Green underwater camera –
Current status, breakdowns, maintenance and repair costs**

Clerk: Question 27. The Hon. T N Hammond.

1595

Hon. T N Hammond: Mr Speaker, can the Government say if the Thinking Green underwater camera is currently working, how often was it unserviceable during 2017 and what were the maintenance and repair costs for 2017?

1600

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):
1605 Mr Speaker, the Thinking Green underwater camera is presently offline since it is being serviced by the Department's diving team. It should be back online before the end of the month.

The camera has not been unserviceable in 2017. It has, however, been offline on seven occasions for a variety of reasons unrelated to unserviceability, such as internet connectivity problems. There were no maintenance and repair costs during 2017 since this was carried out internally by technicians from the Department of the Environment, Heritage and Climate Change as part of their routine duties.

1610

Q28/2018

**Environment Charter 2006 –
Current status**

Clerk: Question 28. The Hon. T N Hammond.

1615

Hon. T N Hammond: Mr Speaker, does Government agree with and adhere to the principles set out in the Environment Charter 2006, which remains on the Government website but has not been renewed and so remains with the former Chief Minister and the former Minister for the Environment as signatories?

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

1620

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
1625 Mr Speaker, the Government not only agrees and adheres to the principles set out in the Charter, we have implemented it and enshrined it into Government policy, which the GSD, who signed it, failed to do. To us, it is not a paper exercise, as it clearly was for the GSD. This administration has made it a reality in the working practices of the public sector.

Hon. T N Hammond: So on that basis, Mr Speaker, would the Minister consider actually putting his own signature and that of the Chief Minister on the Charter just to complete the exercise, if you like?

1630

Hon. Dr J E Cortes: Mr Speaker, it is not necessary because this is signed by a Chief Minister and a Minister for the Environment and therefore we consider it still valid.

I think I am shortly going to put my signature on a document which will be much, much more extensive than this, and then this one will almost become irrelevant.

Q29-31/2018

Europa Foreshore tunnels –

Sampling; environmental management plan; environmental impact assessment

1635 **Clerk:** Question 29. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, were samples taken prior to the recent washing out of the tunnels accessed via the Europa Foreshore both before the activity took place and subsequent to it?

1640

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 30 and 31.

1645

Clerk: Question 30. The Hon. T N Hammond.

Hon. T N Hammond: Was an environmental management plan implemented for the works currently underway in the tunnels accessed via the Europa Foreshore?

1650

Clerk: Question 31. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, was an environmental impact assessment conducted for the works currently underway in the tunnels accessed via the Europa Foreshore?

1655

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, both environmental and heritage assessments were indeed carried out by officials from the Department of the Environment, Heritage and Climate Change in consultation with experts.

1660

As part of the ongoing environmental management inspections, the Department has been regularly monitoring the works and liaising with the appointed contractor to ensure that no significant ecological impacts occur within the reserve.

1665

There has been no washing out of the tunnels.

Hon. T N Hammond: Mr Speaker, could the Minister advise who those experts were who were consulted, and would he be able to make those reports that were made available to me?

1670

1675 **Hon. Dr J E Cortes:** Mr Speaker, the experts consulted included the Gibraltar Museum, the Ornithological and Natural History Society and the Gibraltar Heritage Trust. I am not aware of the format in which those comments were made but I am very happy, if he writes to me, to look into it and to make them available.

1680 **Hon. T N Hammond:** And, Mr Speaker, the Minister is absolutely certain that at no point during the building and construction phase up to this point has anyone effectively flushed out the tunnels with a hose or cleared out any rubbish that was in the tunnel by flushing with water?

1685 **Hon. Dr J E Cortes:** Mr Speaker, I saw the post on Facebook where this was claimed to have happened. I take all these things very seriously; I was very upset at the allegations. I was there on site the following morning at eight o'clock. I personally inspected the area. I determined that there was no evidence of flushing, certainly no significant flushing of any type. There was litter as a result of a digging operation, which I personally helped in collecting and removing, but certainly there was no evidence at all of the alleged flushing by loads of dirty water. It was simply not the case. I was there myself. I took photographs and a colleague, a senior member of the Department of Environment and Climate Change, was there with me. It is an area that I love and have worked very hard to protect through the decades and I took it very seriously and I personally inspected the site: there had been no flushing of any significance.

Q32-35/2018

Renewable energy –

**East Side power generator serviceability and output;
proportion of total power from renewable sources and targets**

Clerk: Question 32. The Hon. T N Hammond.

1695 **Hon. T N Hammond:** Mr Speaker, following on from Question 322/2017, can Government confirm that the East Side wave power generator is still serviceable and whether it has suffered any periods of unserviceability since 1st June 2017; and if so, provide details of these?

1700 **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 33 to 35.

1705 **Clerk:** Question 33. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, following on from Question 323/2017, what has been the average monthly output and peak output of the East Side wave generator since 1st June 2017?

1710 **Clerk:** Question 34. The Hon. T N Hammond.

Hon. T N Hammond: What proportion of the power generated in Gibraltar is produced from renewable energy sources?

1715 **Clerk:** Question 35. The Hon. T N Hammond.

Hon. T N Hammond: Has Government set targets for production of power from renewable energy sources; and if so, could the Minister describe these targets?

1720 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the East Side wave power generator is still serviceable. However, being a prototype wave power generator, it will occasionally undergo modifications in order to enhance its efficiency and when these are ongoing it might indeed be out of service.

1725 The wave generator average monthly output since 1st June 2017 has been 82.5 kWh. Peak output was 3.2 kWh.

1730 In 2017 a total of 93,048 kWh were generated from renewable sources and fed into the network. In addition, there are also solar thermal installations at the GSLA, Victoria Stadium Tercentenary Hall, Tangier Views and St Bernard's Hospital which contribute to reducing the amount of power generated conventionally in Gibraltar.

The total is estimated to be around 1% of total generation. Government's aim is to achieve a minimum of 20% from renewables by 2020.

Q36-37/2018
LNG facility –
Safety report

1735 **Clerk:** Question 36. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Government confirm that the safety report for the LNG facility being reviewed by the competent authority is that required by Directive 2012/18/EU?

1740 **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 37.

1745 **Clerk:** Question 37. The Hon. T N Hammond.

1750 **Hon. T N Hammond:** Can Government confirm that the documents that they published prior to the last election and presented to the public as LNG safety reports were not the safety reports required by Directive 2012/18/EU and did not contain the information mandated by that document, and that the latter document is at present under the scrutiny of the competent authority and has not yet been published?

1755 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1760 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, yes, sir, the safety report has been submitted in compliance with Part IIA of the Public Health Act section 95F and is being assessed by the Health and Safety Executive (HSE) on behalf of Environmental Agency, which is the competent authority.

1765 The report 'Gibraltar LNG storage: Pre-consent advice and three zone maps for the Shell
proposal' was made public by the Government on 12th November 2015 and was approved by
the UK HSE in accordance with UK standard procedures. This report was presented over and
above the legal requirements of Directive 2012/18/EU as transposed in Gibraltar law. The HSE
considered the report and produced the three zone maps which confirmed the suitability of the
project to progress to the next stage. In addition it should be noted the stricter standard that
applied to the report published by the Government in November 2015 was a proper and full
analysis of the proposal for LNG storage and not an unreliable attempt at scaremongering like
1770 the report published by the hon. Member opposite which was funded by a Russian-backed
competitor of Shell in an episode of political skulduggery, which the people passed judgement
on, on 26th November 2015, delivering to Members opposite their worst General Election
results in 25 years.

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

1775

Hon. T N Hammond: So, Mr Speaker, the Minister is confirming then that when we are
talking about safety reports the only safety report that actually matters in all of this is that one
prescribed by Directive 2012/18/EU, the one which we all thought was in the Government's
hands and was supposed to have been published, and which the Government perhaps suggested
1780 was the relevant safety report to the people of Gibraltar when in fact it was not the safety
report that is mandated and required by the EU, and indeed the safety report that contains all
the essential and critical information with respect to liquid natural gas.

Is it not the case that when the Government issued that report, what they effectively did was
make the public believe that they were issuing the appropriate safety report under Directive
1785 2012, when in fact it was nothing of the sort and contained none of that information, and that
that report has still not been made public because it is still under scrutiny? And will the
Government make that report public now?

Chief Minister (Hon. F R Picardo) There is nothing we would like more than to rerun the 2015
1790 election – nothing we would like more!

Several Members: Hear, hear.

Hon. Dr J E Cortes: Mr Speaker, a little translation to what the Chief Minister has just said is
1795 he removed the words from my mouth: *me quitó las palabras de la boca*. If the Member
opposite really wants to rekindle the debate which was so dramatically rejected by the people of
Gibraltar, I will take him on.

Mr Speaker: If he wants to do that and the hon. Member wishes to engage him in that, he
1800 will have to bring a motion to the House because I am not going to allow that this afternoon.
Also, we are not here to go over the events prior to the General Election of 2015. Okay?

Hon. Dr J E Cortes: Mr Speaker, I will then keep it very brief and thank you for that advice
1805 which I will take with great pleasure.

I disagree that the only report that matters is the one that is coming. All of these reports have
been done with the utmost diligence by all the top experts and the report that we published in
November 2015 the law did not require us to publish but we published it nonetheless and it was
completely and thoroughly scrutinised by HSE.

1810 There is an additional report which is currently going through the process, which is the report
that will be published which contains the preconstruction which was passed and vetted by HSL
and therefore the construction has proceeded, and the pre-operational report, which is in the

process of a very thorough discussion and which will of course be published once it is completed.

1815 I can say, Mr Speaker, just to offer a little bit more information, that the intensity and the thoroughness with which we are dealing with this matter is much more than Shell has ever had to bear anywhere else in the world.

Q38 and 42-43/2018
Cleaning of public areas and facilities –
Tenders received; current workforce;

Clerk: Question 38. The Hon. R M Clinton.

1820 **Hon. R M Clinton:** Mr Speaker, can the Government advise how many tenders it has received on 27th November 2017 for the 'provision of urban and street cleaning, upkeep of public areas and other public facilities', have any been accepted and for what contract amount?

1825 **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 42 and 43 from the hon. Lady.

1830 **Clerk:** Question 42. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: With reference to the future of the current Master Service workforce, how are their interests going to be guaranteed vis-à-vis the successful supplier?

1835 **Clerk:** Question 43. The Hon. Ms M D Hassan Nahon.

1840 **Hon. Ms M D Hassan Nahon:** With reference to the future of the current Master Service workforce, can Government guarantee that the successful supplier will manage the workforce and all the work specified within the tender document for public cleaning and that there will be no subcontracting?

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

1845 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, four tenders were received in the first stage of a two-stage tender process. These four applications are currently being assessed to be shortlisted and invited to submit priced bids. Therefore, this contract has not yet been awarded.

The tender document specifically makes reference to TUPE provisions.

1850 All four tender submissions have stated in their bids that there will be no subcontracting. In any event, the Government of Gibraltar would not have allowed this, in the same way that it does not allow the current contractor to subcontract.

1855 The Government will, in the contract negotiations, be working in the interest of both the taxpayer and the workforce, given that we see those interests as being aligned. We will not allow current terms and conditions to be eroded and will be seeking improvements where commercially possible.

1860 **Hon. Ms M D Hassan Nahon:** Mr Speaker, with reference to Question 42, with regard to key personnel in the draft service agreement, with regard to key personnel, what role does Government envisage that they will play in connection with the new setup? I ask because schedule 5 in the draft service agreement, which deals with key personnel, is empty.

Hon. Dr J E Cortes: Mr Speaker, I am not sure whether the hon. Lady is referring to what will happen once the tender is awarded or during the negotiations in the tender.

1865 **Hon. Ms M D Hassan Nahon:** It is ambiguous to me – that is why I asked – because I do not understand who or what key personnel is now in Master Service: what is the current definition of key personnel?

1870 **Hon. Dr J E Cortes:** Mr Speaker, I think I would need notice to the amount of detail that I am being requested and I would be very happy to look into it and seek clarification, but the hon. Member is making reference to a specific section in a very vast document and I would not like to try and give what I think the answer is without checking the facts. I think it would be reasonable to at least be given notice. I am happy to respond if the hon. Lady wants to write to me. In the meantime I will seek clarification.

1875

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker – thank you to the hon. Gentleman. I will write to him and seek clarification.

1880 In clause 13.2 it talks about the Government having the power to get people dismissed as the authority whilst they will not be the employer. If there are issues with unfair dismissal, the fallout will be for the employer, not for the authority, so how will that work appropriately?

Hon. Dr J E Cortes: Mr Speaker, I believe that this is exactly the same as is currently in the present contract and the Government has never exercised that ability (**Hon. Chief Minister:** In our time.) in our time. It may have happened before our time.

1885 Because it is an exclusive Government contract there may be, very rarely, occasions on which the Government has to act categorically if there has been any particular misconduct and so on and therefore it would have to perhaps take certain action. It is highly unlikely that it would happen. I cannot envisage anything that would trigger that off in the normal run of things, but it is something that the Government does reserve as an option in the public interest and because 1890 it is a considerably large contract taking a large amount of taxpayers' money.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you for that. If I could just ask one more question. I am aware that the union representing the bulk of the Master Service workers has been trying to achieve a meeting with the hon. Gentleman. At what point will the union be brought in to guarantee the existing and improved terms and conditions for the workforce? 1895

Hon. Dr J E Cortes: Yes, Mr Speaker, there have been meetings. The concerns of the members have been made to me directly and to the Chief Minister directly and to both of us together. They have raised a number of concerns. We have reassured them at meetings, we have reassured them at the motions that we had in Parliament just a few months ago and I think that my closing paragraph in my answer to Question 43 should further reassure them that we will have the interests of the workforce very much at heart – it is paramount to us, so I think that they need to be reassured that we will continue discussing, but clearly the contract is awarded by the Government and not by the union, but obviously the union's views will be very much taken to heart. 1900 1905

Mr Speaker: The Hon. Roy Clinton.

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

1910 If I may ask the Minister: does he have an idea as to when the tender process will be complete and when he will be in a position to award the contract?

Hon. Dr J E Cortes: No, Mr Speaker, there is a tender board appointed. It is run by senior officials of the Government; I am not directly involved. I can seek that information but I do not have it at this moment.

1915

Q39/2018

**New buildings and refurbishment of schools –
Update re completion dates, contractors and costs**

Clerk: Question 39. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Education provide updated information in respect of the new buildings and refurbishment of schools which Government announced it will be undertaking, together with a schedule of completion dates, details of the contractors carrying out each project and the estimated costs of each project?

1920

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

1925

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I provided the completion dates in my answer to Question 711/2017; there has been no change.

The contractor for Notre Dame School is GJBS. The other projects have not been allocated. Estimated costs cannot be made public as we are engaged in a competitive procurement process.

1930

Hon. E J Reyes: Not even the estimated costs for the one already awarded?

Hon. Dr J E Cortes: No, Mr Speaker, because potential contractors could take the estimated costs of the one that we are embarked on as an idea of what we may or may not be willing to consider. We feel that we should not pre-empt the issue and therefore we do not feel that it is correct at this time to reveal the estimated costs of the one that we have begun.

1935

Hon. E J Reyes: And, Mr Speaker, so that I know for future reference, does Government intend to publish the full costs once it has awarded all the projects to the contractors? Does it intend to publish of its own accord or would the Minister like me to re-table this question in a few months' time – unless he can give a firm commitment now and make a note to table it in a few months' time?

1940

Hon. Dr J E Cortes: Mr Speaker, I cannot say when. This is a matter which obviously will become public in due course. The hon. Member has a right to ask whatever question he wishes to ask, so I do not think I can comment any further on that.

1945

Q40/2018

**Gibraltar Teachers' Association –
Review of salaries structure**

Clerk: Question 40. The Hon. E J Reyes.

1950

Hon. E J Reyes: Can Government confirm if it has recently entered into a commitment with the Gibraltar Teachers' Association to carry out a major review of their salaries structure?

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, this is not the case.

Q41/2018

**St Martin's School –
Provision of new bus**

Clerk: Question 41. The Hon. L F Llamas.

1960

Hon. L F Llamas: Mr Speaker, can the Government update this House as to the provision of a new bus for St Martin's School?

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 am surprised that the hon. Member has not set up an online questionnaire asking what make of bus we should get and sat in front of it for a few hours to ensure he clicks it 802 times, but there we go. **(Hon. D A Feetham: Oh, oh, oh!)**

1970

Mr Speaker, the bus is scheduled to arrive in March.

COMMERCE

Q70 and 83/2018

**Business licensing process and regulation of real estate agents –
Updating of legislation**

Clerk: We now move to Question 70. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it has reached agreement with the Gibraltar Federation of Small Businesses in their joint review of the current 'cumbersome' business licensing process, and when does the Government anticipate bringing amendments to the legislation to Parliament?

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

1980

Minister for Commerce (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 83.

Clerk: Question 83. The Hon. E J Phillips.

1985

Hon. E J Phillips: Can the Government state its position with regard to the regulation of real estate agents?

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

1990

Minister for Commerce (Hon. A J Isola): Mr Speaker, the hon. Member asks when the Bill to amend the Fair Trading Act will be brought to Parliament. The Bill was published on 5th October 2017 and we are finalising the regulations in preparation for the approval of this Bill by Parliament.

1995

Government has conducted its own review of the Fair Trading Act which goes beyond the proposals of the Chamber of Commerce and the GFSB and we have extensively consulted with them in respect of these. We are currently awaiting their final comments on the details, the principles of which have already been agreed.

Mr Speaker, the regulation of estate agents is governed by the Fair Trading Act.

2000

Hon. E J Phillips: Can the Minister clarify as to what code of conduct is relevant to the real estate agents in Gibraltar?

2005

Hon. A J Isola: Mr Speaker, the Fair Trading Act and the regulations that impose standard terms of trade that they must each comply with. It goes beyond in terms of client accounts now that poker applies in terms of money laundering and items of value. So the regulations that are there already. I do not think I need to give my friend legal advice.

2010

Hon. R M Clinton: Mr Speaker, just to clarify with the Minister, he mentioned the Bill that was published on 5th October 2017. My reading of it is to do with the exchange of information and the solution of certain functions of the Business Licensing Authority, but not necessarily the review to which he is referring, which I assume must still be subject to agreement in order to be able to bring such a Bill to the House. I guess what I am saying, Mr Speaker, is that this particular Bill as published does not address the concerns of the various chambers.

2015

Hon. A J Isola: Mr Speaker, that Bill that he refers to also says, and I will read:

AN ACT to repeal certain provisions and to amend others of the Fair Trading Act 2015 relating to business licensing,

– which is what the question is about –

in particular as regards the dissolution of the functions of the Business Licensing Authority;

– which is what we are consulting on –

to provide for the exchange of information or intelligence ...

2020

So, yes, this is the Bill which will enable us to introduce the regulations which are in discussions with the GFSB and the Chamber of Commerce.

Q71-82/2018

Financial Services Commission –

**Appeals by licensed entities; appointment of inspectors;
appointment of skilled persons and hybrid skilled persons with powers of an inspector;
new licences issued; enforcement strategy**

Clerk: Question 71. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Government intend to retain the right of licensed entities to apply to court for a stay of decisions of the Gibraltar Financial Services Commission pending determination of any appeal against decisions of that body?
2025

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

Minister for Commerce (Hon. A J Isola): Mr Speaker, I will answer this question together with Questions 72 to 82.
2030

Clerk: Question 72. The Hon. D A Feetham.

Hon. D A Feetham: I can see I am not going to get very far today on these questions. How many appeals to the Supreme Court from decisions of the FSC were filed in 2017?
2035

Clerk: Question 73. The Hon. D A Feetham.

Hon. D A Feetham: How many times has the FSC appointed inspectors under section 101 of the Financial Services (Insurance Companies) Act 1987 to investigate the affairs of anyone carrying or suspected of carrying on insurance business in each of the calendar years since 2007?
2040

Clerk: Question 74. The Hon. D A Feetham.

Hon. D A Feetham: In relation to the preceding question on the appointment of inspectors under section 101, please state whether the organisation for whom the inspector worked, consulted or was a partner at the time of the appointment was based in or outside Gibraltar and what did each appointment ultimately cost the entity investigated?
2045

Clerk: Question 75. The Hon. D A Feetham.
2050

Hon. D A Feetham: How many appointments of inspectors have been made under section 8 of the Financial Services (Information Gathering and Co-operation) Act 2013 in each calendar year since that Act was introduced?
2055

Clerk: Question 76. The Hon. D A Feetham.

Hon. D A Feetham: How many appointments of skilled persons have been made under section 7 of the Financial Services (Information Gathering and Co-operation) Act 2013 in each calendar year since that Act was introduced?
2060

Clerk: Question 77. The Hon. D A Feetham.

Hon. D A Feetham: In respect of the appointments made under sections 7 and 8 of the Financial Services (Information Gathering and Co-operation) Act 2013 since that Act was
2065

introduced, please state whether the organisation for whom the inspector or skilled person appointed worked, consulted or was a partner was based in or outside Gibraltar?

Clerk: Question 78. The Hon. D A Feetham.

2070

Hon. D A Feetham: How many appointments of hybrid skilled persons with the powers of inspectors have been made by the FSC in agreement with licensed entities in each calendar year since 2013?

2075

Clerk: Question 79. The Hon. D A Feetham.

Hon. D A Feetham. In respect of hybrid appointment of skilled persons with the powers of inspectors, please state whether the organisation for whom the inspector of skilled person appointed worked, consulted or was a partner was based in or outside Gibraltar?

2080

Clerk: Question 80. The Hon. D A Feetham.

Hon. D A Feetham: In respect of (a) the appointments made under sections 7 and 8 of the Financial Services (Information Gathering and Co-operation) Act 2013 since that Act was introduced and (b) hybrid appointments of skilled persons with the powers of inspectors since 2013, what was the cost to each licensed entity of those appointments?

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Clerk: Question 81. The Hon. D A Feetham.

2090

Hon. D A Feetham: Can the Government please provide details of the 50 licences that the CEO of the FSC told GBC on 18th December 2017 had been issued in the areas of insurance, pensions and banking?

Clerk: Question 82. The Hon. D A Feetham.

2095

Hon. D A Feetham: During her interview with GBC on 18th December 2017 the CEO of the FSC said there had been a new approach to enforcement by the FSC. Is the Government content with this new approach?

2100

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

Minister for Commerce (Hon. A J Isola): Mr Speaker, firms will continue to have the right to apply to court to stay decisions of the GFSC, and in 2017 there were 21 appeals from 11 firms to the Supreme Court.

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Since 2007, no inspectors have been appointed under section 101 of the Financial Services (Insurance Companies) Act 1987 to investigate insurance activities and consequently the answer to Question 74/2018 is no firm was engaged to carry out this work.

Under section 8 of the Financial Services (Information Gathering and Co-Operation) Act, one inspector was appointed in 2014 and four inspectors were appointed in 2017. Under section 7 of the same Act no skilled persons have been appointed since the Act was introduced, and since 2013 one hybrid skilled person with the powers of an inspector has been appointed. All persons appointed under this Act have been from firms in Gibraltar and the United Kingdom.

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Where firms have paid moneys to meet the costs of inspectors or skilled persons pursuant to sections 7 and 8 of the Act, or hybrid appointments of skilled persons, that information is confidential to the firms. In respect of fees incurred by the GFSC themselves, the GFSC in its annual report provides details of all these payments made to firms.

2115

In 2017 there were 47 new licences issued, which naturally include insolvency practitioners, statutory auditors and individual directorships, and a further four were licence extensions. All of these are on the GFSC website.

2120 The Government is content with the enforcement strategy of the GFSC.

Hon. D A Feetham: Mr Speaker, just in relation to the penultimate answer that the hon. Gentleman gave in terms of the breakdown, can he provide me with an actual breakdown of the 50 licences?

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Hon. A J Isola: Mr Speaker, the firms themselves where licences were granted are online. I am not going to give you the firms, but if you want the areas: AFIM authorised, one; AFIM registered, five; bank extension, one; bureau de change, one; category 3 investment firm, one; company manager, four; EIF, six; EIF directors, two; E - money institution, one; general insurance intermediary, one; individual company manager, eight; insolvency practitioner, one; insurance cell, three; insurance company, six, which includes three extensions; insurance intermediary general, one; insurance manager, six; personal pension scheme controller, one; statutory auditor, two.

2130

2135 **Clerk:** We now return to Question 47. The questioner is the Hon. R M Clinton.

Hon. R M Clinton: Sorry, Mr Speaker, can I just go back to the Minister's answer to Question 82 and ask him if he is entirely satisfied or he identifies himself with the comment from Ms Barrass, who said that the new statutory regime that will come into force over the next year will look and smell a lot like the UK? Is that the Government's intention?

2140

Hon. A J Isola: Mr Speaker, Question 82 was in respect of the enforcement strategy and the enforcement strategy has been in place since 2016. I am not sure if this question is in any way related to it. Don't forget that the LRP programme, that may be what I think you are picking up on, which ... I have not seen or heard that quote, or read that quote so I am not going to be able to address myself to it, but I can tell you that the LRP is a Government programme which we are working on hand in hand with the FSC and it is the subject of extensive consultation with the Finance Centre Council and will be the subject of further public consultation before then. So it is not as if the LRP is in the ownership of the FSC; we are working with them. It is very much Government driven. It is legislation and therefore there will be full and complete consultation with the sector, even though we have already started that with the Finance Centre Council in tranches, which is the most manageable way to deal with it. We are comfortable that we will get the result that we all want.

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2150

HOUSING AND EQUALITY

Q47/2018

New affordable housing scheme – Expressions of interest forms received

Clerk: Question 47. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise how many expressions of interest forms have been received in respect of the new affordable housing scheme announced on 28th September 2017?

2160 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, a total of 4,087 questionnaires have been received since 28th September 2017.

Q48/2018
Regulation of private landlords –
Government position

Clerk: Question 48. The Hon. E J Phillips.

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Hon. E J Phillips: Can the Government state its position in relation to the regulation of private landlords?

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 regulation of private landlords is provided for in the Housing Act 2007. This Act, and particularly the provisions that relate to commercial residential landlords, is currently under review.

Q49/2018
Disability Act 2017 –
Delay re coming into force

Clerk: Question 49. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, why is the Government delaying the coming into force of the Disability Act 2017 debated in this House in July last year.

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, Government is not delaying the coming into force of the Disability Act. May I remind the hon. Gentleman that this Government has pioneered legislation that will give people with disabilities more rights and respect within our community, something that no previous Government has delivered.

2185

It is normal practice when large pieces of legislation are introduced that they not come into force immediately and that their implementation be staggered so that everyone is familiar with the obligations under the Act. I made this clear and said that extensive training and awareness would be provided on the legislation ahead of it coming into force, and this is exactly what we have been doing to ensure that the legislation is an absolute success.

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Hon. L F Llamas: Mr Speaker, does the hon. Member have a schedule by when she estimates the staggering of the effective dates to be?

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Hon. Miss S J Sacramento: Yes, Mr Speaker, as I have said before, we have a schedule that will deliver some ... I have said in the past that the introduction of the legislation will be staggered, some sections of the legislation will be introduced sooner than others, but the hon. Gentleman needs to understand that this legislation primarily relates to Government policy and

2200 he can rest assured that Government policy is up to speed on matters of equality, inclusion and disability and all the policies are being applied throughout the Government in a way that is unprecedented.

2205 **Hon. L F Llamas:** Mr Speaker, if you will allow this supplementary: during the Disability Act debate and prior to that debate coming to this House we had a private conversation in which the hon. Lady assured me that there would be guidelines being published as from September in areas where the legislation is not being introduced because the domestic legislation already provides for that. Does the hon. Lady have an estimated date by when those guidelines will be published? I have not seen anything.

2210 **Hon. Miss S J Sacramento:** Mr Speaker, in fact the guidance booklet that the hon. Gentleman is referring to, that I explained I would be issuing as a further assistance and guidance in the successful implementation of this landmark legislation, has already been published. From memory I am sure that we have published two and possibly three. We are publishing them as we go. In fact, we are publishing them in order to deliver the training so that people have a point of reference when they undergo the training – people particularly internally in different
2215 Government Departments – so that they have a point of reference on what is required from them in terms of policy and in the legislation.

Q50/2018

Supported independent living – Plans for those with mental health problems

Clerk: Question 50. The Hon. L F Llamas.

2220 **Hon. L F Llamas:** Mr Speaker, does the Government have any plans to provide supported independent living for members of our community who suffer from mental health problems?

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

2225 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there are now various types of provision of supported independent living for people with mental health problems. What is offered is person centred and according to individual needs.

There is residential accommodation provided at the new Ocean Views for some patients who have been clinically discharged but require a high level of supervision and support.

2230 As a result of collaboration between the Housing Department and the GHA, there now also exist flats in the community which are staffed by clinical carers provided by the GHA Mental Health Services.

Furthermore, for those who are independent, they will live in the community with outreach support provided via the GHA or the Care Agency.

2235 And finally, in addition, the Housing Department has developed a protocol with the GHA in the event that an existing tenant may require support, so that referrals and assistance are seamlessly provided.

Q51/2018
Housing waiting list –
Backdated applications

Clerk: Question 51. The Hon. L F Llamas.

2240 **Hon. L F Llamas:** Mr Speaker, since December 2011, can the Government provide details of applicants to the housing waiting list who have had their applications backdated, including: (a) the date the application was accepted; (b) the list the applicant was placed on; (c) the position on the list the applicant entered in; (d) the date the applicant was removed from the list; (e) the type of property the applicant obtained on removal from the list (Government rental, affordable housing or other)?

2245

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

2250 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, since December 2011 a total of 11 applications have been backdated. Details are as follows: (a) eight applications were accepted in 2012, two in 2013 and one in 2016; (b) all the applicants were on the waiting list; (c) this information is not reflected in our records; (d) one applicant was removed in 2012, one in 2013, four in 2014, three in 2015, one in 2017 and one in 2018; (e) all properties allocated were Government rentals.

Q52/2018
Housing matters –
Lack of statistical information on Government website

2255 **Clerk:** Question 52. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Minister for Housing explain the lack of statistical information in respect of housing matters on the Government website?

2260 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

2265 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, we had noticed some errors in the information that was being uploaded and as a result of this we carried out an in-depth review of the whole system. The new format has now been agreed and the Housing Department is in the process of inputting the statistics in the new format and will upload them as soon as they are ready.

Hon. Ms M D Hassan Nahon: Mr Speaker, the same question was posed almost one year ago by my hon. Friend to my right, Edwin Reyes, and the hon. Lady then said, and I quote:

Discrepancies and inaccuracies in the presentation of the data were noticed. The complete system is currently under review in order that statistics going forward are presented as accurately as possible. I hope the exercise is complete within six months.

2270 I would like to ask why it is still an ongoing issue and why, if a year ago we were referring to the statistics of the year before, why is it that the statistics of the last year are not up now. Why are they being treated in the same way as the problem that had occurred a year ago with the year before?

2275 **Hon. Miss S J Sacramento:** No, I have already given the reason. It has got nothing to do with
them being either this year's or last year's. It is that they were wrong. They were being collated
in the wrong manner, unfortunately, and they were not being presented in a manner that I
thought was helpful. That is why I asked that there be a review in the way that we gather the
information and that we present the information in a way that is obviously accurate and more
2280 relevant to anybody who is checking the statistics. The information needs to be drawn from
various Departments and that is where the main source of the confusion was coming from,
because we had to rely on statistics provided to us by the Housing Department and by the
Housing Works Agencies and various other entities as well, and it just happened that figures
were not matching.

2285 We have looked at the whole system. It has unfortunately taken the Department a bit longer
than they envisaged but I was presented with the new draft formats at a meeting, I think some
two weeks ago. The whole format has been agreed and it is a question of the Department just
getting the information up to date so that it can all be uploaded at once.

2290 **Hon. Ms M D Hassan Nahon:** Thank you for that answer. Considering that we are already six
months past the timing that the hon. Lady gave us, how much longer are we to wait before we
can expect the statistics to be up and running again?

2295 **Hon. Miss S J Sacramento:** Mr Speaker, I know that the Department has been working very
hard on this, which is something of course that they need to do over and above the day-to-day
business of the running of the Housing Department and the hundreds and hundreds of calls that
they receive on a daily basis from members of the public. As I have just said in the answer to the
previous supplementary, I was presented with a final review of what was going to be presented
and the Department is currently in the process of analysing the data that is going to be
presented. I do not think it will take very long; I would envisage maybe a couple of weeks. I know
2300 that the Department is giving it a lot of priority, but priority in the whole context of allocating
flats as soon as possible and dealing with repairs and dealing with the ordinary day-to-day
business of the Department.

DEPUTY CHIEF MINISTER

**Q84/2018
Key worker housing –
Update**

Clerk: We move to Question 84. The Hon. E J Phillips.

2305 **Hon. E J Phillips:** Can the Government update the House on the development of key worker
housing?

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

2310 **Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker, a total of three developments
comprising 382 studio apartments and 139 one-bedrooms have been tabled before the
Development and Planning Commission and described by the applicants as key worker
accommodation.

Q85/2018

**Bayside, St Anne's and St Martin's Schools sites –
Expressions of interest received**

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

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Hon. R M Clinton: Mr Speaker, can the Government advise how many expressions of interest it received on 21st December 2017 for the sites of Bayside, St Anne's and St Martin's Schools respectively; and have any been accepted, and if so, for what consideration?

2320

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the Government has received two expressions of interest for the Bayside School sites, two for the St Anne's School sites and five for the St Martin's School sites. They came in just before the Christmas break and are still under consideration.

2325

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer. Does he have an idea as to when these will be determined? Does he think in the next months, six months or the lifetime of this Parliament, or some other timeframe?

2330

Hon. Deputy Chief Minister: Mr Speaker, the expressions of interest are still under consideration and we are still looking at them, so it is really difficult to determine at this stage how long that process is going to take.

2335

Hon. R M Clinton: Thank you. And would it be the Government's intention that the expressions of interest, if they are accepted ... that there would be payments in advance of the site being vacated, or would you expect a land sale to go through after the site has been vacated?

2340

Hon. Deputy Chief Minister: Mr Speaker, those issues will be part of the negotiation, whichever entities turn out to be successful in this process.

2345

Hon. R M Clinton: I see. So, Mr Speaker, if I understand the Minister correctly, the Government at the moment has not set out a negotiating position as to what it is it would prefer?

2350

Hon. Deputy Chief Minister: Mr Speaker, the Government has not yet decided with which of the parties it wants to negotiate, neither what the terms of the negotiation will be. Once we establish and we analyse the contents of all the different expressions of interest, we will be in a better position to answer that question.

2355

Hon. R M Clinton: Mr Speaker, just one final question for the Minister. Of the expressions of interest received, would he be able to advise if, certainly for each of the three sites, there has been one particular tender that has tendered for all three sites; or, Mr Speaker, if I may clarify, there has been a tenderer that has tendered for each of the three sites?

2360

Hon. Deputy Chief Minister: Mr Speaker, I would not be able to answer that question because I do not want to mislead the House. I am not absolutely sure. If the hon. Member would be kind enough to table that question again in the next meeting of the House, I will have the information before me at that point.

Q86/2018

**Chinese and Commonwealth nations –
Nature of interest in Gibraltar**

Clerk: Question 86. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Deputy Chief Minister state precisely what interest the Chinese and leading nations of the Commonwealth have shown in Gibraltar following his statement in his New Year's message to that effect?
2365

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the interest that exists is commercial and economic.
2370

In relation to China, this is being driven by my colleague the Minister for Economic Development, Sir Joe Bossano, and also the Minister for Commerce, Albert Isola.

The interest shown on the part of Commonwealth countries, while also commercial and economic, comes in the context of the decision taken by the United Kingdom to leave the European Union and the new trading relationships that are expected to emerge post Brexit. There is also a political dimension to this.
2375

Hon. L F Llamas: Mr Speaker, thanks for that answer. Would the Deputy Chief Minister be able to provide details of which are those leading countries in the Commonwealth we are currently dealing with?
2380

Hon. Deputy Chief Minister: Mr Speaker, some of those are public and we have made announcements of the countries that we have met. Others I would rather not tell the hon. Member across the floor of the House because in our experience then those countries get written to by third parties and we would rather avoid that situation, so I am very happy to tell him outside the Chamber.
2385

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am left with no doubt that the Hon. Sir Joe Bossano KCMG MP has left the Chamber to avoid us once again tributing him for the award that he has received from Her Majesty the Queen. I warned him that we would once again engage in tributes before the recess and before the adjournment and he quickly decided that he would leave the Chamber rather than suffer again the ignominy of us telling him how much we value him and his contribution to public life.
2395

Mr Speaker, I would now adjourn the House to Monday, 29th January at 2.30 in the afternoon. If it is of any assistance to Members, I intend to deal with the remaining business of the House on that day and adjourn *sine die* if time allows at the end of that evening.

Mr Speaker: The House will now adjourn to Monday, 29th January at 2.30 in the afternoon.
2400

The House adjourned at 6.40 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.36 p.m. – 4.32 p.m.

Gibraltar, Monday, 29th January 2018

Contents

Standing Order 7(1) suspended to proceed with laying of papers.....	3
Papers to be laid.....	3
Questions for Oral Answer	3
Tourism, Employment, Commercial Aviation and the Port.....	3
Q44/2018 Visitor arrivals – Figures for July to December 2017.....	3
Q45/2018 Civil Contingencies Co-ordinator – Filling of post	4
Q46/2018 Tourism Instagram page – Lack of activity	5
Health, Care and Justice	5
Q53/2018 Parole system – Aspects for reform	5
Q54/2018 Escalators outside Hospital – Repairs.....	7
Q55/2018 Gibraltar Health Authority – PricewaterhouseCoopers review	7
Q56/2018 Obesity in Gibraltar – Under-17s.....	9
Q57/2018 Alternative and homeopathic remedies – Government position re GHA.....	10
Q58/2018 Stem cell therapy – GHA position.....	10
Q59/2018 St Bernard’s Hospital catering – Provision of healthy eating options.....	10
Q60/2018 St Bernard’s Hospital – Bed capacity rate	11
Q61-62/2018 Accident and Emergency – Average wait time; wait target.....	11
Q63/2018 A&E admissions – Plans to reduce pressure	13
Q64/2018 Gibraltar Health Authority – Complaints from service users	14
Q65/2018 Gibraltar Health Authority – Disputes with service users settled out of court.....	14
Q66/2018 St Bernard’s Hospital – Number of staff sick days recorded.....	14

Q67/2018 St Bernard’s Hospital – Overtime.....	15
Q68/2018 Xanit – Termination of arrangements.....	15
Q69/2018 Hospital beds at home – Long-term provision for sick children	17
Chief Minister.....	17
Q87/2018 Credit Finance Company Ltd – Financial information.....	17
Q88/2018 South Jumpers Bastion site – Gibraltar Broadcasting Corporation relocation	21
Q89/2018 Buses – Replacement of entire fleet using buy-back clause.....	23
Q90/2018 Midtown Parking – Modifications to pedestrian doors.....	23
Q91-93/2018 Marriott Hotel, former coach site, Rooke site – Status of development plans	24
Q94/2018 Disability Allowance – Reason for delay in increase.....	27
Questions for Written Answer	27
Order of the Day	28
Bills	28
First and Second Reading.....	28
Proceeds of Crime (Amendment No. 2) Bill 2017 – First Reading approved	28
Proceeds of Crime (Amendment No. 2) Bill 2017 – Second Reading approved	28
Proceeds of Crime (Amendment No. 2) Bill 2017 – Committee Stage and Third Reading to be taken at this sitting.....	29
Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 – First Reading approved	29
Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 – Second Reading approved	29
Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 – Committee Stage and Third Reading to be taken at this sitting	32
Legal Aid and Assistance (Amendment) Bill 2017 – First Reading approved.....	33
Legal Aid and Assistance (Amendment) Bill 2017 – Second Reading approved	33
Legal Aid and Assistance (Amendment) Bill 2017 – Committee Stage and Third Reading to be taken at this sitting.....	34
Committee Stage and Third Reading	34
<i>In Committee of the whole Parliament</i>	<i>34</i>
Proceeds of Crime (Amendment No. 2) Bill 2017 – Clauses considered and approved	34
Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 – Clauses considered and approved	35
Legal Aid and Assistance (Amendment No. 2) Bill 2017 – Clauses considered and approved	36
Proceeds of Crime (Amendment No. 2) Bill 2017 – Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 – Legal Aid and Assistance (Amendment) Bill 2017 – Third Readings approved: Bills passed	36
Adjournment.....	37
<i>The House adjourned at 4.32 p.m.</i>	<i>37</i>

The Gibraltar Parliament

The Parliament met at 2.36 p.m.

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

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

Standing Order 7(1) suspended to proceed with laying of papers

Clerk: Suspension of Standing Orders. 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):
5 Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with the laying of reports on the table.

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

PAPERS TO BE LAID

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

10

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, I have the honour to lay on the table the Social Security (Insurance) Act (Amendment of Contributions) Order 2017 and the Social Security (Insurance) Act (Amendment of Appointment) Order 2017.

15

Mr Speaker: Ordered to lie.

Questions for Oral Answer

TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q44/2018

Visitor arrivals –

Figures for July to December 2017

Clerk: We now move to Answers to Oral Questions and we resume at Question 44.
The Hon. T N Hammond.

20

Hon. T N Hammond: Mr Speaker, can Government provide the totals for visitor arrivals by land, air and cruise ships and the total visitor arrivals if different from the sum of the above, by month for the months of July to December 2017?

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

25

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, the information requested in respect of the visitor arrivals by land, air and cruise ships, as well as the total visitor arrivals for the months July to December 2017 is as follows. I have been provided with the information on the answer sheet rather than as a schedule, so I will read them out and I can make a copy available later on to the hon. Member.

30

Visitor arrivals by land, air and cruise ships July to December 2017: July, land 877,848, air 29,533, cruise ships 44,616; August, land 1,028,424, air 28,038, cruise ships 59,557; September, land 943,587, air 27,545, cruise ships 57,214; October, land 932,691, air 17,000, cruise ships 47,744; November, land 808,481, air 10,028, cruise ships 33,332; December, land 762,411, air 9,179, cruise ships 11,689.

35

In respect of all visitor arrivals from July to December 2017: July, total visitor arrivals were 953,771; August, 1,117,861; September, 1,029,745, October, 998,916; November, 852,896; December, 783,872.

Q45/2018

**Civil Contingencies Co-ordinator –
Filling of post**

Clerk: Question 45. The Hon. R M Clinton.

40

Hon. R M Clinton: Mr Speaker, further to its advertisement on 7th August 2017, can the Government advise if the position of Civil Contingencies Co-ordinator has been filled; and if so, by whom?

45

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 post was filled by Lieutenant Colonel Ivor Lopez, the Ex-Commanding Officer of the Royal Gibraltar Regiment. He took up his duties on 7th September 2017.

50

Hon. R M Clinton: I thank the Minister for his response. Mr Speaker, can the Minister advise what qualification he has in respect of emergency planning, resilience and response?

55

Hon. G H Licudi: Mr Speaker, I was not involved in the selection process, so I have not looked at that, but he was the Ex-Commanding Officer of the Royal Gibraltar Regiment and I expect that he would have been very well versed and very well qualified in all types of emergency and logistics planning.

60

What I can tell the hon. Member, given that he took up his post on 7th September 2017, is that he is in fact doing an excellent job in all the logistics and emergency planning in Gibraltar from a civil contingencies point of view. As Minister for Civil Contingencies, I am absolutely delighted with the work that he is doing. That is not to take anything away from his predecessor, Leslie Edmonds, who did the job for a number of years after his retirement from the Fire Service, but now we have a full-time and, I consider, very ably qualified person doing this very important job for Gibraltar.

65

Q46/2018
Tourism Instagram page –
Lack of activity

Clerk: Question 46. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Could the Ministry of Tourism account for the lack of activity in its page on social media platform Instagram since July 2017?

70

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

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, the Gibraltar Tourist Board operates three channels of social media, namely Twitter, Facebook and Instagram. We have been active on Twitter and Facebook but, due to an oversight, not on Instagram since July last year. This was rectified as soon as the oversight was brought to our attention.

75

80

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you to the Minister for that answer.
Will the Government from now on prioritise Instagram, as it has said that it does with Facebook and Twitter, in order for Gibraltar's profile not to come across as shoddy, because Instagram is a very prominent social media platform these days?

85

Hon. G H Licudi: Mr Speaker, I do not agree that we come across as shoddy in any way just because we have not been active on Instagram. It is not a question of prioritising Instagram over other social media platforms but ensuring that we are active on Instagram in the same way as we are on the other platforms.

90

This was, as I mentioned, an oversight. Systems have been put in place to make sure that this sort of thing does not happen, and people will be overseeing the activity on all three social platforms to make sure that Gibraltar gets the exposure on this media that we should get and we deserve.

HEALTH, CARE AND JUSTICE

Q53/2018
Parole system –
Aspects for reform

Clerk: We move now to Question 53. The Hon. D A Feetham.

95

Hon. D A Feetham: Mr Speaker, what aspects of the parole system is the Government considering reforming?

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

100

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the question of reform of the parole system is currently being considered by the Law Commission.

105

The entire system of parole in Gibraltar is under review. The Law Commission has requested evidence, following its first meeting on 12th December last year, from a number of stakeholders so as to inform its views. These include the Parole Board, the Prison Service and the Probation Service. It is likely that further evidence will be sought following the second meeting.

Hon. D A Feetham: Mr Speaker, does the Hon. the Minister for Justice agree with me that great care needs to be taken in relation to reform of the parole system here in Gibraltar, in particular in relation to very serious crime?

110 The question of parole in the United Kingdom has come under a lot of media scrutiny in relation to the Worboys case, and does he not agree with me that at the moment the law in the most serious of cases – and I am talking about sentences that are life sentences – require ... a prisoner will not be granted parole unless he presents no risk to the public? That, at the moment, is the test and does he not agree with me that it is important not to water down that test?

115 I will just give him an example of why that is so by reference to, for example, what is going on in the UK. If you ever had a Worboys case here in Gibraltar, there is nowhere to hide for the victims of rape, for example, which it is in that instance. I am not suggesting that it is justified that Worboys be released in the United Kingdom – it has come under a lot of criticism – but in 120 the UK you can move into the next borough or the next county or you can go north, you can go south or you can move away. Here in Gibraltar you cannot do that, you cannot move into the next county, and you are likely to be coming face to face with the perpetrator of a very serious crime.

125 There is also an additional reason, in my respectful view, which ought to be kept in mind as to why we should not water down the requirements in relation to parole. In Gibraltar, as indeed in the United Kingdom, when an individual applies for parole or comes up for parole, the victims are asked for their view. In Gibraltar it is very difficult for a victim of a very serious crime to be providing their views honestly and earnestly because going through that victim's mind, what that person will have in their mind is, 'Well, if I add another year or another two years or 130 another three years to a person being incarcerated because of representations that I have made, if that person then comes out and I cannot avoid that person down Main Street or in town it is going to be very awkward,' or, naturally, a victim is going to be thinking there could be repercussions for the victim, rightly or wrongly. Therefore, it is *really* important that we are very careful about the work that is done in this area and for the *very* serious crimes – serial rapists, rapes, violent crimes – that the requirements that are there in place today are not watered 135 down.

Hon. N F Costa: Mr Speaker, I think that the hon. Gentleman has asked me two questions among his remarks.

140 I am not sure from where he makes the assumption that we are in any way talking about watering down the provisions –

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

145 **Hon. N F Costa:** – of the Prisons Act; quite the contrary. My view – and it is a personal view and I am obviously only one of the Law Commissioners; there are other Law Commissioners who will be weighing into the review of the parole system – is we will be looking at the point at which a person becomes eligible for parole, whether the eligibility for parole should vary depending on the type of offence for which the person has been sentenced and we will be looking at the models in other jurisdictions.

150 I think that the fact that we have a Supreme Court Judge, the Stipendiary Magistrate and other senior members of the community and the fact that we are asking for evidence from professionals like the Parole Board and the Probation Services and HM Prison, shows the seriousness with which we are embarking on this very serious endeavour. Therefore, the hon. Gentleman can rest assured that we will take our deliberations and the evidence as put to us extremely seriously. But to assuage any concern that the hon. Gentleman may have, we are in no way, even before having heard any evidence and even before entering into the minutiae of the deliberations, thinking of diluting any part of the Prisons Act.

Q54/2018

**Escalators outside Hospital –
Repairs**

Clerk: Question 54. The Hon. T N Hammond.

160

Hon. T N Hammond: Mr Speaker, considering the amount of time that the escalators outside the Hospital have been unserviceable, does the Government plan to repair them; and if so, when?

165

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the escalators outside the Hospital are currently operational.

Q55/2018

**Gibraltar Health Authority –
PricewaterhouseCoopers review**

Clerk: Question 55. The Hon. R M Clinton.

170

Hon. R M Clinton: Mr Speaker, further to Press Release 626/2017 on 23rd October 2017, can the Government advise if the PwC value for money review of the Gibraltar Health Authority has been completed and will the Government provide a copy of PwC's report?

175

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the PwC audit has not been completed to date. These reports are commercially sensitive and will not be made public.

180

Hon. R M Clinton: Mr Speaker, given that the report is for the benefit of the GHA, I personally fail to see why they would be commercially sensitive. Perhaps the Minister could indicate to the House why, in his belief, they would be commercially sensitive.

185

Hon. N F Costa: Mr Speaker, it is not my belief: the reports are commercially sensitive. They are being prepared by a firm of accountants and therefore the nature of the report concentrates on financials, procurements, processes and contracts, and within those reports there will be detail relating to contracts between the GHA and a particular operator and there will also be detail and advice to the GHA on how to, for example, obtain better value for money and how best to achieve that. To lay upon the table of this House or to provide a copy will be to disclose any strategy that is contained therein which has been designed for, as he says, the benefit of the GHA to be able to get the maximum out of the advice that PwC provides us to see how we obtain value for money in procurement and other areas and how to better manage contracts with certain providers.

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195

I tell him all of this just so that he understands my thinking, but quite apart from the fact that I would not have made the reports public in any case, the business terms do not allow us to make the reports ... private. It makes it very clear that the reports be fed only and exclusively for the GHA and that they are not to be copied to anybody else.

200

Hon. R M Clinton: Mr Speaker, as the Minister will be well aware, usually those disclosure provisions also include a paragraph that says 'not without our prior permission', so I am sure PwC, if the Minister asked, would be more than happy to do so.

Besides that, my question to the Minister is: would he be willing to make at least available what the terms of reference were for the report?

205 **Hon. N F Costa:** Mr Speaker, as I have told the Hon. Mr Llamas, I will be happy to make a statement once the advice that has been provided to us by PwC has borne fruit, but to provide in public details of what it is that we are looking into will necessarily alert those partners the GHA currently has contracts with that we are looking into these matters. We want to be able to keep our powder dry, look at the very detail and granularity of those relationships, dissect them, understand them, see how we can make them better and then go to those commercial partners. To ventilate those details in public will in effect neuter our ability to do so.

Hon. R M Clinton: Mr Speaker, I understand what the Minister is saying.
If I can just ask one final supplementary: have PwC used the services of the Principal Auditor in any way, or are they doing this completely independently?

Hon. N F Costa: Mr Speaker, the services being provided are completely independent of the Principal Auditor.

220 **Hon. D A Feetham:** Mr Speaker, may I ask a supplementary? The starting point, in my respectful view, on matters of disclosure must be surely that it is in the interests of transparency to disclose reports on important work by the Government. Therefore, if it is possible to disclose, and particularly, I also say, in an area where there has been a considerable overspend over the last few years, which is health – and I saw the hon. Gentleman’s interview on GBC a number of weeks ago just precisely on that point ... Because of transparency, because it is an area of overspend, there is a public interest in more, not less, disclosure, and therefore will the Minister not agree to reconsider his position and perhaps disclose the report in a redacted version, or alternatively more generic parts of the reports, leaving out specifics that may impact on commercially sensitive information?

230 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman knows, because I was on his side of the House six years ago, there has been an overspend in the GHA I think every year – except one, in fact, under my hon. predecessor Dr John Cortes – so the House is fully aware of the overspend in the GHA.

235 In respect of whether the report ought to be redacted and parts disclosed, I will not change my position because, in addition to the reasons I provided to the Hon. Mr Clinton, the reports will necessarily also mention officials within the GHA who have been dealing with and have been managing these relationships, and to therefore ventilate any part of the report, where the community will be able to see immediately who are those persons managing those relationships, any statements made therein will undoubtedly impact on the person. So for that reason as well I will not be making the reports public.

245 **Hon. D A Feetham:** Mr Speaker, attempting to find common ground across the floor of the House on what is an important issue, what about a statement to the House on the report when the report is produced that deals with generics, non-specific –

Hon. N F Costa: I have already said so, yes.
Mr Speaker, I am grateful that the hon. Gentleman has given way. As I have already explained to the Hon. Mr Clinton and to the Hon. Mr Llamas, I will be making a statement in Parliament, which will probably be during the course of my Budget speech, that will set out the fruit of the advice provided by PwC, and by the remarks I will make, generalised as though they will be, it will be clear on what areas we have sought advice.

Q56/2018
Obesity in Gibraltar –
Under-17s

Clerk: Question 56. The Hon. E J Phillips.

255 **Hon. E J Phillips:** Mr Speaker, in light of recent PCC statements regarding obesity, can the Government confirm what is the current obesity level, by percentage, of persons under the age of 17?

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

260

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I refer the hon. Gentleman to the Health Matters report of 2015, available on the GHA website, where the following statistics are available with regard to obesity levels in Gibraltar: 60% of Gibraltar's population are overweight or obese and 24% of Gibraltar's population are obese. The obesity level by percentage for persons under the age of 17 is not available.

265

Hon. E J Phillips: Mr Speaker, would the Minister agree with me that, given the fact that obesity is a very complex issue involving behaviour, environment and possibly genetics and culture, that we should improve the strategy in relation to obesity? And what are the Government's short-to-long-term aims in relation to reducing obesity in Gibraltar?

270

Hon. N F Costa: Mr Speaker, given that it is his first supplementary question, I really do not want to seem combative but I have politely referred him to the GHA's lifestyle survey where the objectives of the Government are clearly stated. I have nonetheless also given him some information, even though it is public, and as the hon. Gentleman knows, given that the information is public he should not even be asking me the question.

275

Hon. E J Phillips: Mr Speaker, to respectfully disagree, I have asked an important question about obesity levels in our community relating to children, which I think should be an important aspect of his work, and frankly, to be referred to public documents is completely ridiculous. I have asked this very simple question on how we are going to tackle obesity in our children and there should be an answer to that question. He should be able to answer that question. If he does not have the information, will he be able to ascertain what the obesity level is for children under the age of 17?

280

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Hon. N F Costa: Mr Speaker, it really takes some nerve to come to this House late, not be acquainted with the Rules of the House – *(Interjections)*

Mr Speaker: Order! Let's keep our cool.

290

Hon. N F Costa: – which clearly states in Standing Orders that if information is publicly available the Rules of the House do not permit questions to be put to Government Ministers.

295

I politely, and for his ease of reference, read out what part of the GHA lifestyle survey says and I have politely told him now, again, that if he wants more information he can refer to the public document and, once he has read it, if there is no information within it which he wants, he can then ask me a question in the House.

Q57/2018

**Alternative and homeopathic remedies –
Government position re GHA**

Clerk: Question 57. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, what is the Government's position in respect of alternative and homeopathic therapies at the GHA?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, any treatment or therapy provided to a patient must be of the highest standards and based on the best clinical evidence and clinical peer reviews. There are many alternative and homeopathic therapies that do not fulfil these criteria and, as such, cannot be supported by the Gibraltar Health Authority.

Q58/2018

**Stem cell therapy –
GHA position**

Clerk: Question 58. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, what is the GHA's position with regard to the use of stem cell therapy?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there are currently very few clinical indicators for the use of stem cell therapy in mainstream clinical practice in the NHS and other publicly funded European health services. This technology is improving all the time and it is the Government's policy to allow these therapies, as long as they are approved by the National Institute for Health and Care Excellence in the United Kingdom.

Q59/2018

**St Bernard's Hospital catering –
Provision of healthy eating options**

Clerk: Question 59. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm what measures are in place to ensure that food prepared for in-patients at St Bernard's Hospital and for purchase by visitors contains low sugar and low salt and provides for healthier eating options?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the GHA caters for individual diets. Low-sugar and low-salt options are available upon request.

330 The GHA liaises closely with their top specialist dieticians. The menu always has a light/low-fat option, mainly of grilled fish such as fresh tuna, swordfish, salmon, cod and lean chicken breast and meats, amongst other offerings. Patients who require a low-salt diet will receive a low-salt diet and this is the case for an endless array of special diets, which can simply be gluten or lactose intolerance or a more complex ketogenic diet.

335 All meals are freshly cooked and served. Since the catering department was relocated to St Bernard's Hospital it can act swiftly in cases where patients have concerns over any meal not of their liking and a new alternative is supplied to the patient within minutes. This, unfortunately, was not the case when the former administration located the catering department in the North Mole: any concerns raised by patients took a long time for the situation
340 to be resolved.

The Hospital canteen is operated by a commercial entity that provides a varied menu for visitors and staff and also allows for clients to order out of the standard menu as requested.

Q60/2018
St Bernard's Hospital –
Bed capacity rate

Clerk: Question 60. The Hon. E J Phillips.

345 **Hon. E J Phillips:** Mr Speaker, can the Government confirm the bed capacity rate over the last three months?

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

350 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, total bed capacity is 130 beds and there have been no changes over the last three months.

Q61-62/2018
Accident and Emergency –
Average wait time; wait target

Clerk: Question 61. The Hon. E J Phillips.

355 **Hon. E J Phillips:** Mr Speaker, can the Government state what the average wait time is at A&E?

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

360 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, this question will be answered together with Question 62.

Clerk: Question 62. The Hon. E J Phillips.

365 **Hon. E J Phillips:** Can the Government state what the A&E wait target is?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, over the last three months the news headlines in the UK once again, and highly regrettably, have been about an

370 NHS in crisis. I think the whole House will have been shocked to have read of patients dying in
hospital corridors and waiting for hours in the back of ambulances during the ongoing winter crisis
because the NHS has been unable to cope due to underfunding and understaffing. In recent weeks
375 some hospitals have been so overloaded that they have been looking after as many as 120 patients
a day in corridors and nurses are also treating patients in the back of ambulances. Overcrowding
and understaffing has forced the NHS to cancel hundreds of thousands of routine operations
with the Health Secretary in the UK apologising unreservedly to those affected. It has also been
reported that under-pressure medics have stated they were working in 'battlefield' conditions,
prompting 16 hospitals to declare black alerts, which is the highest level of alert and means full
380 bed capacity has been reached and that patients arriving at A&E were having to be taken to
another hospital. NHS figures show that on one particular busy night 18 large hospitals in 12 NHS
trusts across England did not have a single spare bed. My own personal alarm was compounded
when I read that senior doctors had written to the British Prime Minister that, due to winter
pressures, some patients were dying prematurely. New NHS figures have disclosed that the
385 percentage of patients being treated within four hours at hospital-based A&E units in England
fell last month to its lowest level ever, 77.3%, triggering the following statement from the
Royal College of Emergency Medicine, which represents A&E doctors: 'Our emergency
departments are not just under pressure, but in a state of emergency.' The Imperial College
Healthcare Trust has said its A&E is currently working at twice its capacity.

It is in the light of these sometimes harrowing facts about the state of the NHS and against
390 this background that I come to consider Gibraltar's Accident and Emergency Department. As this
House knows from press reports, Gibraltar is also experiencing a surge in winter influenza and
other flu-like illnesses. The A&E department saw a total of 500 attendances from
22nd December to 27th December 2017 and the wards have had increased admissions from just
before Christmas.

395 During 2017 the A&E Department attended to 31,931 patients. In December last year 382
patients presented at A&E with flu-related symptoms. This was 44% higher than during the same
period in 2016. Of those 382 patients, 46 required admission to hospital. This is double the
number compared to December 2016. Moreover, the total number of laboratory confirmed
cases of influenza for the whole of last year was 193% higher than the previous year. Already
400 this month we have seen an increase in the number of confirmed cases of influenza of 25%
when compared to last January. It really is therefore with great pride and satisfaction and with
full credit to our dedicated A&E staff to note that the average waiting time at the A&E
department during 2017 from arrival at A&E and being first seen by a clinician was one hour and
27 minutes. The average waiting time at the A&E department for the same year from arrival at
405 A&E to departure from the department was two hours and 47 minutes.

Notwithstanding the increase in A&E attendances in the whole calendar year, and the surge
during December and the increased number of admissions due to influenza, the GHA has not
had one single operation cancelled due to non-availability of beds since 10th January last year.
(**Chief Minister:** Hear, hear.) Further, there was average nightly bed capacity of 32 beds between
410 22nd December and the 27th December – that is to say during the most pronounced winter
surge.

I am sure that all hon. Members will join me in unreservedly thanking the excellent and
magnificent clinical, emergency, administrative and industrial staff at St Bernard's for their
dedication and commitment to our community's care. I think that we must congratulate the
415 GHA for these average waiting times, which are well within the four-hour maximum waiting time
set by the NICE guidelines, which is also our target. I will not hesitate to say that those of our
staff who work at A&E are absolute angels of care and treatment. I will also say that the
appointment of matrons has been a huge success. I would also add that part of our success has
been linking social care and healthcare and providing care plans for patients at home.

420 It was heartening to see the British Prime Minister, the Rt Hon. Theresa May MP, follow our
policy lead in this respect. It is now over a year since the Hon. the Chief Minister created the

Ministry of Health and Care, something finally done in the UK only this month and warmly welcomed by all professionals. This joined-up approach has been instrumental in us ensuring bed resiliency. That is how A&E staff are able to admit those who need admission and that is how we ensure we do not have to cancel any operations.

425

But it will not surprise a single hon. Member in this House that I think that the system still has room for improvement so we can make the discharge of accident and emergency care more efficient for our excellent clinicians and emergency teams. To my mind our professionals are second to none and we must surely be the envy of other clinical settings, and I must work even harder still to facilitate the execution of their life-saving functions. To this end my Ministry the GHA and the A&E department in particular are actively assessing the Department's workings to determine how we can improve further.

430

Finally, Mr Speaker, I would add one more thing, which is that every member of our community is responsible for ensuring that they only attend A&E, in other words Accident and Emergency, if they have an accident or an emergency. *(Banging on desks)*

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Mr Speaker: Any supplementaries following that short answer from the Minister? *(Laughter)*
Next question.

Q63/2018
A&E admissions –
Plans to reduce pressure

Clerk: Question 63. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, obviously this is a potentially linked question, therefore I reserve my bullets for this question.

What plans, apart from those recently announced for the PCC appointment initiative, do the Government have in respect of reducing pressure caused by the volume of admissions at Accident and Emergency?

445

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I suppose that he meant the bullets metaphorically, given that we are talking about A&E services.

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My Ministry and the PCC, including the Deputy Medical Director, PCC Manager and Clinical Nurse Manager, have been working on a series of measures it was due to announce on Wednesday, 17th January. Given the question that the Hon. the Leader of the Opposition has asked, we did not hold the press conference or issue the press release, in accordance with the conventions of this House. We will proceed to make a public statement after the conclusion of the question and answer session.

455

Further, an A&E consultant who started work at St Bernard's Hospital on 13th November is currently working on a review of the workings of the A&E department.

I take the opportunity to remind the House that in the last calendar year, 2017, my Ministry and the GHA have already introduced the following measures partly in an attempt to reduce pressure at A&E and the PCC. These actions are as follows: (1) new procedures and protocols in the Elderly Residential Services, following the recruitment of three part time GPs, to reduce the need for ERS patients to attend A&E and the PCC for medical attention; (2) the introduction of the Community Mental Health Team Outreach Programme for patients living with mental health issues, by way of three enrolled nurses with experience in mental health providing community services; and (3) increased staff at A&E to one senior charge nurse in every shift, including the night shift, and the recruitment of a full-time consultant.

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Q64/2018
Gibraltar Health Authority –
Complaints from service users

Clerk: Question 64. The Hon. E J Phillips.

470 **Hon. E J Phillips:** Can the Government confirm the number of complaints it has received from the service users of the Gibraltar Health Authority for every month in the last six months?

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

475 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the number of complaints the GHA received from service users in the last six months is as follows: July, 16; August, 45; September, 44; October, 10; November, 19; December, 7.

Q65/2018
Gibraltar Health Authority –
Disputes with service users settled out of court

Clerk: Question 65. The Hon. E J Phillips.

480 **Hon. E J Phillips:** Can the Government confirm how many disputes with service users have resulted in legal settlements/compromises, broken down into claims not issued or issued before the courts in the last 12 months?

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

485 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, in the last 12 months the GHA settled a total of 11 disputes, 10 of which were settled out of court.

490 **Hon. E J Phillips:** In relation to those 10, were they in relation to those where claim forms had not been issued?

495 **Hon. N F Costa:** Mr Speaker, my supplementary information does not make it perfectly clear. The information says out-of-court settlements, so I am assuming that implicit in that note is that there have been claims issued and served, but I will, when I sit, send an email to my office and I will be able to answer him during the course of the House.

Q66/2018
St Bernard's Hospital –
Number of staff sick days recorded

Clerk: Question 66. The Hon. E J Phillips.

500 **Hon. E J Phillips:** Can the Government confirm by percentage the number of sick days recorded, certified or otherwise, by staff at St Bernard's Hospital in the last three months?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, it is a disproportionately lengthy task to provide the percentage of the number of sick days recorded by all staff at St Bernard's in the last three months as this data would have to be manually retrieved and would entail going manually through thousands of records. I hope the Hon. the Leader of the Opposition understands that, given the laborious exercise, it would take staff away from their principal role in the Hospital. If the Hon. the Leader of the Opposition would like to know the percentage for medical, clerical or nursing grades, may I suggest he chooses one grade and one particular month.

We have, however, been able to extract by percentage the number of sick days recorded by ambulance and industrial staff at St Bernard's Hospital in the last three months: in respect of ambulance staff, sick days against daily staffing levels, 1%; industrial staff, sick days against daily staffing levels, 7%.

Hon. E J Phillips: I am grateful for that information and clarification as to how a figure could be arrived at if it was asked in a specific way, but would the Minister know the average sick rate across the board? I assume it would probably involve the same process and therefore be laborious and take our health workers away from their main tasks.

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

**Q67/2018
St Bernard's Hospital –
Overtime**

Clerk: Question 67. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state by percentage the level of overtime being conducted at St Bernard's Hospital by all staff over the last three months? Mr Speaker, I preface that that also may be information that may not be easily ascertainable.

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

Minister for Health, Care and Justice (Hon. N F Costa): Actually, Mr Speaker, that was a lot quicker to retrieve, as we have been keeping a close eye on overtime being worked.

A total of 92% of the overtime annual budget has been worked by all staff at St Bernard's Hospital as at 31st December last year.

**Q68/2018
Xanit –
Termination of arrangements**

Clerk: Question 68. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm whether the arrangements with Xanit have been terminated?

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

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Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I refer the Hon. the Leader of the Opposition to the answer that I provided Mr Llamas to Questions 655 and 656/2017. For the same reasons, principally that we are in the middle of detailed discussions with Xanit, I will not be drawn into providing a blow-by-blow account of the negotiations. I can assure the Hon. the Leader of the Opposition, however, that I will be happy to make a full statement to the House at the conclusion of those discussions.

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Hon. E J Phillips: Whilst I appreciate, of course, that the Government may be in delicate discussions and negotiations with various parties, it is a pretty simple question as to whether we are now effectively reducing our use of Xanit or using some other provider.

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I only ask this question because a number of people have asked me that question, given that their care has now been transferred somewhere else. Obviously I do not want to go into detail about any other service provider, but it is a very clear question. I do not want the detailed knowledge of the negotiations – clearly that would not be in the interests until that has been concluded by the Government – but some indication as to whether the Government now intends to lessen its reliance on Xanit and move to another service provider would be helpful, I think, to those people that are receiving those services in the public.

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Hon. N F Costa: Mr Speaker, I think I can answer the hon. Gentleman by saying this: whether treatment, procedures and so on are provided by one Spanish provider or another is ultimately a clinical judgement, so that if I recall the last email I may have seen on this subject, there have been Gibraltar patients attending reviews and even surgeries, but I will not be adding anything else to that answer.

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Hon. E J Phillips: Just to clarify the position, as things currently stand the relationship with that particular Spanish provider that is in Question 68 has not yet been terminated – that is correct? The position is that the relationship is still ongoing and we have a contractual relationship with Xanit?

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Hon. N F Costa: The position, Mr Speaker, is that we are discussing the arrangements.

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Mr Speaker: Next question.

Hon. E J Phillips: Mr Speaker, one last question. Therefore, given the fact that matters are still at, I assume, high-level discussions between the Government and that service provider, are patients still being sent to that service provider?

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Hon. N F Costa: Mr Speaker, the answer that I just gave to the hon. Gentleman ... to be clear, I am not providing him with a yes or a no. I just want it to be clear. I also want to be clear that we are in the midst of the very granularity of the discussions. Notwithstanding those discussions and notwithstanding that, as you would expect, there are different positions by both parties to those discussions. As I have told him, from my own recollection of emails that I have read, patients have been referred to Xanit for follow-up appointments and I also recall procedure referrals only in December of last year. So, in short, patients have been attending Xanit recently as well.

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Q69/2018

**Hospital beds at home –
Long-term provision for sick children**

Clerk: Question 69. The Hon. Ms M D Hassan Nahon.

590 **Hon. Ms M D Hassan Nahon:** Does the Ministry of Health commit itself to providing a hospital bed for any child who may be sick enough to require one long term in his or her own home?

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

595 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the Ministry for Health is entirely committed to provide all the necessary home equipment for children with long-term medical conditions once an assessment has been carried out by the Paediatric Multi-Disciplinary Team.

600 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Health give us an indication of how long this process can take from start to finish?

605 **Hon. N F Costa:** Mr Speaker, I am advised that the average times are one week for the assessment and up to four weeks for procurement of the bed under normal circumstances; in an emergency a bed could be made available sooner.

610 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I ask because I have discussed one particular issue with the Minister in the past of a child who has been waiting for a much longer time than has been quoted to me just now. So I ask the Minister if he would be willing to reassess the process and its timing so that children do not suffer, effectively, by this delay.

615 **Hon. N F Costa:** Mr Speaker, I am perfectly aware of the case that the hon. Lady raises. In fact, I have personally attended the premises and the Hon. the Chief Minister also attended the premises, so we are *au fait* with the facts of this particular case. I agree with you that the bed should have been provided much sooner to this parent in question. She knows me well enough to know that my reaction was not the coolest when I found out the time that it had taken –

Chief Minister (Hon. F R Picardo): Far from temperate.

620 **Hon. N F Costa:** Far from temperate, the Hon. the Chief Minister is saying, and as a result of that we have most seriously tightened up the procedures in that respect, which is why I was careful to say the ‘average’ time.

CHIEF MINISTER

Q87/2018

**Credit Finance Company Ltd –
Financial information**

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

625 **Hon. R M Clinton:** Mr Speaker, can the Government provide a copy of the financial information for Credit Finance Company Ltd for 2017, previously referenced as CF1 and CF2, that was in the past published on the Gibraltar Government website?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as hon. Members will know, we are in the process of auditing the accounts of CFCL for the years since its incorporation. Once those audits are complete we will advise him that they are available at Companies House. This will then bring this company in line with all other Government companies, the accounts of which are also being completed despite the failure by the former administration to have even started these since the late 1990s. Once these audits are completed, we will then be in a position to provide an update to these figures with the certainty that they will be consistent with any adjustments arising from the audit process.

Hon. R M Clinton: Mr Speaker, the Chief Minister is aware that Credit Finance Company Ltd was in fact incorporated by *his* Government and there is absolutely no reason why the accounts should not have been audited and filed much earlier if he is such a proponent for early filing of audited accounts.

I fail to see why then the Government published, and in fact it is still available on their website, CF1 and CF2 for 2016 and I would be grateful if the Chief Minister could explain the inconsistency in his approach if he is happy to allow the 2016 figures to be publicly available but he will not release the 2017 figures.

Hon. Chief Minister: Mr Speaker, there is no inconsistency in my approach. I remind them every time I have the chance to do so that they stopped filing the accounts of the companies. I remind them that we have been committed to filing the accounts of the companies, the companies that they refer to when they are in opposition as a web of companies and they refer to when they are in Government as the totally proper and appropriate Government company structure.

The Government company structure is undergoing the audit process. We have had to recreate for many of the companies the accounts from the 1990s when they stopped filing the accounts. In terms of consistency, I applaud the fact that the hon. Member is in fact one of the few people who I think has actually been in the GSD since then, so perhaps I can be generous and blame him exclusively for all of the GSD's failings since the late 1990s.

What we are saying is that all of the company accounts will shortly be ready, including CFCL, and we want to ensure that there is consistency in the figures of the audit and in the figures that are published, and therefore we will publish all of the figures at the appropriate time, or rather we will file the accounts at the appropriate time.

I do not think there is any inconsistency in what I am saying. In fact, I am advised by those who also practise in his former profession and in whom I have more faith – at least, it is not that I have less faith in him, it is that I have more faith in the fact that they are looking after my back rather than he might be looking after my back – that what I am saying is entirely consistent with the position we have taken and absolutely the right approach to take.

But I would also say this, Mr Speaker: when he sees the audited accounts of CFCL, what he will see, and I trust he will comment favourably on, is the full repayment of the *Sunborn* loan.

A Member: Hear, hear. (*Banging on desks*)

Hon. R M Clinton: Mr Speaker, in order for me to comment favourably or unfavourably on any repayment of any loans, I trust the Chief Minister is undertaking to ensure that Credit Finance Company Ltd files its full accounts at Companies House and not abbreviated accounts, as I have been told previously in answers to questions that I am only entitled to that which the public can see at Companies House, which is only that which the company is required to file at Companies House, i.e. an abbreviated balance sheet.

Is the Chief Minister committing to provide the full, unadulterated, unredacted financial statements of Companies House as signed off by Pricewaterhouse, the auditors?

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Hon. Chief Minister: Mr Speaker, of course I am committing to file the full unredacted etc. filed, but what will be public will be what is public for every other company and he will be able to access what is public. If he is able to access such accounts in respect of the company of which he was a director for many years, he will be able to access similar accounts in respect of Credit Finance Company Ltd, nothing less – but obviously nothing more, Mr Speaker – and in that I would expect that he would want to talk about the full repayment of the *Sunborn* loan because every time we talked about Credit Finance Company Ltd before, (*Interjection*) we have wanted to talk about the *Sunborn* loan in his House.

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The Hon. Mr Feetham actually – (*Interjection*) Mr Speaker, I am giving an answer which the hon. Gentleman might find is elliptical in its relevance and I might come back to something which is absolutely in point in respect of the issue that he is raising. Every time we have dealt with the issue of Credit Finance in this House it was the issue of the *Sunborn* loan which hon. Members said was the thing that was going to undo not just that company but the public accounts of Gibraltar. The Hon. Mr Feetham, when he was Leader of the GSD – in fact, during the General Election campaign and maybe even featuring the hon. Gentleman – was responsible for that party presenting party political broadcasts with reference to the *Sunborn*. In fact, I seem to recall the Hon. Mr Clinton playing Monopoly and buying and selling the *Sunborn* in the context of explaining these issues. (*Interjection*)

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So, Mr Speaker, all of the information which is relevant to be able to make public determinations about Credit Finance Company Ltd is of course going into its accounts and he will be able to access such of the accounts that people are able to access in respect of companies in the normal way. I think that is absolutely appropriate, it is what we have been committed to and we are going to file them not just in respect of Credit Finance Company Ltd but in respect of every company in the Government group, including all of the companies that they stopped filing the accounts for. Let's be very clear: the GSD, of which he was then a Member, stopped filing the accounts of the Government companies. They were doing it and they stopped it, Mr Speaker. So if they are going to accuse us of not being transparent because we are playing catch-up in the filing of the Government accounts, can they at least take the blame for stopping the process of filing the company accounts?

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Hon. R M Clinton: Mr Speaker, we are talking about a company that they incorporated and has nothing to do with any catch-up exercise. Furthermore, Mr Speaker, it is becoming apparent that the Government only pays lip service to transparency in that they have only the intention of providing to the public the very bare minimum that is required. If I am correct in what the Chief Minister is saying, he is saying he will only publish that information that the company is required to publish, and I assume from that – and the Chief Minister can confirm yea or nay – it will be the abbreviated balance sheet or any other such information but not the full accounts. Frankly, Mr Speaker, without the full accounts there is very little sensible assessment that can be made of the state of the Credit Finance Company.

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Furthermore, Mr Speaker, the Chief Minister conveniently sidestepped the question as to why CF1 and CF2 for 2017 have not been published on the Government website. It is still there for 2016, so why won't he publish it for 2017?

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Hon. Chief Minister: Mr Speaker, it is really quite remarkable that we are being told that all we are going to file is not enough because it is the bare minimum, and yet that is what the law requires; and it requires it not just of the Government but of every company that passes a particular threshold. Mr Speaker, the bare minimum. It is the bare minimum, and that is the description that the hon. Gentleman has given, that they failed to file in respect of the

730 Government companies. It is the law that they failed to comply with in respect of the Government companies.

Mr Speaker, this Government will comply with the law. We will reconstruct the accounts and we will file, as required by law, the accounts for all the Government companies. They cannot get off the hook that they made for themselves. They said in 1996 that they would file the accounts of Government companies. They started to do so when they were required by law to do so, because that came in under their time. Then they stopped doing so. They failed to comply with the bare minimum, they failed to comply with the law and now they say how dare we comply with the bare minimum – you could not make it up. (*Banging on desks*)

740 **Hon. R M Clinton:** Mr Speaker, would the Chief Minister agree with me that any Government-owned companies are of public interest and therefore maximum disclosure is desirable?

745 **Hon. Chief Minister:** Absolutely right, Mr Speaker, and that is why we are going to comply with the maximum disclosure required by law, which they failed to comply with.

Mr Speaker: On to the next question please. We are getting unnecessary repetition. The same question is being asked and the Government, the Chief Minister, is giving the same answer. I have heard it three times. So unless you have something fresh to provide ... If you are going to ask the same question as your colleague has been asking, I am going to rule it out.

750 **Hon. D A Feetham:** Mr Speaker, I think that you have given pretty much a lot of indulgence to the Chief Minister in the way that he is answering the questions.

If I may be allowed to ask my own supplementary but also prefix this, as is the custom, (**Mr Speaker:** Short.) with two *very* short ... No, very short. I certainly was not a Member of this party in the 1990s when the practice first started, but of course I note that he was not a Member of the GSLP either, he was a Member of another party, and indeed – (*Interjection by Hon. Chief Minister*) Absolutely, and indeed I do carry on my person, actually – I am very attached to it – a membership form of a Government Minister for the GSD, so obviously he was on this side, there was a Member on that side and there was a Member on this side too.

760 In relation to the *Sunborn*, Mr Speaker, never did I suggest in the exchanges that I had with the hon. Member – and I ask him to ferret out the position if it were otherwise – that the loan was going to cause the ruin of Gibraltar or the *Sunborn*. No, what I castigated the Hon. the Chief Minister about was that when I asked has the Government directly or indirectly provided any loans to the owners of the *Sunborn* he said no, and my point was that a Government-owned company is the Government indirectly providing loans. That was the point.

765 But, Mr Speaker, at the centre of our exchanges on Credit Finance has been my assertion, going back to 2013, that the Government had not been transparent and the Government's assertion for most of that time that in fact it was providing a lot of information certainly in these tables, CF1 and CF2, on the Government website. My question is: what has prompted the Government to change tack and go from that position, telling me just barely a year ago, 'We are providing all this information in CF1 and CF2' and now not publishing that information throughout 2017, and to date it has not been provided? Unless, of course, it is an oversight, and if it is an oversight that is the answer; but if it is being done on purpose, can the Government please explain the change of policy and the reason why it is now not providing that information, given that it underpinned the Government's arguments that it was providing all this information and therefore was being totally transparent with the people of Gibraltar?

770 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman must think that gambling is a very good thing and a sure bet, because in respect of Credit Finance and the public finances, and in particular in respect of Credit Finance and the *Sunborn*, he used to say, when he was the much

missed then Leader of the Opposition, that we were gambling with Gibraltar's public finances because we were lending to the *Sunborn*. If that is not to say that we were taking an unnecessary risk by lending to the *Sunborn*, then I do not know –

785 **Mr Speaker:** May I tell the Chief Minister that if I hear the word *Sunborn* again I will move on to the next question.

Hon. Chief Minister: The *Sunborn*, Mr Speaker. *(Laughter)*

790 **Mr Speaker:** It is no longer necessary to bring the *Sunborn* Hotel into the ambit of the answers to the questions that are being asked.

Hon. Chief Minister: Well, Mr Speaker, the hon. Gentleman was saying that the lending to the vessel that is a hotel and casino which is moored at the area of the Ocean Village was a gamble and therefore a bad thing. Now that it has been seen publicly that we have been fully repaid, that Credit Finance has been fully repaid, I would have thought he would either wish to say that the gamble paid off and that we were right or, at least to acknowledge that perhaps it was not such a gamble after all.

800 In respect of the filing of the balance sheet, as I would have called it, all I am saying is we are about to file the audited accounts and that means I am advised it is better to proceed now with the audited accounts, and that is what we are going to do.

But, Mr Speaker, given your decision to move on to another question if I ever mention the word *Sunborn* again – *Sunborn*, Mr Speaker! *(Laughter)*

Q88/2018

South Jumpers Bastion site – Gibraltar Broadcasting Corporation relocation

805 **Clerk:** Question 88. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a copy of a lease or licence agreement entered into in respect of the South Jumpers Bastion site for the relocation of GBC together with the option to purchase agreement?

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

Chief Minister (Hon. F R Picardo): I am almost tempted to start by saying the name of a hotel in the north district, Mr Speaker.

815 The commercial documentation entered into with the developer landlord for the new purpose-built premises at South Jumpers Bastion is commercially sensitive and is not a public document.

820 The key commercial terms were included in our press release, which is Press Release 745/2017, and are summarised as follows: the completion date is the end of 2019, the rental is £300,000 per annum and the option to purchase is at £7.5 million. I expect that this is normal in such circumstances. The lease will be entered into once the redevelopment is complete. Once we enter into the lease it will be registered with the Land Registry within the statutory period required for registration, as set out in Gibraltar law.

At this stage, the hon. Gentleman can seek a copy himself from the Land Registry at Land Property Services, as the terms of the lease will be entirely public and fully transparent.

825 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Chief Minister's response. I would be
grateful if the Chief Minister could explain the Government's reasoning for, on the one hand,
tendering for the redevelopment of South Jumpers Bastion, awarding the tender for a total of
£300,0000, entering into a licence agreement with the developer for that same £300,000
830 aforementioned and then an annual licence payment or licence fee of £100 a year – to go from
that to an agreement which is, in his words, commercially sensitive, requiring a rent of £300,000
a year and an option to purchase for £7.5 million. And I would also be interested to hear how
the sum of £7.5 million has been arrived at.

Hon. Chief Minister: Well, I would have thought it was obvious for a man of commerce. What
835 he does not tell you there, Mr Speaker, in the context of the way that he has put it, is when that
expression of interest or tender was granted. It was granted some years ago, and in fact the
developers were developing that on their own account as an office building. They were
developing it originally as their office building and then they decided to sell that office building.
They had a number of parties interested. They approached the Government, we had to relocate
840 GBC and therefore we considered the possibility of that being the new home for GBC. At the
same time, we were going out to expressions of interest in respect of another site. We waited
for a little whilst we explored further with this particular development company the
opportunities that they presented for us. We then decided that we nonetheless wanted to see
what came out in terms of expressions of interest for GBC to be relocated to the site at Queen's
845 Hotel and Queen's Cinema. What came back we did not find more commercially attractive, so
we decided that this was the more commercially attractive route to pursue.

It is a site that was granted to a third party, it will be developed by a third party and the
building will be owned by a third party. We will be tenants in that building. That is the reason for
the payment of the rent. It is not an unattractive rent for the size of the property, as the hon.
850 Gentleman might be able to work out for himself, and the option to purchase is to give an
opportunity in the future, should we decide that it is more attractive to own rather than to rent,
to have the opportunity to purchase.

That is the reasoning. I cannot imagine that he did not understand that when he set out to
ask the question.
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Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his response. Can he
advise the House whether any premium has been paid for that option?

Hon. Chief Minister: None, Mr Speaker.
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Hon. R M Clinton: And, Mr Speaker, can the Chief Minister advise as to ... the decision to
move into this location was considered in the context of his previous manifesto commitment to
include it within the National Theatre complex; and if so, why the change in thinking now?

Hon. Chief Minister: Well, Mr Speaker, I have just explained it to him. I have just told him
that we looked at the expressions of interest that came in respect of the Queensway and
Queen's Cinema site, the Queen's Hotel and Queen's Cinema site, and they were not as
commercially attractive as this option was. And this in any event will be completed sooner. GBC
has been at its current location for well-nigh-on 30 years. It needs to move quickly and this
870 development is going to be available sooner than the other development. In consultation with
the management and staff at GBC the decision was made that this was the better location for
GBC, and given that this is a commitment to GBC and the people at GBC thought it was a better
opportunity for them, that is why we pursued it.

Q89/2018

Buses –

Replacement of entire fleet using buy-back clause

Clerk: Question 89. The Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, is it Government's intention to replace the entire bus fleet by exercising the buy-back clause within the original purchase agreement during the life of this Parliament?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is looking at different possible permutations in respect of the buy-back clause.

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Hon. T N Hammond: And, Mr Speaker, of those possible permutations, will one of them be exercised within the lifetime of this Parliament?

Hon. Chief Minister: They might all be, Mr Speaker.

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Hon. T N Hammond: They might, but not definitely then.

Hon. Chief Minister: Some might definitely be, some might definitely not be.

Hon. T N Hammond: So is it possible that none will be?

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Hon. Chief Minister: Anything is possible, Mr Speaker. *(Laughter)* Possibility in every direction, Mr Speaker. *(Banging on desks and laughter)*

Q90/2018

Midtown Parking –

Modifications to pedestrian doors

Clerk: Question 90. The Hon. L F Llamas.

900

Hon. L F Llamas: Mr Speaker, further to the answer given to Question 557/2017, can the Government update this House on the modifications to the pedestrian doors at the Midtown Parking?

Clerk: Answer, the Hon. the Chief Minister.

905

Chief Minister (Hon. F R Picardo): Mr Speaker, I understand that the developer and the contractor are about to make their recommendations to Government and we will be in a position to make an informed choice quite soon.

Q91-93/2018

**Marriott Hotel, former coach site, Rooke site –
Status of development plans**

Clerk: Question 91. The Hon. L F Llamas.

910

Hon. L F Llamas: Mr Speaker, further to question 209/2017, can the Government give reasons why the building of the Marriott Hotel or a second hotel option being discussed by the Government appears to have fallen through or changed?

915

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 92 and 93.

Clerk: Question 92. The Hon. L F Llamas.

920

Hon. L F Llamas: Mr Speaker, what is the expected cost for the building of the prefabs at the former coach site and until when does the Government expect them to be there?

Clerk: Question 93. The Hon. L F Llamas.

925

Hon. L F Llamas: Mr Speaker, can the Government reveal with whom they are negotiating for the development of the former Rooke site?

Clerk: Answer, the Hon. the Chief Minister.

930

Chief Minister (Hon. F R Picardo): Mr Speaker, the Hon member is making assumptions as to the redevelopment of the Rooke site which are not correct. Nonetheless, and as previously stated and suggested by the hon. Members opposite, an appropriate announcement will not be made on these developments until the ink is dry on the agreement.

935

The expected construction cost for the modular – and I must stress *moveable* – buildings being erected at the former coach site is £3,263,097. The entities being relocated from the Waterport site will operate from here until decisions are taken by the Government regarding their permanent future locations. These buildings will, however, have a life beyond their present temporary life at this site. They are easily capable of being dismantled and Government has already earmarked other potential future uses.

940

Hon. L F Llamas: Mr Speaker, is the £3 million price paid just for the framework, or does that include the actual foundation fitted by the contractors?

945

Hon. Chief Minister: As far as I understand, the whole thing, Mr Speaker.

Hon. L F Llamas: Mr Speaker, with regard to the Marriott Hotel or the second hotel option, it is separate to the Rooke? My understanding is that nobody knows what is happening at the Rooke. It is at the Marriott or the second hotel option which seems to have fallen through or changed? I would appreciate it if the Chief Minister could offer some clarity on it. The last time we asked this question was back in March, I believe, and the reason given for not allowing cars to move into the area to have the area ready was to have it ready for use in case a contract was actually awarded. Could the Chief Minister offer some clarification on what is happening at that specific site?

955

960 **Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman is wrong again. It is not true that nobody knows what is happening in respect of the Rooke site. It may be that nobody knows on that side of the House, but on this side of the House, various of us know what is happening in respect of the Rooke site. But hon. Members have elected to vote in the turkey referendum for Christmas and they have told us not to say anything until agreements have been completed, so we will indulge them in their election and we will not say anything until agreements have been completed.

965 In respect of what is known as the Victory Place side of the same plot, it is wrong to assume that there are not continuing discussions in respect of hotels and with different hotel chains.

970 **Hon. L F Llamas:** But is it then, Mr Speaker, that the Marriott Hotel and the second hotel option have moved away from discussions, or are these two potential candidates still in negotiations with the Government?

975 **Hon. Chief Minister:** Mr Speaker, I am not going to make an announcement until the ink is dry on the paper, but the hon. Gentleman is making assumptions and, as the hon. Gentleman knows, to assume makes an 'ass' of 'u' and 'me', to quote the American spelling of donkey.

Hon. L F Llamas: Mr Speaker, one final question, although I presume I know the answer: is the Government still negotiating with London and Regional Property as announced in October 2015 for the development of the Rooke?

980 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

985 **Hon. R M Clinton:** Mr Speaker, if I may ask a supplementary of the Chief Minister: how many prefabs are to be constructed on that site? Does £3.26 million just cover the ones now? How many are we talking? How many prefabs is it that that sum covers?

Also if I may ask the Chief Minister: where will we see that expenditure going through in the books of the Government? Will it be the Improvement and Development Fund, or is this being funded through a Government-owned company?

990 **Hon. Chief Minister:** Mr Speaker, I am going to need notice of the question in respect of the number of buildings because I think that there are different ways of looking at those buildings, and they are modular so I cannot remember exactly what the numbers of those buildings were. There are a number of them in different configurations that there are going to be; it is not just one building.

995 Mr Speaker, in terms of the expenditure, I believe this is company expenditure.

Hon. R M Clinton: Mr Speaker, I would be grateful if the Chief Minister could advise which entity or company is actually paying for this.

1000 I must say I must admit I find it surprising that the Chief Minister does not know what he is buying for £3.26 million, which is possibly half the cost of buying GBC's building.

1005 **Hon. Chief Minister:** Mr Speaker, that is a complete nonsense. It is not that I do not know what I am buying; it is that he has asked me for a specific number and if I give him a number and I get it wrong then I will be misleading the House, even if I do so inadvertently, and I do not want to mislead the House even inadvertently.

His question does not arise from this because this is a question about cost; he is asking about the number of buildings. I can tell him there is one across, there is one which is

vertical, there is one that is next to the old hut that was there, which is all about the area of St John Ambulance. So I can tell him from memory that it might be three, but if it is four or if there are two that make up one building, he will then accuse me of misleading the House.

1010

If he wants to pretend that I do not know what I am doing, Mr Speaker, but have an argument with the 10,500 people that voted for him – for me, rather, which is almost double the number of people that voted for him ...

1015

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's answers and I am happy to see he is still getting his numbers wrong.

Can he advise how many of these prefabs have been erected to date? And he still has not answered the question as to which Government company is paying for them.

1020

Hon. Chief Minister: Well, Mr Speaker, the hon. Gentleman sometimes tells us that he is not a numbers man – I am not surprised, given the analysis that he has given a number of speeches in this House.

On the opposite side they say that he is their expert on finance and public finances. Well, he has come late to public finances. He seems to understand very little about public finances, and given that I have told him that I am unable to give him an exact number as to the buildings which have been erected, I am not going to be drawn any further. If he wants the number, he can just write to me and I will give it to him, or he can ask me again, but it is very clear that all he wants to do is to try and score political points. I thought he was supposed to be the serious one on that side; that is why I used to call him Mr Beige. He has got a bit of a spark, Mr Speaker, but for all the wrong reasons.

1025

1030

Hon. R M Clinton: Mr Speaker, obviously I should have got a law degree from Oxford in order to know something about numbers, but alas I did not, instead of which I am a chartered accountant, and I am sure he is as well.

1035

Mr Speaker, I ask again, for the last time: which Government company is paying for this?

Hon. Chief Minister: Mr Speaker, it is not that *I* have said that the hon. Gentleman is not good with numbers; it is that *he* has said, in the course of some of the things he has said in this House, that he is not good with numbers. I am quite happy to get that little “chivatito” – which, by the way, in Spanish means ‘person who tells tales’ – to reflect back to him exactly when it was that he made those remarks, Mr Speaker.

1040

He is, of course, I have no doubt, able to obtain a law degree from Oxford. I do not know what that jibe brings to this debate, but if he needs any references I will be delighted to say that I think he is not a bad bloke but that sometimes he gets things a little bit upside down.

1045

Hon. R M Clinton: Mr Speaker, and you may tell me off again, I did say it the last time, but again: which Government company is paying for this?

Hon. Chief Minister: Mr Speaker, I need notice of the question. That is what I told him before: I need notice of the question because that is not something that was set out in respect of the question originally put.

1050

Hon. L F Llamas: Mr Speaker, just one supplementary: is the Chief Minister able to explain to us what procurement process, if any, has been carried out in constructing these portakabins?

1055

Hon. Chief Minister: The work has been undertaken by GJBS, Mr Speaker.

1060 **Hon. L F Llamas:** Mr Speaker, was that through direct allocation or was it through the three-quotes system.

Hon. Chief Minister: Mr Speaker, GJBS is owned by the Government, so in effect we are doing it ourselves because it is being done by GJBS.

Q94/2018
Disability Allowance –
Reason for delay in increase

1065 **Clerk:** Question 94. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain why there is a delay since August last year in increasing the Disability Allowance in line with the cost of living?

1070 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I can confirm that the Disability Allowance has been increased in line with the cost of living as announced in my Budget speech last year.

1075 **Hon. L F Llamas:** Mr Speaker, the Hon. the Chief Minister would perhaps take note and look into this. I have had representations from various members of the community and they assure me that there has been no increase in cost of living since August. They are promised continuously that this will take effect in December, then in January, and now they are hoping it will happen in February. Will the Chief Minister look into this, please?

1080 **Hon. Chief Minister:** Well, Mr Speaker, I have checked and I am told that the Disability Allowance has been increased as set out in my Budget speech. The hon. Gentleman might want to check again.

Questions for Written Answer

1085 **Clerk:** We now move to answers to Written Questions, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W1/2018 to W4/2018 inclusive.

Mr Speaker: Ordered to lie.

Order of the Day

BILLS

FIRST AND SECOND READING

Proceeds of Crime (Amendment No. 2) Bill 2017 – First Reading approved

Clerk: Order of the Day. Bills – First and Second Reading.

1090 A Bill for an Act to amend the Proceeds of Crime Act 2015 and for connected purposes.
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
1095 move that a Bill for an Act to amend the Proceeds of Crime Act 2015 and for connected
purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Proceeds
of Crime Act 2015 and for connected purposes be read a first time.
Those in favour? (**Members:** Aye.) Those against? Carried.

1100

Clerk: The Proceeds of Crime (Amendment No. 2) Act 2017.

Proceeds of Crime (Amendment No. 2) Bill 2017 – Second Reading approved

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have the honour to
move that the Bill be now read a second time.

1105 The Bill expands the definition of ‘unlawful conduct’ within the Proceeds of Crime Act
2015. Unlawful conduct will also include behaviour outside Gibraltar by a public official
which constitutes gross human rights abuse, defined as torture or inhuman, cruel or
degrading treatment of a person on the grounds that they have been obtaining, exercising,
defending or promoting human rights or have sought to expose gross human rights abuses
conducted by a public official. As a result, any property obtained through this conduct will
1110 be subject to the existing civil recovery powers within the Act.

These amendments reflect a similar change made in the UK earlier this year stemming
from the so called ‘Magnitsky Amendment’, named after the Russian lawyer Sergei
Magnitsky. Mr Magnitsky was tortured and died in prison in Moscow in 2009 after exposing
an alleged \$230 million fraud carried out by certain leading Kremlin officials.

1115 Mr Speaker, I will also move amendments to the Bill during Committee Stage. The
amendments make it a criminal offence for a person to breach the duty not to disclose
confidential information held or obtained from the GFIU pursuant to section 1L.

An amendment to section 146(6) has also been made to clarify the role of appropriate
persons such as the AG and police and customs officers in investigations under Part 6.

1120 Finally, an amendment is required to change the year and amendment number cited in
clause 1 of the Bill. The Act shall now be known as the Proceeds of Crime (Amendment) Act
2018.

I commend the Bill to the House.

1125 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015 and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1130 **Clerk:** The Proceeds of Crime (Amendment No. 2) Act 2017.

**Proceeds of Crime (Amendment No. 2) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1135 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –
First Reading approved**

Clerk: A Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes. The Hon. the Minister for Health, Care and Justice.

1140 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes be read a first time.

1145 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Medical (Gibraltar Health Authority) (Amendment No. 2) Act 2017.

**Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –
Second Reading approved**

1150 **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.

The Bill amends the Medical (Gibraltar Health Authority) Act 1987 for the purposes of making changes to the regulation of meetings and procedures of the Authority specifically in relation to quorum and allowing for the appointment of a substitute member on occasions where a member is unable to attend a meeting.

1155 **Mr Speaker,** I will also be moving an amendment to the Bill during the Committee Stage. An amendment is required to change the year and amendment number cited in clause 1 of

the Bill. The Act shall now be known as the Medical (Gibraltar Health Authority) (Amendment) Act 2018.

1160 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, as the Minister will be aware, I have in the past attended the public meetings of the Gibraltar Health Authority Board. I must express a degree of
1165 puzzlement at this amendment that has come before the House today and I will explain my reasoning as follows.

The amendment refers specifically to section 3 of the Medical (Gibraltar Health Authority) Act 1987. Section 3(1) lays out the membership of the Health Authority and I will quote:

- 3.(1) There is hereby established a Gibraltar Health Authority, which shall consist of –
- (a) the Minister, as chairman;
 - (b) the Chief Secretary of the Government;
 - (c) the Medical Director;
 - (d) three registered medical practitioners

1170 I will give way.

Hon. N F Costa: Mr Speaker, I am grateful to the hon. Gentleman for giving way.

The Bill amends section 5 of the Act and the '3' refers to the members required, not section 3.

1175 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Minister's intervention but I was aware of that; what I am doing is putting this in context. As I said:

- (d) three registered medical practitioners appointed by the Government on the nomination of the Medical Advisory Committee;
- (e) one person appointed by the Government after consultation with the Gibraltar Trades Council; and
- (f) three other persons appointed by the Government not being persons in whole or part-time employment under the Crown in right of its Government of Gibraltar, of whom one shall be a barrister or solicitor of the Supreme Court;
- (g) the Financial Secretary.

1180 Mr Speaker, when you add up those numbers, I make that out to be 11 and I see the Minister nodding in agreement. That is 11 members of the authority, which is why it is relevant to section 5(1), which says at present:

The quorum at all meetings of the Authority shall be five members in addition to the chairman or other person presiding

which means, as it currently stands, of 11 members you would need six members to be present in order to achieve a quorum. I see the Minister nodding in agreement. So, based on simple maths, six of 11 is 54.5% of the GHA board members.

1185 Mr Speaker, the amendment that the Minister is proposing is in section 5.1. Instead of having five plus the Chairman it will be three plus the Chairman – in other words, four members of 11 – and, if my maths is correct, that is 36.36% of the membership of the board, which seems to me remarkably low, and unless the Minister has good reason to have a concern for the attendance at the GHA board I fail to see why the quorum requirements have been dropped so dramatically, especially in what is such an important board and given
1190 the care that has been taken to ensure that of the 11 members of the board there is representation from various fields and sectors. Certainly in the boards that I have attended I

1195 have noticed that, barring perhaps one or two particular functions, the board is generally fairly well attended, so I would be interested to hear what the Minister's reasoning is for this drop in the quoracy of the board – and it is quite a significant drop in quoracy, in terms of percentage, from 54.5% to 36.36%. I fail to see why the Minister would have difficulty in achieving a quorum.

1200 In addition, the further amendment which the Minister is seeking is to allow substitutes to attend on behalf of members of the board and I would be grateful if the Minister could, in his response, explain to the House whether these substitutes are *de facto* alternates, i.e. although I notice in section 2B that he proposes that the person nominated shall with the leave of the secretary of the Authority be deemed to be a member of the authority, I am not sure whether there is a two-step approach, whether somebody would suggest an alternate and then require approval – I say 'alternate'; I should say 'substitute' here and use his language – to attend the board meeting in the place of the member.

1205 And then, Mr Speaker, there is the additional concern to ensure that whoever it is that is named as a substitute meets the original requirements of the Act in terms of membership of the board – for example, if an individual is registered or appointed as a registered medical practitioner, that his substitute should equally be a registered medical practitioner, or indeed a person 'not being persons in whole or full or part-time employment under the Crown' being [inaudible] etc. I am not sure how the Minister will ensure that is complied with by these amendments and perhaps he may wish to use the word 'alternate' instead of 'substitute' and that alternates are named in pretty much the way they used to be in the boards such as the Financial Services Compensation Board or the Deposit Guarantee Board where you would have a member and a named alternate, which would then satisfy the requirements of the Act.

1215 And so, Mr Speaker, I must admit a degree of puzzlement as to the requirement for this change in primary legislation to the quoracy requirements of the board and indeed the substitute requirements for the board. In fact, if the wording for the substitute requirements were worded in a perhaps tighter form, there perhaps would be no need to amend the quoracy requirements of the board because a member could then just send their alternate and therefore you would not have a quoracy problem or need to reduce it from five to three.

1220 The Minister has provided, in a way, if he is having problems achieving quoracy, two solutions to the one problem, when really all he needs is one of those solutions. In fact, I would say perhaps the second solution would be the more appropriate, provided of course the substitute – or, as I would call it, the alternate – is identified and named accordingly in advance, and therefore he would have no problems in achieving quoracy.

1230 And so, Mr Speaker, I would welcome the Minister's comments on my observations, which again I make purely in good faith in the sense that I do not understand the requirement for these amendments in the way they have been put to the House.

Thank you, Mr Speaker.

Mr Speaker: Does any other Member wish to speak on the general principles and merits of the Bill?

1235 I call then on the mover to reply. The Hon. Neil Costa.

Hon. N F Costa: Mr Speaker, the hon. Gentleman is of course, as he knows, welcome to the GHA board meetings; I know that he enjoys them and we enjoy having him there.

1240 You really never know what is going to excite the imagination of hon Members opposite. I came prepared to speak more on the Bill that we just debated and I never expected to have such a detailed thought-out process in respect of the minor amendments that we have made to the Gibraltar Health Authority Act.

1245 Although again I welcome his contribution in the House, I do not agree with him that a drop from five to three is either dramatic or significant. His contribution could certainly be characterised as dramatic, but I do not think that the numerical equivalence is such to merit such an adjective, but once again I applaud his zeal.

1250 There was in fact an issue when we last had the GHA board, where because of the month perhaps – I think it may have been December – we were at the brink of not being able to hold a meeting because of the quorum requirement of five, and as a result we held a meeting and decided to reduce the number of the quorum from five to three so that a meeting would be quorate with three members of the board. We do not expect that there will be a dilution or diminution of the attendance of members of the board. It is there only as an ‘in case’ measure that we once again have any particular board where for that particular board we are unable to have a quorate meeting.

1255 I take the point that he makes in respect of ‘substitute’. He prefers the word ‘alternate’. We in fact consider the word substitute to be the same as alternate, so we are considering it in exactly the same way. The issues that he mentions in respect of how is the GHA going to properly police that the alternate or substitute is in fact the right alternate, given the requirements of the Act in section 3, as he eloquently explained, to be of that particular category – well, that is why it says that it would be with the leave of the Secretary or the Authority. And to assuage his concerns, and I hope to his full satisfaction, internally we are of course ... and we have already sought the members – not from all of them but from some of them – to provide already the names and telephone contacts of those alternates that we can call in the event that a particular member is unable to attend.

1265 So I thank the hon. Gentleman for his questions and I hope I have been able to answer them.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Medical (Gibraltar Health Authority) (Amendment No. 2) Act 2017.

**Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

1275 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

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

1280 **Mr Speaker:** The Hon. Mr Clinton might be interested to know that the required quorum of this Parliament is 35.3%.

Hon. N F Costa: I wish I had known that! Thank you, Mr Speaker. Superb! (*Laughter*)

**Legal Aid and Assistance (Amendment) Bill 2017 –
First Reading approved**

1285 **Clerk:** A Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes. The Hon. the Minister for Health, Care and Justice.

1290 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Legal Aid Assistance (Amendment) Act 2017.

**Legal Aid and Assistance (Amendment) Bill 2017 –
Second Reading approved**

1295 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

In line with the consultation paper issued last year to reform legal assistance, this Bill amends the Legal Aid and Assistance Act. The Bill makes three minor amendments, which are as follows.

1300 Firstly, the Bill amends section 20(1) by increasing the penalty for making false declarations in support of a claim for legal assistance from a fine of £100 to a fine not exceeding level 4 on the standard scale – in other words a £4,000 fine, which I am sure all hon. Members will agree is surely right to attempt to minimise abuses when expanding the scope of and access to legal assistance.

1305 Secondly and to this end we have taken the opportunity to amend the penalty for making false declarations in support of a claim for legal aid and placed it on a par with legal assistance. Accordingly, the penalty contained in section 7(2) has been increased from four to six months and the fine from £100 to a fine not exceeding level 4 on the standard scale.

1310 Thirdly, we have amended section 13(1) to allow financial eligibility for legal assistance to be calculated by way of a formula if the need arises.

Mr Speaker, as I mentioned at the outset of my remarks, a consultation paper was issued last year and these proposed legal assistance reforms. The Bar Council have now written to me with further representations regarding the consultation paper and my team and I are reviewing these representations with a view to agreeing any changes with the Bar Council.

1315 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? No.

1320 I therefore now put the question, which is that a Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Legal Aid Assistance (Amendment) Act 2017.

**Legal Aid and Assistance (Amendment) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

1325 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

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

1330 **Mr Speaker:** The Hon. the Chief Minister.

COMMITTEE STAGE AND THIRD READING

Mr Speaker: The Hon. the Chief Minister.

1335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Proceeds of Crime (Amendment No. 2) Bill 2017, the Legal Aid and Assistance (Amendment) Bill 2017, and the Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017.

In Committee of the whole Parliament

**Proceeds of Crime (Amendment No. 2) Bill 2017 –
Clauses considered and approved**

1340 **Clerk:** A Bill for an Act to amend the Proceeds of Crime Act 2015 and for connected purposes.
Clause 1 as amended.

1345 **Mr Chairman:** The Hon. the Minister has given notice of a procedural amendment to this one and to the next three Bills, which really just amount to updating them and substituting 2018 for 2017 wherever they occur. Is that agreed? Yes.

Clerk: Clause 2.

1350 **Mr Chairman:** So, clause 1 as amended stands part of the Bill and now clause 2 stands part of the Bill.

Clerk: Clause 3 as amended.

1355 **Mr Chairman:** Clause 3, again the Minister has –

Hon. D A Feetham: Mr Chairman, may I ask a question in relation to this amendment?

Mr Chairman: Yes, please do.

1360 **Hon. D A Feetham:** Can the Hon. the Minister just explain this amendment again? I know that he touched upon it during the course of his speech. I am thinking about something and it may well be that I have got it absolutely wrong, but could he just explain the reason for the amendment?

1365 **Minister for Health, Care and Justice (Hon. N F Costa):** Are we talking about 1L?

Hon. D A Feetham: It is 3B. Well, they are both connected, in fact.

1370 **Hon. N F Costa:** Mr Chairman, is the Hon. Mr Feetham speaking about what would be the new 1L(1)?

Hon. D A Feetham: Yes.

1375 **Hon. N F Costa:** In short, when we considered the amendments in relation to making unlawful conduct include unlawful behaviour which constitutes gross human rights abuses, we started on a longer discussion of the Bill and a discussion arose as to whether breach of section 1L in fact constituted a criminal offence or not. Given that there were three lawyers in the room and none of us could convince the other and we all agreed that we could all be right, we thought it was the safest thing to include sections 1, 2 and 3 for there to be no doubt.

1380 **Hon. D A Feetham:** I have just seen this amendment today. I do not know whether it was provided last time, but I have seen it today. Section 1L is about information that is provided by GFIU, so does this amendment extend to a situation where GFIU phones a bank – I give the hon. Member just an example which I have come across many times during the course of my practice – GFIU tells the bank, ‘Provide us with information or there is an investigation in relation to a particular bank account,’ and what this amendment basically does is if that information is then divulged by the bank to a third party it is a criminal offence, but presumably it does not include the taking of legal advice by the bank. It is in section 5 of the Act.

1390 **Hon. N F Costa:** Yes, Mr Chairman, section 5 would make it clear that it is not an offence to obtain independent legal advice.

1395 **Hon. D A Feetham:** Sufficiently tied in with this amendment?

Hon. N F Costa: Yes.

Mr Chairman: Is the amendment agreed to? Clause 3 as amended stands part of the Bill.

1400 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes.

1405 Clause 1.

Mr Chairman: As amended to substitute 2018 from 2017. So, clause 1 as amended stands part of the Bill.

1410 **Clerk:** Clauses 2 to 3.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

1415

Mr Chairman: Stands part of the Bill.

**Legal Aid and Assistance (Amendment No. 2) Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes.

Clause 1.

1420

Mr Chairman: As amended, 2018 in lieu of 2017, stands part of the Bill.

Clerk: Clauses 2 to 3.

1425

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Proceeds of Crime (Amendment No. 2) Bill 2017 –
Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –
Legal Aid and Assistance (Amendment) Bill 2017 –
Third Readings approved: Bills passed**

1430 **Mr Chairman:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Proceeds of Crime (Amendment No. 2) Bill 2017, the Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 and the Legal Aid and Assistance (Amendment) Bill 2017 have been considered in Committee and agreed to with amendments and I now move that they be read a third time and passed.

1435

Mr Chairman: I now put the question, which is that the Proceeds of Crime (Amendment No. 2) Bill 2018, the Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2018 and the Legal Aid and Assistance (Amendment) Bill 2018 be approved. Those in favour? (**Members:** Aye.) Those against? Carried.

1440

ADJOURNMENT

Hon. Chief Minister: Mr Speaker, I understand that the motions that are on the Order Paper are to be taken at the next meeting of the House and I therefore now move that the House should adjourn *sine die*.

1445

Mr Speaker: I now propose the question, which is that the House should now adjourn *sine die*.

I now put the question, which is that the House now adjourn *sine die*. Those in favour? **(Members: Aye.)** Those against? Carried. The House will now adjourn *sine die*.

1450

The House adjourned at 4.32 p.m.