



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.10 p.m. – 5.20 p.m.**

**Gibraltar, Friday, 16th March 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.10 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, Friday, 16th March 2018.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 14th, 16th and 23rd February 2018.

5

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

*Mr Speaker signed the Minutes.*

## ANNOUNCEMENTS

### Joint Ministerial Council – Statement by the Chief Minister

**Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements.

10

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Ombudsman's Annual Report for the year – (*Interjection*) oh, the statement. Oh, I see, I thought I had to lay on the table first.

15

Mr Speaker, last Thursday, 8th March, the Deputy Chief Minister and I attended the sixth session of the UK-Gibraltar Joint Ministerial Council (JMC), the Gibraltar EU Negotiations Council between Her Majesty's Government of the United Kingdom and Gibraltar on our exit from the European Union.

20

The JMC is the process which the United Kingdom has established to liaise with different relevant administrations in respect of the implementation of the decision to leave the European Union.

25

This sixth meeting was the final meeting ahead of the March European Council Meeting. The meeting was chaired by the Parliamentary Under Secretary of State for Exiting the European Union, the Hon. Robin Walker and during the course of the JMC meeting and in culmination of the work leading up to it, we agreed a series of measures that will ensure that the valued and historic links between the United Kingdom and Gibraltar grow, deepen and endure.

As a result, Mr Speaker, the United Kingdom has now guaranteed Gibraltar Financial Services firms' access to UK markets as now until 2020. This date is important because it is the date being presently set by the EU Commission as the date on which the implementation or transitional period being sought by the United Kingdom will end.

30 As a result of the invidious inclusion by Spain of clause 24 of the European Negotiating Guidelines, some uncertainty has arisen as to the position of the UK and Gibraltar in respect of the application of the withdrawal, transition and future arrangements to Gibraltar. The Government of Gibraltar, Mr Speaker, has already made clear that we consider and are advised that that clause 24 of the Negotiating Guidelines is contrary to European Union Law.

35 The United Kingdom has made clear and is insistent in stating that it is negotiating for the whole of the Member State of the United Kingdom, including Gibraltar. Nonetheless in order to deprive from benefit those who might relish the existence of such uncertainty as a result of the potential exercise of the illegal Spanish veto, Her Majesty's Government of the United Kingdom and of Gibraltar have now made a statement that clarifies and puts beyond doubt that the  
40 existing market access arrangements between us would not be affected by the exclusion of Gibraltar from any such transitional period.

Of course, that is not the end of access. The United Kingdom has *already* – and I repeat, Mr Speaker, *already* – committed itself to the maintenance and where possible the enhancement of market access for financial services from Gibraltar – indeed, for *services* from  
45 Gibraltar, but that obviously includes financial services.

Indeed, in January of this year, the Secretary of State himself, the Rt Hon. David Davis, made the position of the United Kingdom abundantly clear in terms which cannot be misinterpreted. In his letter to the House of Lords European Union Committee, he said the following:

HMG and GOG intend to pursue a close economic partnership underpinned by shared high standards of regulation. It is the unshakeable objective of the United Kingdom Government to ensure the seamless continuation of existing market access into the UK and enhance it where possible ...

Mr Speaker, that is not a date-limited commitment, and it is just the latest iteration of that  
50 commitment to continue to allow market access to the UK after we have left the EU single market. I am not going to repeat each of the times that this wording has been employed by UK Ministers, starting with Secretary of State, Liam Fox during the events of Gibraltar Day in London in October 2016.

So I am able to confirm to this House, as I have already before, that the United Kingdom  
55 market will remain *open* to Gibraltar in financial services *even after* 2020. No one should be in any legitimate doubt about that. What we are seeking to do – and this goes to mechanism, not to principle – is to ensure that we create mutual confidence in and co-operation on regulatory and supervisory structures for the period beyond 2020.

But the statement last week is about 2020, insofar as it creates that immediate cushion to  
60 ensure that our potential illegal and nonsensical exclusion from the transitional period would have no effect as between Gibraltar and the United Kingdom. It does not operate as a limit in any way on the very clear and unequivocal *open-ended* commitments given by Her Majesty's Government of the United Kingdom to *maintain* – that is to say *keep* – and *enhance* – that is to say *improve* – market access where possible.

It is as a result of this that the United Kingdom Government will work closely with the  
65 Government of Gibraltar to design a replacement framework to endure beyond 2020 based on these shared high standards of regulation and enforcement of this regulation and underpinned by modern arrangements for information sharing, transparency and regulatory co-operation.

Mr Speaker, how will we do that? Well, we intend to carry out an outcomes review to ensure  
70 that regulatory outcomes in Gibraltar and the United Kingdom are aligned and designed to ensure consumer protection above all else. And the Gibraltar Order, made under the Financial Services and Markets Act, will be recast and redesigned to ensure that it is modernised and

adapted into a bespoke piece of UK legislation that will create the gateway for access into the UK under the new bilateral arrangements.

75 A Gibraltar team has already drafted this in Gibraltar and consideration of this is in train, and is part of the UK general legislation being prepared by Her Majesty's Treasury legal team. [*A mobile phone rings.*] I can hear one of the devils just next to me, Mr Speaker, already working hard on the Order! (*Laughter*)

80 This is better than excellent progress at this stage in the game, Mr Speaker, when operators in other jurisdictions do not have any certainty or clarity of what access they may have into the UK marketing services. This is particularly relevant in respect also of services in the on-line gaming industry. Mr Speaker, Gibraltar is the only jurisdiction to have the benefit of a firm UK commitment on continued market access after we leave the European Union.

85 Specifically, the UK has provided assurances that gambling operators based in Gibraltar will continue to access the UK market after we leave the EU in the same way as they do now. This is an important advantage for Gibraltar as no other EU jurisdiction at all can boast such a clear and unequivocal statement of continued market access post Brexit.

Additionally, we are working towards agreement of an MOU which will enable closer working and collaboration between gambling regulators in Gibraltar and the UK.

90 Further, Mr Speaker, and moving on to other areas, the UK has provided assurances to the Government of Gibraltar that following EU exit, British citizens resident in Gibraltar will continue to be eligible for higher educational home fee status at English institutions, both during the implementation period and afterwards, subject to concluding a reciprocal agreement for UK students studying at higher education institutions in Gibraltar.

95 Mr Speaker, hon. Members should note that higher education is an area of devolution and that therefore the UK Government is not able to enter into arrangements for the devolved administrations. That is why this commitment is expressed as being for England only. We are already pursuing the matter also with the other devolved administrations.

100 But just to give the House a flavour of what has been agreed, there are 867 undergraduate and postgraduate students from Gibraltar in England. To help the House to understand the value of what was agreed in the JMC last week, the average yearly tuition fees for home and EU undergraduate students undertaking standard courses at English universities is £9,250.

The average yearly tuition fee for overseas students undertaking standard undergraduate courses in English universities is £14,463.

105 The average yearly tuition fees for home students undertaking postgraduate courses at English universities is £9,974.

The average yearly tuition fee for overseas students undertaking postgraduate courses at English universities is £16,100.

110 The difference between the overseas undergraduate fees and the home undergraduate fees, is £5,213, whereas the difference between the overseas postgraduate fees and the home postgraduate fees is £6,126.

In order to calculate the difference in value between our students being charged an overseas fee or a home fee, we have relied on the undergraduate calculations only, which are the predominant ones involved, which amounts to a total *saving* of £4.5 million – £4,519,671.

115 Mr Speaker, for the information of hon. Members, there are at the moment 108 Gibraltar scholarship students in Welsh universities and 15 in Scottish universities. There is one student studying in Northern Ireland.

120 Mr Speaker, we have also agreed that the United Kingdom is committed to work closely with the Government of Gibraltar towards transfer arrangements post EU exit that support Gibraltar's prosperity.

The UK will also maintain the current reciprocal health care arrangements between the UK and Gibraltar. This means that Gibraltar can continue to refer an unlimited number of their patients to the UK for free elective treatment.

125 The UK remains committed to fully involving Gibraltar as we leave the European Union and  
we will continue to work together through the JMC process to ensure we take account entirely  
of Gibraltar's priorities in the context of the United Kingdom's negotiations with the EU.

130 Additionally, the United Kingdom and Gibraltar have agreed to recognise the importance of  
enhancing our liaison on all of the environmental and fisheries implications of EU exit that are  
relevant to Gibraltar whether by sharing information as openly as possible by providing specialist  
expertise across a range of policy areas to support Gibraltar with its own preparations or by  
considering with Gibraltar where our interests might be promoted in future through regional or  
international arrangements.

135 Mr Speaker, this announcement and the benefit it brings is the fruit of hard work. The Brexit  
team I lead has worked flat out these past 18 months. There is a lot still to do. The Deputy Chief  
Minister has been fully engaged on these matters, together with the Minister for Financial  
Services and Gaming. All other Ministers are providing detailed input in respect of the areas of  
responsibility on which their input is required.

140 The Attorney General is part of that team and is leading on the European aspects of the legal  
work. The Financial Secretary is dealing with matters that relate to his area of expertise. This  
work, Mr Speaker, is therefore the work product of an administration that has got its teeth into  
Brexit, although it was not the dish we chose from the menu presented to us.

145 Finally, Mr Speaker, it would be remiss of me not to also thank the Prime Minister, the  
Chancellor, the Foreign Secretary and the Secretary of State for leaving the European Union for  
their support in delivering this enduring packet of measures.

I must also thank the Gibraltar team of officials in the Foreign Office and in the Department  
for Exiting the European Union for their work in delivering these measures. We are working  
honestly, openly and closely together to deliver results that work for the people of the United  
Kingdom and the people of Gibraltar.

150 We will continue to do so successfully as we finalise the process of our departure from the  
European Union. (*Banging on desks*)

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

155 **Hon. E J Phillips:** Mr Speaker, whilst we broadly welcome this announcement by the  
Government as an interim package of measures that have been negotiated with the British  
Government and we note the Chief Minister's comment in relation to the open-ended  
mechanism in order to maintain and further enhance our access to specific markets, we also  
welcome the commitments in relation to gaming, health and particularly in education. But of  
course, education, every Government has always committed to the payment of tuition fees and  
160 maintenance grants for our students in the United Kingdom. What I would say about that is that  
we are clearly paying what we have already paid before in the past and we are committed to  
doing so.

165 Insofar as the Government's Statement, of course we remain cautious in respect of the  
commitment up until 2020 and what we have said fairly publicly in relation to that is that in the  
last two years the Government has, by its own admission, worked flat out in relation to this  
question on Brexit. But we would have thought, certainly on this side of the House, that we  
would have had a stronger commitment moving forward from 2020, although it is appreciated,  
the new words being echoed from the Government now in relation to open-ended  
arrangements and the maintenance of the status quo and enhancement of those arrangements.

170 One thing that I would like to point out, Mr Speaker, is in relation to the cross-border  
situation as well: that we have certainly noted that there needs to be an increase in our co-  
operation with our neighbours because ultimately when we are dealing with the very large  
issues that affects all of us in relation to Brexit, of course we need to maintain those  
relationships that the Chief Minister has spoken about previously – relationships of

175 consanguinity, I think is the word that he used, and commercial and business relationships  
across the frontier.

Mr Speaker, we broadly support and welcome the statements by the Government particularly in relation to financial services but we again echo our concerns and a note of caution moving forward from 2020.

180 I would also mention, Mr Speaker, that when you speak to the normal man and woman on  
the street in relation to Brexit, their concern of course is that the Chief Minister and his team  
navigate us safely through this storm that we appear to be in the middle of, Mr Speaker. But the  
concerns of the man and woman on the street are, again, repeated to me daily and to my  
colleagues about domestic issues that affect them and their families, Mr Speaker. Although I  
185 understand that the Chief Minister and his colleagues have been working flat out in respect of  
Brexit, it does mean that there needs to be also an increased focus, and I would respectfully  
encourage the Government to continue to focus on the domestic agenda and the concerns of  
normal working families during this Brexit situation and reconciliation with the United Kingdom  
Government when we come to further arrangements.

190

**Mr Speaker:** When the Chief Minister makes a statement of this nature, the practice is to allow the Leader of the Opposition to make a short statement in reply and to ask any questions of clarification that he may consider necessary.

I can also extend the practice of allowing questions for clarification purposes to any other  
195 Member of the Opposition who may wish to do so.

No, we will then proceed with the next item on the Agenda.

**Hon. Chief Minister:** Mr Speaker, I have been asked for clarification.

200

**Mr Speaker:** Yes, okay.

**Hon. Chief Minister:** Well, Mr Speaker, I am grateful for the hon. Gentleman recognising the work that has been done by the Government in respect of these matters and I will deal with his final point at the end.

205 But the broad welcome that hon. Members give seems to be tainted by some suggestion that some aspect of what has been announced by the United Kingdom is limited to 2020. Hon. Members opposite have, through the Leader of the Opposition, expressed a desire that given all the hard work we have done already, we would already have a mechanism that would endure beyond 2020.

210

Well, Mr Speaker, I want to clarify the position by saying again that there is a mechanism for all financial services and other services that are presently provided from Gibraltar into the United Kingdom to *continue* to be provided into the United Kingdom. That is the *unshakeable commitment* of the UK Government, not on a time limited basis. That is why I explained to hon. Members, Mr Speaker, that the issue of 2020 was as to mechanism, not as to principle.

215

And so what the hon. Gentleman tells me he wished we had achieved, I am confirming to him again we *have* achieved, Mr Speaker, because that is the way that the Secretary of State for Exiting the European Union and the Secretary of State for International Trade and one of the Principal Under Secretaries at the Department for Exiting the European Union, Steven Baker, have specifically expressed the commitment. The time limitation has come in not as a limitation of principle; it is because the mechanisms that we have in place are the mechanisms that will be in place until then, and there will be other mechanisms in place in respect of thereafter because those will be the purely bilateral mechanisms, Mr Speaker.

220

What we are saying is we are holding the ring on the single market terms of access until 2020 and we are agreed there will be continued access after that. That is the *unshakeable* commitment and these are not new words. As the hon. Gentleman has said, these are words  
225 that come from January 2018, from December 2017 and from October 2016 and that is why,

Mr Speaker, I was surprised that hon. Members felt they had to somehow caveat their welcome in a way that might be picked up by some operators in the market who might think that there is not the certainty that there clearly, unshakeably is in respect of access by companies in Gibraltar doing financial services business beyond 2020.

230 One might have to ask themselves why it is that anybody would want to create any uncertainty in that respect. We know that the Spanish wanted to do that, but I would wonder why it would be that anybody in this House would want to do that. So I am going to assume that that is what the hon. Member did *not* intend to do.

235 On the issue of education, Mr Speaker, the hon. gentleman says that this is just a continued commitment to pay the amount that has been paid. Again, Mr Speaker, I have to clarify to him that that is *not* what we are dealing with. What we are dealing with was the potential that Gibraltar students could be charged overseas student rates once we leave the European Union and what we have achieved, Mr Speaker, is that Gibraltar students, Gibraltar scholarship students in the United Kingdom after Brexit, will continue to be charged as home students and therefore, the £4.5 million is money saved if the numbers stay the same.

240 So it is not just we are just confirming the commitment to continue to pay what we have paid; it is that we have been able to avoid, or avoid any uncertainty as to whether that would be increased by 50%, Mr Speaker.

245 Finally, Mr Speaker, I am always very happy when people remind me that apart from Brexit, there are domestic issues to deal with because I do not want to deal with Brexit. I do not enjoy dealing with Brexit, we do not want to leave the European Union but we are having to deal with it. But I do enjoy my domestic issues, Mr Speaker, because I was elected by the people of Gibraltar to serve them and that is what I principally do in the role that I discharge.

250 So, therefore, Mr Speaker, I do not need reminding that the Government of Gibraltar needs to deal with domestic issues. We are not a centralised Government. We have ten Ministers: two of us are dealing principally with Brexit; other Ministers are dealing with all the other matters that are relevant in domestic politics in Gibraltar.

255 But I do have to say, Mr Speaker, that it is slightly peculiar to be told one day that you have to continue to deal with the domestic issues and not forget them by the same person who told me six months ago, we were not doing enough on education and told me three months ago, we were doing too much, too fast, Mr Speaker. We will keep going. (*Banging on desks*)

#### PAPERS TO BE LAID

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

260 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Ombudsman's Annual Report for the year ended 31st March 2017.

**Mr Speaker:** Ordered to lie.



## Questions for Oral Answer

### CULTURE, THE MEDIA, YOUTH AND SPORT

#### Q202/2018

#### Gibraltar Sports and Leisure Authority – Update on Administrative Assistant post

**Clerk:** (vii) Reports of Committees; (viii) Answers to oral questions.

265 We begin with Question 202, the Hon. E J Reyes.

**Hon. E J Reyes.** Mr Speaker, further to the answer provided to Question 98/2018, can the Minister for Sport update this House in respect of the Grade 9 (Administrative Assistant) post which was vacant within the Gibraltar Sports and Leisure Authority?

270

**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) post which is currently vacant within the Gibraltar Sports and Leisure Authority is being covered temporarily by a supply worker via S&K Recruitment.

275

**Hon. E J Reyes:** Yes, Mr Speaker. Last time the Minister also said that the applications for the post had been invited. Is the Minister aware now – I think we can take it for granted that the closing date has gone past – of any details in respect of number of applicants and when the selection is expected to be completed?

280

**Hon. S E Linares:** Not at this moment, Mr Speaker.

#### Q203/2018

#### Gibraltar Sports and Leisure Authority – Update on five pool operative/lifeguard vacancies

**Clerk:** Question 203, the Hon. E J Reyes.

285 **Hon. E J Reyes:** Further to the answer provided to Question 99/2018, can the Minister for Sport update this House in respect of the five staff vacancies for pool operatives/lifeguards which are currently waiting to be filled on a substantive basis within the Gibraltar Sports and Leisure Authority?

290

**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 Gibraltar Sports and Leisure Authority are in the process of interviewing candidates for the recruitment of five pool operatives.

**Q204/2018**

**Gibraltar Sports and Leisure Authority –  
Cancellations at facilities**

295 **Clerk:** Question 204, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Sports inform this House how many cancellations have been necessary at any of the Gibraltar Sports and Leisure Authority's facilities since the answer provided to Question No.100 of 2018; indicating the location, date and reason for the cancellation?  
300

**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, further to the answer provided in Question 100/2018, the use of the Victoria Sports Hall was cancelled due to water ingress on 7th March 2018.  
305

**Hon. E J Reyes:** Mr Speaker, from that answer that the Minister has given, it is just one date, yet some feedback from sports users, for example the Netball Association, seem to have had more than one days cancellation. Is there misinformation coming my way somewhere?  
310

**Hon. S E Linares:** No, sir.

**Q205/2018**

**Gibraltar Sports and Leisure Authority –  
Payments made by GFA for Victoria Stadium facilities**

**Clerk:** Question 205, the Hon. E J Reyes.

315 **Hon. E J Reyes:** Further to the answer provided to Question 103/2018, can the Minister for Sport update this House with details of payments made to date by the Gibraltar Football Association in respect of all facilities which they lease at Victoria Stadium and which are due within this current financial year?

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

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, no payments have been made by the Gibraltar Football Association as, to date, the sale of the footprint in question has not been effected.  
325

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. As he is fully aware, part payments was due of £10 million this financial year, out of the £16.5 million of which most of that, as I stated previously, was going to go towards paying for the new facilities at Europa Point and Lathbury Barracks.  
330

Is the Minister confident that these payments will be received and if so, when?

**Hon. S E Linares:** Before the end of the financial year.

**Q206/2018**

**Gibraltar Sports and Leisure Authority –  
Floodlights failure at Victoria Stadium**

**Clerk:** Question 206, the Hon. E J Reyes.

335 **Hon. E J Reyes:** Can the Minister for Sports provide details in respect of the floodlights failure at Victoria Stadium since 1st January 2018; indicating the dates when such failures occurred, the length of time taken to correct the floodlights deficit and what action if any has been taken to try and avoid these reoccurrences.

340 **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, floodlight failures occurred this past weekend commencing on Saturday, 3rd March when the last fixture needed to be called off due to a couple of fuses blowing.

345 Patch-up works were carried out, however, an investigation into the problem was severely hindered with the torrential rain experienced over the weekend.

Both evening fixtures on Sunday and the last fixture on Monday were cancelled. In total, four fixtures were postponed.

350 The problem was fully assessed on Tuesday 6th March and the contractor has lowered the output by switching off a few bulbs in order for the existing infrastructure to cater for the light on offer.

A quote has been approved for a new switch fuse to be installed for the East side pylons in order to up the power supply and cater for the floodlights to work at full capacity. The switch will arrive in the next ten days.

355

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

360 A couple of things arising from there. First of all am I correct in assuming, because I asked about floodlight failures at Victoria Stadium that the references and the failures have only occurred in what is commonly known as the football pitch or pitch number one. And then I think the Minister as well in his answer said that a quote had been approved. Can he enlighten us as to the figure of that quote?

365 **Hon. S E Linares:** Well, Mr Speaker, he has not asked that specifically in the question so I do not have that information, but I could easily pass it to him at his convenience. Because we do have a three-quote system when we go through quotes and so yes, I have not got the information for him but I can give it to him.

370 **Hon. E J Reyes:** And the other part, I think the Minister was nodding yes, but I am not entirely certain. Can we confirm that the power failure was restricted to pitch number one, the main football pitch?

**Hon. S E Linares:** Yes, sir.

**Mr Speaker:** The Hon. Roy Clinton.

375

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

Can I ask the Minister, given that the entire complex is going to be sold to the GFA within the next two weeks, where does the responsibility for maintenance for these lights lie in the future?

380 **Hon. S E Linares:** Mr Speaker, we are still in negotiation with the GFA on how we are going to approach that.

**Q207/2018**  
**Sports related grants –**  
**Payments made during current financial year**

**Clerk:** Question 207, the Hon. E J Reyes.

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

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

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

**Grants awarded for hosting of Special Sports and Leisure Events**

Gibraltar Darts Trophy	137,499.20
World Pool & Snooker Championships	201,697.40
Commonwealth Games Reception	2,592.00
Gibraltar Kennel Club	10,012.50
Gibraltar Classic Vehicle Association	1,200.00
Gold Coast Expenses	5,965.00
U 23 Qualifiers International Darts Competition	110.00
World Pool Masters	160,000.00
Gibraltar International Backgammon Tournament	70,500.00
Hockey Challenge Cup	850.00
International Bike Rally	241.64
Harley Davidson Club	4,500.00
Maccabi Gibraltar	4,000.00
Eurafrica Trail	2,3339.39
Gibraltar International Junior Chess Championships	40,000.00
Kings Bowl Bowling Tournament	16,000.00
Gibraltar Squash Open	6,000.00
Gibraltar Chess Trophy Sponsorship	200,000.00
Commonwealth Queens Baton Relay catering expense	1,200.00
Sports and Media Management (Paulo Futre event sponsorship)	1,000.00
Mr Sebastian Coe visit reception	2,200.50

**Grants awarded to Sporting Societies**

Netball Association	13,340.51
Cricket Association	9,832.40
Shooting Association	17,679.54
Darts Association	15,812.50
Hockey Association	15,587.41
Tenpin Bowling Association	2,631.06
Athletics Association	6,896.61
Basketball Association	46,644.10
Triathlon Association	4,863.50
Rowing Association	2,381.56
Swimming Association	4,380.34
Pool Association	5235.00
Backgammon Association	3038.36
Sea Angling	5,518.54

**Sports Grants awarded for International Competitions**

Island Games	178,257.67
Commonwealth Games	42,000.00

**Grants awarded for Sports Development Projects**

Cricket Association	6,122.36
Rugby Association	442.50
Cycling Association	311.00
Shooting Federation	3,349.04
Badminton Association	3,242.14
Rowing Association	5,253.59
Hockey Association	3,684.00
Athletics Association	4177.25
Basketball Association	814.04
Karate Association	961.00
Taekwondo Association	311.99
Ice Skating Association	397.23

**Mr Speaker:** Could I ask the Minister, is this information on the Government website?

**Hon. S E Linares:** Yes, Mr Speaker.

395

**Mr Speaker:** Then there is no need to provide an answer here and take up Parliament's time unnecessarily.

**Hon. E J Reyes:** I know that the Minister, today he has not said it. In the past he has told me that the information is available on the website. As I was preparing for Parliament the Government website was not up and running and therefore I could not access this information, Mr Speaker.

400

**Hon. S E Linares:** Mr Speaker, the information is always updated in the website. It could well coincide that we have Question Time and it is not uploaded, but it is always uploaded once we have the Parliament because the questions might have been put a week ago and therefore, during that week they are updated and they are constantly updated.

405

**Mr Speaker:** Does the hon. Member have any supplementary arising from the schedule he has been provided?

410

**Hon. E J Reyes:** It being a lengthy one, Mr Speaker, would you indulge me the privilege as you have done in the past – if I see in a few minute's time I have something arising from it I will then ask? Because it is one and a half pages of details and I need to do a quick comparison in case I cannot identify a particular item.

415

**Mr Speaker:** Okay. Next question.

**Q208/2018**  
**Cultural grants –**  
**Details for current financial year**

**Clerk:** Question 208, the Hon. E J Reyes.

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

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

425 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I now hand over to the Hon Member opposite updated details of all Cultural Grants awarded for this current financial year.

I would like to take this opportunity to remind the Hon member that updated information is posted again on the HMGoG website.

**Answer to Question 208/2018**

**CULTURAL GRANTS FOR FINANCIAL YEAR 2017-2018**

MH Bland & Co — Book Grant "What on Earth?" "The Story of Gibraltar"	5,000.00
Gibraltar Productions — Sponsorship for the Gib World Music Festival	50,000.00
State Media Ltd — The Art Bermondsey Project Space	4,000.00
M.O Productions — Organisation staging and production of the 16 <sup>d</sup> Gibraltar International Dance Festival	5,000.00
Gibraltar National Dance Organisation — GNDO for IDO affiliation fee/dance workshops	11,700.00
Bayside & Westside Drama Group to travel to Medway Theatre in Rochester, UK to participate in the Duncan Youth Festival	2,000.00
Urban Dance — support to cover costs of participation at the "Vive to Sueno" European Dance finals in Paris	2,000.00
Gibraltar Face & Body paint Association — Assistance for the Gibraltar Body Painting Festival 2018	3,000.00
Regina Danino — Installation cost for exhibiting work with group of artists at Bermondsey Project	3,000.00
Ayelet Shay — Book Grant for the translation, production & printing of her book "Relocation Darling Relocation"	6,250.00
Stylos Studios in support of their participation at the World Dance Movement Competition in Italy in July 17	3,000.00
Shane Dalmedo — Purchase of materials and tools for the project of the Encyclopedia of Migrants	2,000.00
Gail Francis Tiron — Book Grant for the production and printing of book "Don't you Just Love Them"	4,100.00
Sunbow Projects — Virtual Gibraltar Festival	10,000.00
Miss S A McLaren — Assistance for final year at the Northern Ballet School in Manchester, UK	4,260.00
Group 2000 — Assistance for the WWI Play presentation at the Gibraltar Garrisons Library	500.00
The Gibraltar Photographic Society — Purchase of equipment	1,700.00
The Gibraltar philharmonic Society — Support for various concerts promoting classical music	10,000.00
Gibraltar Cultural Services Ltd — Gibraltar Berlin Artist Exchange student sponsorship	6,000.00
R Barabich — The reprint of the book "The memoirs of Arnold Barabiscio"	1,320.00
Davinia Baglietto — Assistance for return flights post Mrs Europe Pageant	488.00
Gibraltar Cultural Services in conjunction with Leisure Cinemas Ltd — Cultural Development Programme	500.00
Gibraltar Horticultural Society — Forthcoming events and projects	2,000.00
Gibraltar Artisans Market — Support towards the Gibraltar Christmas Village 2017	5,000.00
Karen Avellano — Book Grant "Queendom of the Skies"	3,805.00
GibMedia — Gibraltar International Magic Festival Sensory Performance	2,000.00
DSA Old Tyme & Modern Sequence Dance Club — Junior Dance couple travel assistance to Gibraltar	2,000.00
Gibraltar Arts and Crafts Association — St Bernadette's School workshops	2,000.00
Gibraltar IDF Dance Association — Participation at the IDF World and European Championships 2018	3,000.00
Gibraltar Academy of Music and Performing Arts—Trophies for Festival of Young Musicians	1,500.00

430 **Hon. E J Reyes:** I am grateful for that, Mr Speaker, but I must explain to you that there is a particular deadline, a date and a time by when one has to submit questions and if I cannot

access it at that time, I have no alternative, but in order to make it valid to pose the question, Mr Speaker. I am sorry, I cannot be the loser.

**Q209/2018**  
**Skate park –**  
**Update on current status**

**Clerk:** Question 209, the Hon. Ms M D Hassan Nahon.

435

**Hon. Ms M D Hassan Nahon:** Can Government update the House on the current status of the skate park?

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

440

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the skate park currently located at the east side of the Victoria Stadium is open daily from approximately 8 a.m. until 10.30 p.m. This skate park falls within the footprint of land soon to be sold to the Gibraltar Football Association.

445

The Gibraltar Sports and Leisure Authority are working closely with the Gibraltar Skating Association with regard to a new site for the skate park. Skate park installers have already been approached to provide conceptual designs.

450

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer, but if I may just say that I was approached by some young lads who made representations to me about the closure of the skate park. I will take his word for it if it is open but if these young teens are telling me that they are not finding it open, could it be that it has been down temporarily for maintenance? Because from their point of view they do not seem to find access to it.

455

**Hon. S E Linares:** No, Mr Speaker, the only reason that – and I am thinking aloud – that might have happened is that cars might have been parked in front and therefore they could not have access or that the lorries had been loading and unloading and they have not been able to go in. But I know because I attend that place quite often and it is usually open from eight o'clock in the morning to 10.30 at night.

460

The fact that maybe one or two youngsters might not be able to access on one given day, because a car might be parked or lorries might be unloading or anything like that, is a bit unfortunate. But I can tell the hon. Lady also that we are satisfied with what we have got now but we are going to make it much better. We are going to make a skate park, because like I said, I have already had representation from the skating fraternity/association, young people coming to my office, wanting this skate park – and some of them who are not even members of the association have approached me on this matter.

465

470

**Hon. E J Phillips:** Mr Speaker, just one supplementary question, because the Minister has raised the question of possible blocking of cars at the skate park. It is something I experienced yesterday when I was watching my son run and I know that the Chief Minister also attends that area on a frequent basis and I think the Chief Minister will probably agree with me in respect of this point, that the traffic issue there is horrendous. It has been a difficult one for many, many parents who experience that.

475

I suspect that the reason why many of these children cannot access the skating park is because of the very, very difficult drop off parking issues concerning that particular area and I was wondering whether the Minister knew, in order to alleviate the issues clearly to the skate

park but to other parents who drop off their children or indeed try to park in order to watch their children play sports, whether the Government had any solution to that in the interim period before that area is sold off.

480

**Hon. S E Linares:** Well, Mr Speaker, there has been a solution of sorts, because if you look now at the way the parking slots have been painted, there is a circulation in order to come in and out. But one cannot stop parents who stop the car in the middle of what is supposed to be flowing. You drop off your child, you then drive round where the cars are parked in the middle. But sometimes parents are – I would not say inconsiderate, but they are in a rush or they want to see their children in and therefore park the car in the middle. These are things that we can mitigate as much as we can but there are times when there is no actual solution.

485

**Q210-211/2018**  
**Football pitch and play park, Moorish Castle Estate –**  
**Restoration**

**Clerk:** Question 210, the Hon. Ms M D Hassan Nahon.

490

**Hon. Ms M D Hassan Nahon:** Does Government intend to restore the football pitch in Moorish Castle Estate to working order?

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

495

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 211/2018.

**Clerk:** Question 211, the Hon. Ms M D Hassan Nahon.

500

**Hon. Ms M D Hassan Nahon:** Does Government have intentions to restore the play park at Moorish Castle Estate to working order?

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

505

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the football pitch within Moorish Castle Estate is currently being used as a lay down/storage area by GJBS Ltd under the Major Works Refurbishment Project and will be refurbished to a standard which is fit for purpose.

510

With regard to the play parks, there are two parks within the confines of Moorish Castle Estate. One is located within the vicinity of Key House and is open for use. The other play park is located behind Tarik House and Wall House and has been closed for a very long time. This particular park is currently part of the works envisaged under the Major Refurbishment Works Project to the estate.

These works are scheduled to commence shortly.

515

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer. On the question of the football pitch, from what I understand – of course like he says, it is to do with using it as a depot for the construction materials – but I know that it has been out of use for apparently about three years and the children there are desperate to be able to get it back and play and have somewhere where they can physically do some exercise.

520



Is there any way that the Minister could maybe relocate that construction equipment because it has been a very long time and these children, effectively they are in the upper town and they need to exercise a little bit and are really desperate to get it back, so I am echoing their sentiments?

525 And on Question 211 it is the same, is there any way that they could recoup these areas so that they can actually have a bit of extra sport and leisurely time up there?

**Hon. S E Linares:** Mr Speaker, I cannot agree more about what the hon. Lady is saying. I do completely agree. Again I go there often because we have the Plater Youth Club – I know she is going round seeing the youth clubs and all the good work that the youth service do and these are the things that the young people who go to the youth club say that they cannot play football and all that.

530 But it is one of those things that we try and mitigate as best we can and all I can do is to try and say to the contractors, 'Could you please finish as quickly as possible' so that the children can have these playgrounds back. Other than that, there is not much more that I can do.

**Hon. Ms M D Hassan Nahon:** Sorry to harp on. So the Minister is saying that there is no way to find another location to store construction equipment for the moment, right?

540 **Hon. S E Linares:** Not that I know of.

**Mr Speaker:** Next question. Yes, the Hon. Mr Reyes.

#### Q207/2018

#### Sports related grants – Supplementary questions

**Hon. E J Reyes:** Thank you, Mr Speaker. With your leave, can I make a quick reference back to the answer of Question 207.

545 I am very grateful because as the Minister and I have spoken last time, it is now consolidated under the same headings.

One small question, Mr Speaker, there is a payment under 'Grants awarded for hosting of Special Sports and Leisure Events' of £5,965, classified as Gold Coast Expenses, which is the same as the previous time. But on the next page under 'Sports grants awarded for International Competitions', it says Commonwealth Games, £42,000. Surely those Commonwealth Games are the same, unless the location has changed, is the same as the Gold Coast which is happening now, so I am a bit sort of uncertain of why they are separate rather than having them both together, like for example the Minister has decided to do for Target Shooting and the Shooting Association because they are all shooting related. So that one gives me an uneasiness of exactly what is what.

555 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I am not fully aware of why that is. I will be asking the question myself, but I am sure it is something to do with the actual games which is not payment to the association itself. It could well be some sort of ... to the International Association or maybe the Gold Coast organisers or something like that, but I will ask.

**Hon. E J Reyes:** Thank you, Mr Speaker. So if the Minister, when he does have an answer could inform me of that. Could I also query something because I had queried it last time?

565 There are some expenses given in the answer to Question 101/2018 where the three related to extra cleaning services. One was for the Gibraltar Song Festival and the other was for the boxing event and the other one was for the Philharmonic event and I do not see them in the answer to Question 207. It could be that they have been changed over to another sub-head. If the Minister has information on that it would clarify matters.

570 **Hon. S E Linares:** Well, Mr Speaker, because he actually mentioned that to me last time and he was absolutely right because it should not have been here, it has actually been moved from here to another head and therefore it does not appear here anymore. Because in fact when I did get the original schedule there were these things in it and I said they should not be here and that is why they were removed.

575

**Q210-211/2018**

**Football pitch and play park, Moorish Castle Estate –  
Supplementary questions**

**Hon. D A Feetham:** Mr Speaker, may I go back to the Plater Youth Club question the hon. Lady asked. I am just slightly worried by the answer that the hon. Gentleman gave.

Is the Government's position that there is nowhere else in Gibraltar where they can store this material and it has to by necessity go in an area that has previously been used by the youth of that area to basically enjoy their activities?

580

And if that is the case, when does the Government expect that state of affairs to end because surely, we cannot have a situation where that just simply continues open-endedly?

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, as to the first part of his question, if the materials are to be used in Moorish Castle, I would assume that there is no other place in Gibraltar to put them other than in Moorish Castle Estate. They would not be stocked up somewhere else as opposed to in Moorish Castle.

585

But I do accept that these are works which are unprecedented works that we are doing which should have been done nearly 20 years ago, when he was in Government, and they were not done. Now we are doing them, we are fixing up all the estates and these are the consequences sometimes of trying to fix up the estate.

590

Like I said in my answer to the hon. Lady, I will try and pressurise the contractor to hurry up and get on with it, so that the children do get that playground back.

**Hon. Chief Minister:** I think I am the only person that used to play in that particular playground!

595

**Q212-213/2018**

**Victoria Sports Hall; Tercentenary Sports Hall –  
Expenditure on water ingress from roof**

**Clerk:** Question 212, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule from December 2011, stating how much has been spent on water ingress related works on the roof at the Victoria Sports Hall, including the name of the contractor/s?

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

605 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 213/2018.

**Clerk:** Question 213, the Hon. L F Llamas.

610 **Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule from December 2011, stating how much has been spent on water ingress related works on the roof at the Tercentenary Sports Hall, including the name of the contractor/s?

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

615

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, details of payments relating to water ingress works on the roof of the Victoria Stadium and the Tercentenary Hall are as follows:

Victoria Stadium:

	<i>Financial Year 2015-16</i>	<i>Amount</i>	<i>Date</i>
	Bright & Co.	£1,200.00	21/12/15
	<i>Financial Year 2016-17</i>		
	Site Trading	£1,048.40	10/02/16
	Site Trading	£732.00	10/03/18

625

Tercentenary Sports Hall:

	<i>Financial Year 2012-13</i>	<i>Amount</i>	<i>Date</i>
	GJBS	£4,993.90	30/01/13
	<i>Financial Year 2013-14</i>		
	A&K	£66,768.00	12/08/13
	<i>Financial Year 2014-15</i>		
	Bright & Co.	£20,000.00	16/04/14
	<i>Financial Year 2016-17</i>		
	Bright & Co.	£8,200.00	28/10/16
		£12,800.00	12/12/16
		£3,600.00	27/01/17

635

**Mr Speaker:** May I ask the hon. Minister to check the first part of his answer: financial year 2016 and 2018 for Site Trading he gave 10/03/18 – is that correct or should it be 10/03/17?

640

**Hon. S E Linares:** Mr Speaker, is it financial year 2016-17? (**Mr Speaker:** Yes.) Site Trading, £1,048 –

**Mr Speaker:** The next one.

645

**Hon. S E Linares:** £732.00.

**Mr Speaker:** 10/03/18 you have got as the date. That is not the financial year 2016-17. Should it be, if that is correct, it is not that – I am just asking should it be 2018 or 2017?

650

**Hon. S E Linares:** It should be 2017 because it is in March, so it is wrong, yes. So therefore, can I just say that if the hon. Member just amends that from 2018 to 2017. Thank you, Mr Speaker.

655 **Hon. L F Llamas:** Mr Speaker, in relation to these works, given that there are different companies and contractors undertaking these works, is it a fact that these works are different and unrelated to each other or is it possible that a company is repairing works done by another contractor?

660 **Hon. S E Linares:** No, Mr Speaker, this is a system which the hon. Member usually asks us about, do we go out to tender and it is a question of getting three quotes from different companies to do the works. So when we identify the problem, companies are called in, they submit their quotations and then we decide which one is the value for money and the one we pick. That is why you get different companies coming in. That is the answer, it is the three-quote system that we use so that we give a chance to all the companies to bid in.

### INFRASTRUCTURE AND PLANNING

#### Q272-277/2018

#### Rock falls in various locations – Risk assessments made; planned mitigation

665 **Clerk:** We now move to Question 272, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, were any assessments made of the risk and impact of rock falls on Beach View Terraces prior to the construction and if so, by whom were they approved?

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

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 273 to 277.

675 **Clerk:** Question 273, the Hon. T N Hammond.

**Hon. T N Hammond:** Prior to the rock fall that occurred on 2nd March onto Devil's Tower Road, had any surveys of the rock in that area been conducted recently and if so, when?

680 **Clerk:** Question 274, the Hon. T N Hammond.

**Hon. T N Hammond:** What measures are Government intending to take to mitigate the risk of further rock falls landing on Devil's Tower Road?

685 **Clerk:** Question 275, the Hon. T N Hammond.

**Hon. T N Hammond:** Is Government intending to provide improved alternate access for the residents of Beach View Terrace to mitigate the impact of any further rock falls in this area.

690 **Clerk:** Question 276, the Hon. T N Hammond.

**Hon. T N Hammond:** With the planned construction of a visitor centre in almost the exact location of where the largest rock fell, is Government satisfied that it is safe to proceed with this project as planned or are further measures required to ensure public safety?

695 **Clerk:** Question 277, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state how many checks/tests were conducted on the rock face and other areas which are prone to or present a risk of injury or damage to property from rock falls over the last 24 months?

700

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

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the Beach View Terraces development falls a considerable distance away from known rock fall trajectories from the rock face.

705

When the development was reviewed by the Technical Services Department in 2013 there was no reason to suggest that the development was at any risk of the impact of rock falls.

This conclusion was reached on the strength of reports carried out in 2005 and 2009 when works were being considered on the Aerial Farm site. These clearly showed that rock fall trajectories were contained well within the Aerial Farm site.

710

Various studies have been commissioned in the area of the Aerial Farm between the North Face and Devil's Tower Road. These have included the following: in 2005 there was a Golder Report for Bassadone Motors for the development of the site; in 2009 a Golder Letter Report for Government for use of site for storage of rubble; in 2014 a Golder Scoping Study for the wine vaults site; in 2014 a Golder Report for Government following a major rock fall of December 2014.

715

Following the rock fall of 2nd March 2018, Technical Services Department carried out a visual inspection of the North Face together with Golder Associates to determine the possible causes of the rock fall and identify immediate and longer-term solutions to mitigate the risk of further rock falls in the area.

720

The initial assessment has concluded that the rock fall has occurred from a similar area to the rock fall of 2014 and it appears that the residual risk of further rock fall from that location is small.

The rock fall trajectory modelling carried out in the past, together with observation of recent rock fall patterns, provides confidence that primary rock falls are contained within the Aerial Farm site. There is, however, some concern on the effects of fly rock from rocks shattering upon impact.

725

In the first instance, a robust hoarding will be constructed along the boundary of the site to contain the fly rock. This will then be followed by a more detailed survey of the rock face to determine whether large magnitude rock falls are likely. This will then provide information on the type and extent of mitigation measures which can be put in place to reduce the impact of further rock falls as much as possible.

730

Although it is still too soon to say what these mitigation measures will be, it is likely that they will include ditches and screens to minimise the impact of further rock falls as much as reasonably possible.

735

Mr Speaker, in light of the recent rock fall event, HM Government of Gibraltar can confirm that it is considering keeping the rear access to Beach View Terraces that was created following the rock fall, as an emergency relief road.

Mr Speaker, as part of the planning process, all developments which are proposed within a known rock fall area are required to engage a reputable geotechnical engineering consultant, who would need to be approved by the Government, to carry out the necessary risk assessments for the proposed development and provide advice on any works that may be considered necessary to allow the development to proceed and to ensure its continued stability and safety thereafter.

740

Further discussions will be carried out with the developer as initial proposals for the visitor centre did clearly not anticipate the magnitude of rock fall which occurred on 2nd March 2018.

745

It is important to try and identify the residual risks of further rock falls and whether the initial proposals to mitigate these risks are acceptable in the long term.

750 Mr Speaker, over the past 24 months numerous inspections have been carried out by the Technical Services Department on a number of cliff faces around Gibraltar. These have mainly been carried out at the Upper Rock Nature Reserve in areas which have included Signal Station Road, Engineer Road, the Apes Den and Mediterranean Steps. Other areas have included Green Lane which is currently still closed off to vehicular traffic as a result of the known risk of rock falls in the area.

755 Other study areas carried out by the Technical Services Department have included the East Side Slopes and this has seen the construction of two sections of high capacity rock catch fences being installed at the base of the slopes just to the south of Both Worlds. Both these phases have seen the construction of 50m lengths of high capacity fence with total construction costs of just over £300,000 for each phase. This clearly demonstrates Government's continued commitment to the issue of rock safety.

760 Mr Speaker, the Rock of Gibraltar is a live geological feature with a number of geological faults and different rock strata. The total surface area of the cliffs surrounding Gibraltar and the various and often complex mechanisms that trigger rock falls make it an impossible task to predict, and therefore mitigate against every rock fall event which can take place.

765 The Technical Services Department, who has responsibility for rock safety, therefore focus their efforts on those areas where there is a known history of rock falls and where the impact of these would be greatest on the general public. They also react to rock fall events as they occur and where necessary and provide additional measures to reduce the impact of these.

770 It must also be noted that for almost 20 years, responsibility for mitigating against the effects of rock falls has fallen on developers who wish to develop in areas in which there is a known rock fall hazard. As previously mentioned, part of the planning process is to engage a reputable geotechnical engineering consultant, who would need to be approved by the Government.

Her Majesty's Government of Gibraltar is fully committed to the issue of mitigating against the risk of rock fall and will continue to invest in this area as they have done so far.

775 **Hon. E J Phillips:** Mr Speaker, just in relation to my Question 277, I think I asked the Minister how many checks/tests were conducted and he described it, I think the answer was 'numerous'. But does the Minister have any further information in relation to the numbers? That is the nature of my question

780 **Hon. P J Balban:** Mr Speaker, I have laid out the locations as to how many in each specific location. The total amounts I have not got figures for. Needless to say, numerous studies have been carried out in all those locations that I mentioned previously in the question.

785 **Hon. E J Phillips:** Mr Speaker, the Hon. Minister mentioned two reports, one in 2005 and one in 2009. Can the Minister confirm who commissioned those reports?

790 **Hon. P J Balban:** Mr Speaker, what normally happens as I said in my reply is that when a developer wishes to develop a certain site, it is they who consult and get a geotechnical engineer to provide them with the information necessary. That is the procedure and it is based upon that report as to what is done. It is their responsibility otherwise they cannot progress along the planning process.

795 **Hon. E J Phillips:** So in other words, Mr Speaker, the assessment of particularly vulnerable parts of the rock, insofar as the health and safety of people and potential damage to property, is only assessed when developers are considering using sites for development?

**Hon. P J Balban:** Mr Speaker no, this is ongoing. But when there is a specific application for a specific site then there is a very detailed study which is carried out by a consultant approved by

800 Government. In this case, one that Government has used for many, many years has been Golder Associates.

**Hon. E J Phillips:** Mr Speaker, I think Golder's deal with environmental ground engineering remediation and deal specifically with governments in relation to risk concerning complex geological features, such as our Rock.

805 One question I would have in relation to that of course is I have asked how many, is the Government satisfied that we have the necessary expertise, technical expertise within Technical Services, to carry out these tests and checks on either the North Face and other parts of Gibraltar, because clearly, as a huge geological feature, certainly on this side of the House, I  
810 would expect that we have very detailed knowledge and expertise in relation to the Rock itself, given that it is a huge geological feature and is a complex geological feature that we have lived with for generations.

Is the Government satisfied as to the level of expertise and experience that we have in terms of testing in response to potential rock falls and any health and safety risks associated with falls?

815

**Hon. P J Balban:** Mr Speaker, for years and years this is the way ... The Technical Services Department is as expert as they possibly can be in numerous fields within the civil engineering and engineering specialities. But when it comes to specifically to rock falls, this is why companies like Golders are engaged for this purpose.

820 So if they feel that by inspection there is a certain risk or they can see that there is something not right, then the fall-back position would be to seek the advice of the consultants. And as you said yourself, it is Golder's who are considered the experts and approved by Government for this purpose.

825 **Hon. E J Phillips:** The reason why I asked those sets of questions relate to the fact that clearly, the reports of 2005 and 2009 commissioned by developers, I think referred to by the Minister as the Golder's Report, clearly demonstrate that there was no risk of rock fall trajectory insofar as what we have experienced of late.

830 Therefore, the risk that was exposed clearly was not foreseen in the context of the Golder's Report and therefore you will understand and appreciate the concern obviously by many of our residents and certainly from this side of the House, that we are trying to drill down on what types of assessments are made to the North Face and other parts of Gibraltar that present a risk to injury and therefore, that is the type of question that we have been asking the Minister and that is why we would like very specific answers to our questions regarding the numbers of tests  
835 and how invasive these tests are in relation to particularly vulnerable spots.

**Hon. P J Balban:** Mr Speaker, the hon. Gentleman wishes a detailed schedule of all the different dates that can be provided, but I do not have that information with me.

840 But rock falls have changed in time, we have never experienced the size of a rock fall that we have recently. There was 700 tonnes of rock which fell on this occasion. The previous rock fall in 2014 I think I said was 500 tonnes, so this has been the largest rock fall.

845 And when rocks do fall, generally the rock falls and we can predict where it is going to fall, but the issue of fly rock, which is what has happened on the past two occasions, is something new to us in that respect, so it is not where the rock falls; it is where splinters reach to and that is a new phenomenon because we have not seen the magnitude of rocks falls that we are seeing now.

850 In the past they have been much smaller rock falls in different areas where the height has been less, but you look up to the rock face and you do not know when or if ever, there is going to be another rock fall and it is impossible to see exactly whether there will a lot ever be another rock fall again or whether there will not.

855 The consultants in their preliminary studies have looked at the rock face and they think – and again it is just an opinion because we can never guarantee this – that what has fallen it is good that it has fallen because if anything that was what was remaining there that could have fallen and they believe that the risk is substantially reduced now but then we cannot say that it is never going to happen again.

So it is something which is ... but we do live very close to the rock and there are many estates that surround the Rock and there is a happy balance, what we must ensure is that the people who work and live in the area are sufficiently outside of the area so that when rocks do fall they fall where they should.

860 But again, it is very difficult for us to predict these things. It is like living beside the sea and you do not know when the next hundred-year storm is going to hit the shores and sweep part of ... so it is one of those things.

865 **Hon. E J Phillips:** Whilst I appreciate the explanation, Mr Speaker, that the Minister has given in relation to the new phenomenon of large rocks falling in our community – (*Interjection*) It was described by the Minister himself as a new phenomenon. (*Interjection by Hon. Chief Minister*) Therefore what I would say -

870 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if the hon. Gentleman will give way, what the hon. Member has said is that *fly rock* is a new phenomenon. Fly rock, Mr Speaker, is when a large rock falls, splits and then when it splits, the shrapnel flies from there. It is not that falling rock is a new thing; it is the impact followed by shrapnel is something that had not been assessed. That is what the hon. Member said.

875 **Hon. E J Phillips:** I am grateful for the assistance of the Chief Minister and the technical expertise on fly rock and how it splits. But, Mr Speaker, generally speaking, people that come to us and speak to us about the new phenomenon in splitting rock on our roads, Mr Speaker, is the Government commissioning an extensive review of significantly prone areas to rock falls or splitting rocks across our roads, so that the community generally can be reassured as much as possible and reduce the mitigation possible to injury, to personal injury or damage to property.

**Hon. P J Balban:** Mr Speaker, the hon. Member has mentioned this phenomenon – I did not actually say the word ‘phenomenon’, it was not the word I mentioned – but the reason why this has not happened before is because our rock falls in the past have been significantly smaller.

885 So when there is a couple of tonnes that fall, it is just absorbed by the earth below it and that is the end of it. But when you consider what 700 tonnes of stone and the power that comes down at about 10 metres per second acceleration, when it hits the ground – I mean this has never happened before, save back in 2015 I think I mentioned, so it is a new phenomenon, if you want to call it that, because we have never had rock falls of this size before.

890 But the process of what Technical Services do, because it is the responsibility of Technical Services, they are constantly looking at the Rock but the Rock is huge, although it is small compared to our geology around us – it is a huge rock and at risk, it is always at risk and to be able to identify and to actually see where potentially the next rock could fall is very, very difficult.

895 It is impossible, and anything can cause a rock fall, for example even a bird nesting in the rock can cause rocks to fall; even trees growing, the roots could cause rock fall. There are also times of the year when it is raining, as it has been raining, bad weather: statistically that is when rock falls do occur and that is when we are most vigilant in that respect.

900 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to ask a question. Bottom line, had there been a tragedy or had there been loss of life or even substantial damage to human life,



who would have borne the consequences of this, the Government, the contractor, where does the buck stop here?

905 **Hon. Chief Minister:** Well, Mr Speaker, the hon. Lady is asking us a hypothetical question and I think we all agree it is a good thing that it is a hypothetical question.

But there are some things that we cannot plan for and unfortunately there are clauses in contracts of insurance which used to be known as the clause on act of God, which is also described as a *force majeure* clause, where what we are dealing with is something that is a natural event that is unforeseeable.

910 And, Mr Speaker, short of planning for the whole of the North Face to fall, it is impossible to do anything other than that which successive Governments of Gibraltar have done now for generations, which is to have an active, current and ongoing programme of cliff stabilisation, which means that the Technical Services Department of the Government every year brings to the Government those areas where they believe it is necessary to do cliff stabilisation in that financial year and they seek budget for it. We come to the House and we approve it and we deal with those issues of cliff stabilisation.

920 Now, Mr Speaker, there will be areas which are not dealt with in cliff stabilisation which are the areas which happen to create rock fall in that year. Minor rock fall or larger rock fall, then creating the new phenomena that we seem to disagree we are talking about. Mr Speaker, that is the reality.

925 Now, if somebody comes to the Government and seeks access to a tunnel which is accessed through the rock face and the Government says we are unable to give you access to that tunnel, absent risk from rock fall from the North Face, you have to deal with your experts and our experts putting in place whatever plan they agree is the plan that you need in order to create a canopy to give access there safely and the method statement for how that is done – that is not a Government issue. That is an issue of experts having agreed a methodology which was working until the rock fall happened with their assessment of risk. That is what we are dealing with here and this is an act of God, an act of *force majeure* and thank God, Mr Speaker, I am able to give a short answer to the hon. Lady, which is that her question is hypothetical.

935 **Hon. Ms M D Hassan Nahon:** Thank you for the answer. If I may ask a couple of questions, from what I understand the wall was removed by the contractor so that is why I was asking who bears ... If something happened that could have led to a tragedy, it is not just because *force majeure*, earthquakes, volcanoes and things happen. Something was removed which could have led to a disaster and who is responsible for the fact that there was a void in the protection by the effect of that removal?

940 And the other question is, I do not know if I am actually allowed to ask, but can I just find out if it is possible, what is happening with the wine vaults? Is it happening or is that not allowed in this supplementary?

**Hon. P J Balban:** Mr Speaker, the rock fall could have happened, could not have happened; it is something which there is no certainty about.

945 Now, why was the wall that the hon. Lady mentions removed? Well, because the wall had to be removed so that construction could take place and so that access could be gained. Now the unlucky part of the situation was again no one had no control over it, that the rocks decided to fall at that given moment in time when the wall was not there.

950 Who is to blame? Well, again it is *force majeure*, nothing could have happened and something did so there is absolutely no way of scanning the rock or doing an MRI scan on the rock face to see where potentially a rock can fall when the wall is going to be removed for a specific purpose.

Now, regarding the second part of the question, which is what happens now to the project of the vaults, in light of what has happened, a more thorough investigation will need to be carried

955 out and we need to take into consideration this new phenomenon that has just been  
mentioned – although I did not say ‘phenomenon’ – of fly rock because it is something that we  
have not experienced in the past.

960 Now bearing in mind that fly rock, if ever there were to be a rock fall of the magnitude that  
we experienced recently happening again, and fly rock becomes the issue, then we would have  
to mitigate for that as well. But that is something new in that respect because in the past rock  
falls have been substantially smaller and the impact has been absorbed by the surface of the  
land.

**Hon. D A Feetham:** Mr Speaker, just picking up on the question of this statement that the  
Hon. Minister has made that you cannot MRI the rock face: I recall about three years ago that I  
965 was sitting with my wife, Julia in the living room in my house and I heard a buzzing sound  
outside the house. I came out and there was a drone flying in my garden. For a second, I thought  
it was the Chief Minister from his living room controlling this drone, spying on the Feetham  
house, although I disregarded it completely by the next second!

970 However, I did phone the RGP because I thought maybe it is somebody controlling a drone  
and being a nuisance in the garden and they put me in contact with a contractor that was  
conducting, apparently, a cliff survey all around Gibraltar, because that is the only way that you  
can establish where there are potential ... well, not the only way, but one of the ways you can  
establish where there are potential weaknesses.

975 Now, my question is that given that information, did that information on that survey reveal  
any particular weakness in this particular area of the rock face that would have alerted the  
Government that there was a potential problem in this area?

**Hon. P J Balban:** Mr Speaker, obviously the drone is for visual inspection; it is hardly an MRI  
in that respect but this is the process, this is the method the consultants will use to see whether  
980 to carry out a visual inspection, because there is no other way from the ground at certain  
elevations so that is the method used in that respect.

985 Had the drone, or whatever method they used, picked up that there were areas which were  
significantly at risk and that was the conclusion made by consultants, then clearly something  
would have been done in that respect. But because it is spotting things which look out of place –  
and again, I may be speculating because I have not got that information with me – I am sure, had  
the consultants found a reason which was of concern in the rock face, that would have been  
brought to our attention and something would have been done about it.

990 Part of my question refers to Green Lane as well: with Green Lane the mitigation,  
unfortunately for residents, was that we had to close that road because the risk was considered  
substantially large enough for us to do so. And perhaps it was not a popular thing at the time,  
but it is for the safety of individuals.

995 Just like people have been complaining that they have not been able to access certain areas  
and the road has remained closed, but it is because the proper measures need to be taken to at  
least mitigate and ensure that we are as confident as humanly possible that the risk is reduced  
to a significant level or low enough level to be able to permit access once again. That will be  
happening, the road is due to reopen later on this evening, I have not heard anything to the  
contrary so that is what we are aiming for.

So based on that, that is the position we are at the moment. *(Interjection)*

1000 **Hon. Chief Minister:** You were right about the drone.

**Hon. D A Feetham:** I beg your pardon?

**Hon. Chief Minister:** You were right first time about the drone.

1005

**Hon. D A Feetham:** Oh, was I? It *was* controlled by you! (*Laughter*) Simply because one is paranoid does not mean that they are not out to get you, as they say! (*Laughter*)

1010 But is the Minister satisfied – and if he does not have the information, I do not want him to answer the question based on incomplete information and perhaps, if he is not satisfied, he can go back – that as a consequence of that inspection three years ago with these drones looking at the rock face, there was no information that came to the attention of the Government at the time that indicated any kind of particular weakness in this area that would have alerted the Government to the need to do something about that area?

1015 **Hon. P J Balban:** Mr Speaker, I would not be able to give a concrete reply to that question because I have not asked that question to my Technical Division.

**Hon. T N Hammond:** If I may, Mr Speaker, and I genuinely thank the Minister for his comprehensive answers so far, because I think this is a matter of significant public interest and relevance at the moment.

1020 I note the comments on the removal of a wall for the construction. Is the Minister aware whether that wall was in place to prevent falling rocks or fly rock from reaching out into Devil's Tower Road and beyond, or was it just a wall to segregate the existing site?

1025 And also, is the Minister aware if there were any other measures in place which may have been removed since, for the restriction of and mitigation of rock fall onto Devil's Tower Road?

**Hon. P J Balban:** Mr Speaker, the wall itself would have helped mitigate. It was not the reason why the wall was there, I think it was just a barrier wall dividing the road from the Aerial Farm site but it would have provided some protection in that respect and that was removed, as I said, to gain access into the site.

1030 There was also a bund there and that was removed in part as a result of the developments to the wine vault area. So again, as I said previously, rock falls prior to these last two occasions, as far as we have known them, have simply fallen and the impact has been absorbed by the land because they have been small rock falls. We have never experienced rock falls of this magnitude before.

1035 So now obviously, we are looking at measures. So what we have done, which we have actually been putting out in the public domain, we have moved the road, diverted the road towards the beach and using part of the roundabout which is still under construction which will form part of the new road into the tunnel to try and move cars further away from the area which will give us time to build a wall which will probably be provisional in nature, it is a wooden hoarding which will help prevent to some extent, further fly rocks should more rocks fall.

1040 As I said earlier, the risk is considered relatively small now after what has fallen, but again we can never say it is never going to happen again. That is what the consultants have come back with but again it is no guarantee. So the wall will go back and once the wall, that hoarding is back in a couple of weeks' time as a mitigation measure, then we will bring the road, we will realign the road as it was once again.

1045 Remember, the risk of rock fall statistically has always happened when it rains and when the weather is bad and when it is windy. That is not to say that it will not ever happen when it is dry so it is something which, and then we will say is a phenomenon if it has never happened before and rocks are falling in dry weather. But because the weather has been unsettled, we always err on the side of caution and obviously we try to mitigate as far as possible. It has taken a while for us to be able to create now this diversion in this respect and obviously following the advice that Golder's provides us and that is what we act and respond to.

1055 **Hon. T N Hammond:** Mr Speaker, I know the Minister has referred to the Aerial Farm on numerous occasions now, can he define that because my understanding of the Aerial Farm was actually the area on which Beach View Terrace and the Eastern Beach car park were

constructed, not the other side of the road, albeit there were areas on that side of the road as well. But that whole piece to me always meant the Aerial Farm. He seems to be taking a narrower definition of the Aerial Farm.

**Hon. P J Balban:** Mr Speaker, I had the same view on the matter just a few days ago. I actually asked the same question because in my mind the Aerial Farm was always that part closest to the sea, to Eastern Beach and I was informed that the Aerial Farm in fact is both sides with the road in between.

So now the Aerial Farm we are referring to is the Aerial Farm stuck to the Rock and not where the new building is.

**Hon. T N Hammond:** And just one final question, Mr Speaker, again on the removal of the bund and the wall, when it was determined that that would be necessary as part of the latest construction project, was the risk of doing that, of removing that rock fall protection, captured within any assessments made by the developer and presented to the DPC or was it missed entirely? Because clearly, those measures may have prevented some of the worst of the damage to property and thank goodness no injury was sustained from this particular rock fall.

I think we have to be careful talking about a new phenomenon. Historically at least we are aware, even if we have not had any recent memories of quite significant rock falls. I think that if you look at Catalan Bay there are one or two rocks there that have fallen at some point in the past which are very substantial indeed. I am not suggesting that a repetition of such an event could be prevented by any means that we take, and I certainly welcome the fact that Government is looking at additional measures and is hopefully doing so in a hurry and has already taken some measures to mitigate.

But I would be interested in whether or not the risk of rock fall was accounted for as part of this construction project during the phase of the project.

**Hon. P J Balban:** Mr Speaker, I am sure it was. There is an exclusion zone and all properties are outside – or what they call 95% – of that exclusion zone. You asked whether they went to the DPC: I would have to ask whether it did or did not. But, again it was considered ‘safe’ enough to not need the bund in that respect and we think that the wall itself would probably have been enough.

Again, the behaviour of fly rock, we need to now look into further because we need to analyse how rock reacts when it falls in this manner and magnitude. So now we will need to look at this in further detail, we need to assess what is happening there, what the developments are and ensure that we are fully aware of what needs to be done and we are looking at, as I said in my question, perhaps building ditches and building other forms of measures – even looking at the rock face itself to see whether anything needs to be done to the main North Face.

But again, it is still very early days and we are waiting for a final report from Golder’s because it is still far too soon to be able to see where we go from here.

**Hon. D A Feetham:** Mr Speaker, just one final question on this. There have been questions of the Government about the wall that was taken down and this issue about whether it is *force majeure* or act of God, etc. But the Government is satisfied that the taking down of the wall did not contribute to the rock fall, at least that is something that the Government can state it is satisfied, or is it an ongoing investigation? I do not know. It is the first time that I have heard about the wall in this Parliament.

**Hon. P J Balban:** Mr Speaker, Government is 100% satisfied.

**Q278-279/2018**  
**Redibikes –**  
**Running costs; reduction of fees**

**Clerk:** Question 278, the Hon. L F Llamas.

**Hon. N F Costa:** Don't mention the wall!

1110

**Hon. L F Llamas:** Mr Speaker, further to Question 587/2017 can the Government provide an updated schedule including: (a) monthly revenue generated and (b) monthly cost of running the scheme?

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

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 279.

1120

**Clerk:** Question 279, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, is the Government considering reducing fees on Redibikes considerably to make them more attractive?

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

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the monthly revenue generated is detailed in the schedule I now hand over. The monthly cost for running the scheme is £12,400.

1130

Mr Speaker, Redibike went live in May last year and Government has closely monitored usage since inception. I can confirm that pricing has already been reduced since September 2017 from £2 to £1 per day. The project will be reviewed after a year and the possibility of relocating some stations to areas where usage will be optimised is also being considered.

**Schedule to Question 278**

<b>Month</b>	<b>Revenue</b>
May-17	£386.00
Jun-17	£369.00
Jul-17	£355.50
Aug-17	£516.80
Sep-17	£201.00
Oct-17	£204.20
Nov-17	£111.00
Dec-17	£132.20
Jan-18	£221.00
Feb-18	£223.00
Mar-18 (to 9th)	£21.00

1135 **Hon. L F Llamas:** Mr Speaker, just looking at the schedule, the original schedule provided in answer to Question 587/2017 did include the number of users per day. Does the Minister have that information with him?

1140 **Hon. P J Balban:** No, Mr Speaker, the schedule I have handed over to the hon. Gentleman is the revenue generated by the scheme.

**Hon. L F Llamas:** Mr Speaker, I would appreciate it if the Minister could perhaps email that after the session.

1145 With regard to the costing, would the Government agree that whilst we have free parking within the mid-town parking which provides 12 hours of free parking, that people are not going to embrace this scheme and obviously the Redibikes will not take off in a way which obviously people if they did find a more convenient way of travelling, then they would embrace.

1150 But obviously having free parking in mid-town parking, and not having, and finding that we are using the Redibikes is actually more expensive to the pocket, is this something that the Government could actually agree on and pursue?

1155 **Hon. P J Balban:** I do not think that the actual cost is what is detracting people from the scheme as such. I mean £1 a day for the use of the bikes, you can use the bikes all day long for £1. It used to be £2. I do not think that is the issue, there are a lot more factors surrounding why people may choose to cycle or not and the weather has a lot to do with it as well. If you look at statistics and when the weather is bad there is less usage. When the weather is better in August, there is a lot more usage in that respect.

1160 But I think that as part of the STTP we are looking at how to try to encourage people to adopt sustainable alternative forms of transport and I think it is one of the challenges we are having to face: how do we get people to use bicycles as opposed to their cars? That is the major issue. But I am happy that there is usage, they are being used on a monthly basis, not to say that no-one is using them.

1165 I would love to see them used a lot more, definitely, and I think we need to look at locations because we are finding that usage perhaps happens, although the scheme was originally intended to be a commuter route, we were piloting it for commuter use, I do not think that it has been taken up as much as I would have liked to have seen in terms of commuters because most people can buy a bicycle and they are relatively cheap. If I buy a bicycle it is my bicycle and I can take it all the way to my office and take it all the way home. I do not need to leave it somewhere and then walk the rest of the distance.

1170 So it is convenient in that respect and I do not think that making it a free service or one penny per day or ten pence a day is going to make much difference in that respect. So we are looking at moving some of the lesser used stations because we are coming to that one year mark now, I think it is May we come to the year and then we will have statistics for one year and beyond that point we will be in a position to compare year on year usage. What I am hoping for is to see an increase in usage, but it is still very early days.

1175 But we are looking at the stations which have been used the least and we are considering moving those, in fact more than considering, we are actually looking to where we can move them to and perhaps spreading them out further towards the hotels and to the east side as well and more towards the sports area in that respect.

1180 We hope that will help encourage further use, but I think it is a lot more complex than just reducing, 'Let's just reduce it' – we could say, 'let's do it for free – I do not think that the usage will make much difference. I think it is a very good rate and it has come down from £2 to £1 already.

1185 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can just pick up on something that the hon. Member just said. Just as the Government is looking to find ways relocate the stations for the

bike usage and all that, isn't it just as important or even more so, to consider finding, actually building routes for bicycles so that our bicycle users are not riding through pot holes on the road and have designated bicycle routes as we see in other cities in the world?

1190 **Hon. P J Balban:** Mr Speaker, that is part of the bigger picture that I was alluding to earlier when the hon. Gentleman asked his question. There is more to it than just the money; it is how safe people feel and that is what we are actively doing as part of the Traffic Plan. We are already quite advanced with looking at routes. Unfortunately we live – or fortunately, it depends on how you look at it – but Gibraltar is a place where our streets are narrow, we do not have the luxury  
1195 that we will find in other bigger cities where you can have a segregated bicycle lane which provides the safety that people may wish to see for them to be able to adopt cycling.

But as far as possible, we will be finding ways of giving people routes which are feasible in certain areas and which will provide safety and we will see whether that will also help. But you are right in that respect, it is more than just what we charge for use of the scheme. It is  
1200 providing also, if possible, alternative routes which we are very actively doing at the moment.

**Q280/2018**  
**Refurbished buses –**  
**Age, cost and usage**

**Clerk:** Question 280, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, since 2011, can the Government provide details for each bus it has refurbished including: (a) the year the bus was manufactured; (b) the cost of the  
1205 refurbishment; (c) the usage purpose of each bus?

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

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in the schedule I will now hand over.  
1210

**Schedule Tto Question 280**

Registration Number	Registration Date	Make	Cost of Refurbishment £	Details
G 96381	2000	Toyota Coaster	1,880.00	Upholstery & Paintwork
G 4584D	2013	Ford Transit	440.00	Paintwork

The usage of both vehicles is for the carriage of passengers.

**Q281-284/2018**  
**Residential Parking Scheme Zone 2 –**  
**Parking spaces; applications; demand; consultation**

**Clerk:** Question 281, the Hon. L F Llamas.

1215 **Hon. L F Llamas:** Mr Speaker, can the Government state how many parking spaces have been made available for residents of the Residential Parking Scheme Zone 2?

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

1220 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 282 to 284.

**Clerk:** Question 282, the Hon. L F Llamas.

1225 **Hon. L F Llamas:** Mr Speaker, can the Government state currently how many applications have been received for Residential Parking Scheme Zone 2?

**Clerk:** Question 283, the Hon. L F Llamas.

1230 **Hon. L F Llamas:** Mr Speaker, can the Government state if it will be looking to interim measures given the apparent lack of demand in Residential Parking Scheme Zone 2, in particular, outside the city walls?

**Clerk:** Question 284, the Hon. L F Llamas.

1235 **Hon. L F Llamas:** Mr Speaker, can the Government disclose the public feedback sought when designing Residential Parking Scheme Zone 2?

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

1240 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, within the area designated as Residential Parking Scheme Zone 2, there are 505 on-street residential parking spaces available.

1245 Holders of Zone 2 Resident Parking Permits are also allowed to park in loading and unloading bays after the operational hours and therefore the overall residents' on-street parking stock at night increases to 627 spaces.

Mr Speaker, as of Thursday, 8th March 2018, Gibraltar Car Parks Limited have received a total of 531 applications for the Residential Parking Permits for Zone 2.

As to Question 283, Mr Speaker, the Residential Parking Scheme Zone 2 has not commenced yet, hence there are no interim measures to consider for a scheme that has not started.

1250 Although 531 applications have been received, applications continue to be received, hence we will not be in a position to assess the demand for the scheme until a later date.

Mr Speaker, a vast public consultation exercise was carried out in all aspects of the STTPP. So vast, that Members opposite criticised the Government from consulting what they thought was too much.

1255 Furthermore, the Residential Parking Scheme has undergone even greater consultation with Tenants Associations and other interested parties when this has been deemed necessary or upon the request of representative groups.



1260 Mr Speaker, there is also an STTPP working group specifically dedicated to the Residential Parking Scheme which includes technical staff that analyse and recommend improvements to existing and future schemes.

I want to emphasise, Mr Speaker, that these are pilot schemes and account will be taken of any teething problems we may experience.

1265 **Hon. L F Llamas:** Mr Speaker, I appreciate with any scheme which is being introduced there are always bound to be teething problems. However, Mr Speaker, looking from the statistics, there seem to be quite a lot of applications and a lot of vacant parking spaces during the day. Is it a possibility that from the 531 applications received, people do not actually have their permits issued yet or is it that the 531 have already been issued with a permit? Because walking round Gibraltar you also see a lot of cars parked in Zone 2 which are not displaying any permit whatsoever.

1275 **Hon. P J Balban:** Mr Speaker, although the scheme went live, the policing of the scheme will not commence until 3rd April because we have allowed sufficient time for people to get their permits. One of the reasons why we went out so early was to try and announce and let people know, tell people that there was a process required to get a permit. You do not apply for a permit today and get it tomorrow. There is a process whereby we will check, especially if there are any arrears because having arrears would deem that that applicant would not be able to get a permit in that respect.

1280 Now, that is why you see cars without permits parked in these parking spaces and why not? I think until 3rd April people can enjoy these parking spaces, even whether they live in the zone or not. The time that it is required for it to go live is a time which is necessary and the PMOs out there will actually place, it is not a fake or dummy fine; it is an information leaflet that goes in the window saying 'You have parked in a place where you should not be parked' and advising them so that they get used to the idea.

1285 Coming to the question of the permits, of the 531 permit applications that have been received, 268 have been collected. So there are still for example, 37 permits waiting to be collected at the counter and there are 226 awaiting checks with the Central Arrears Unit to see whether they are eligible. Of those, 27 applications have already been notified that they cannot, unless they pay their arrears.

1290 So this requires time and although we would have liked people to have been in possession of their permits by now, and there was ample time for them to have done so, human nature is that 'We will let it go for another day and we will go when we can' and this is what we are faced with at the moment. But I am sure that when 3rd April does come, those people will be looking at the scheme, it is human nature, to see how it works and people will then be part of the scheme.

You also mentioned that there are lots of permits that have been or you thought had been issued and yet so many parking spaces, but there are 2,700 households so even at 531 applications, it is still quite low in that respect.

1300 So take-up of the scheme, I am hoping that because there are a lot of parking spaces in town which are private and which are within car parks and perhaps people are not using them because they find the parking on the street, and those people who pay for those parking spaces, either they rent or own them, may say 'Well, why have a permit if I really should be using my car parking space?' So I am hoping that if that is right then it may be something positive.

1305 But I reiterate, this is a pilot scheme. The comments are that people may be unaware, they do not know how it works. I mean, it is something which we had a manifesto commitment to do. This is what people wanted and it appeared in our manifesto in that respect. Now, a residential parking scheme is exactly that: it is a residential parking scheme for residents which means that if you live in an area you will be able to benefit from parking in your area. But it

1310 does not mean that you will be able to park where you work as well and when you go and visit  
your mother or whatever. It is a scheme for residents and that is something which I think,  
maybe, people are starting to grapple with at the moment.

Alameda Estate. In Alameda Estate we had similar issues, there was a massive uproar,  
people were not happy, change is change and people do not like change. I had a lot of  
1315 complaints from a lot of people, we held our ground and we need to give it time. And now I am  
being stopped and being told, 'Look, it is the best thing that has happened for Alameda  
residents, we can go out and go shopping, we can come back, we are not guaranteed a parking  
space, but really the probability is that we will find a parking space and we are finding parking  
spaces.' So it is working and they are happy.

1320 So Main Street and Zone 2 is a different kettle of fish completely and I am not a glutton for  
punishment, I do not like ... Obviously there is a lot of attention, a lot of public interest in this  
but this needs to settle because otherwise, we are just jumping, if we react. We have had  
comments of 'Why is there parking in Queensway, they have all got parking?' But that is for  
Zone 2 because Zone 2 extends all the way to the walls, to Southport Gates. So it is in an area  
1325 which is relatively close. They are not for people that live in Queensway Quay which are not  
part of that scheme, they are not for people that want to go and eat there. For that they have  
Romney Huts car park where there is a pay and display so we have catered for that as well.  
That is the only way that you can get people moving from one area to another; that is where  
cross-fertilisation occurs. So you can go and visit parents or go and visit family members. That is  
1330 why there has to be pay and display in different areas so people can go and visit.

If we just keep it purely residential as what we inherited because that is what the scheme  
was when we took office in 2011. We had a scheme which was so fixed in that respect that  
people just could not visit, carers could not get in and that is how we have addressed it through  
pay and display which allows people to move about.

1335 **Hon. L F Llamas:** Mr Speaker, I appreciate the Minister's understanding. In particular I want  
to pick up on one of the things that he said which comes to me often, which is people who  
complain about the parking spaces in car parks which have been built in and around town. They  
see many of the car parking spaces empty because people are parking in the street. So would it  
1340 mean that somebody then who has one of these parking spaces will not be able to apply for a  
street parking permit? That is one question.

And also, with regard to the loading and unloading and these things, I do get a lot of  
complaints in particular from parents who need to, who cannot seek any alternative transport  
because they need a vehicle to move around Gibraltar to take children to extracurricular  
1345 activities and so forth, that they do struggle to find a parking space now with the residential  
scheme in order to do their activities during the day and in the afternoon. Is this something  
that the Government will look into and alleviate the situation for this particular demographic?

1350 **Hon. P J Balban:** Mr Speaker, I will try and see if I can answer both questions from the  
Member opposite, because there was quite a lengthy preamble to the questions.

But the first point is that everyone can apply, everyone has the right to apply for a permit  
whether you have a parking space or whether you do not. The schemes vary in different  
locations so certain conditions that we applied for example in Grand Parade and Alameda  
Estate have not been reproduced in Zone 2.

1355 Every area is different, every residential scheme has to be different because otherwise in  
one area there is perhaps ample parking facilities and in others there is less. So what we have  
done as far as possible, people who are in possession of a parking space have to buy a permit at  
the next tier level. So there has to be a cost involved because otherwise there is no  
disincentivisation.

1360 There are many ways of skinning this cat. You could say, 'I will give every household one  
permit and if you have got two or three permits, you do what you have to do, it is not our

problem.’ But the fair way, the way that we have decided to do this is to allow people to apply for more permits if they want to but the permits start at a different level.

1365 Now, what we hope to see is people will start using those parking spaces more and that is ...  
There are areas in Gibraltar where you drive past an open car parking space which is rented and it is pretty empty. That is because unfortunately we are that way. I think we are all like that and I include myself in it. If you drive past your house with your three children and your shopping and there is a parking right outside your door, you are not going to go and park... even though you pay rent for that parking space, because it is much more convenient.

1370 So there is a lot of that that does happen and that is why you sometimes pass by a car park and see that it is empty. But with this, because there is a financial cost to a permit, which is not a huge financial cost but there is a bit of a cost, then people start thinking twice, ‘Well, why don’t I use my parking space?’ or let go of it, let’s give The parking space to somebody else, or let somebody else rent it out and ‘I will get a permit because I may stand a better chance on  
1375 the street because I park 99% of the time on the street anyway and do not use it.’ Well, that is the decision that we have to make.

Now, as to the second part of the question, the reason we place pay and displays is actually for that purpose: so that people who need to move around from one place to another can find parking because ideally you say just give people free parking for say a maximum stay of 10 or  
1380 20 minutes, but it is impossible to police. You would have to have a PMO at every single place all the time because people will park and stay there longer and then when somebody else comes after them they find there is no space and ‘Now what do I do with my car?’

So by charging it is at least one way, it is a lot easier to police in that respect as well and that allows the movement of people. But remember, I did say and I have said it publicly, these are  
1385 all parts of the jigsaw puzzle. It is still very early days because we have only got the residential scheme that we inherited which is the one that is at Glacis, Laguna and the North District which eventually we will review at the end, but it is there, it is working in its own right and it is working differently to other schemes.

We have got the Alameda Estate and now we are going to Zone 2. Then there will be Zone 3  
1390 and then Zone 4 and until all the pieces of this puzzle are altogether, then that is when we will see how this works and how zones interact with each other. This is a very difficult task. It is difficult, it is very technical and it is also a lot of trial and error as well. It is very, very important to stress that it is a pilot scheme, it is something which the Opposition when they were in Government started doing themselves but they just had one scheme. They did not get past that  
1395 election and they could not see that scheme progress but if you look at many modern societies and modern cities, there are residential parking schemes and they have encountered all the issues we are having now.

But at the end of the day, Gibraltar is small enough to try to encourage people to use alternative modes of transport. We have got to that stage where we just cannot continue the  
1400 way we are going, there are just too many cars. We have gone past that breaking point and there are just not enough parking spaces any more.

And this is just one other method that we are using to see whether we can change and instil a different way of thinking. It is difficult, change is hard and all I ask is, I predict that between  
1405 six and eight weeks’ time those parking spaces which are empty will probably be all full. And if they are not full and say in three months they are still empty, then I need to review what is going on with these parking spaces and decide whether I just get rid of the pay and display or place a pay and display there or whatever needs doing because we have to make this work for people. At the moment it is something that appears for some an aggressive measure, with time they may say this is the best thing that happened.

1410

**Hon. D A Feetham:** Yes, Mr Speaker.

May I refer to certainly my own personal experience in relation to this? Perhaps the Government might find it helpful. Not only mine, but actually people that have come to me with their experiences that coincide with mine.

1415 That is that prior to the Zone 2 parking scheme introduced in Queensway, people like me that for example need to do a school run – there is no other way, I have got to get into my car, take my son to St Joseph’s and then from there I have got to come down. I cannot from the Upper Rock, go to St Joseph’s walking, it is impossible. And there are people like that, even though I accept that there are too many cars in Gibraltar.

1420 But if I was at ten past nine, even quarter past nine at Mid-Town Car Park, I would virtually always find a car park at Mid-Town. In fact, very often I find myself thinking to myself, actually the Government has done a good job here and you would find car parking spaces.

1425 What has now happened as a consequence of this scheme is that the people who used to park in Queensway are now parking in Mid-Town and you find that of course you cannot find a parking spaces in Mid-Town. So people like me and others like me, there are others like me who have been very, very severely affected by this Zone 2 parking scheme.

1430 I wonder whether the Government might want to consider a variation of the scheme whereby from let’s say nine o’clock in the morning to six o’clock in the afternoon, it is open to members of the public to park there, but by six in the afternoon – six or seven – you have got to take it out so that residents then have evening parking spaces.

1435 But it really has caused – and I say that not wanting to make political capital out of this, I am giving the Hon. Minister my honest experience about the effect that this has had – it has become a real nightmare for people who unfortunately have to use their car because of where they live, to park in the mornings in the area as a consequence of this. And it is rubbing salt in the wound, so to speak, to be driving down Queensway in the mornings to look to your right and to see empty spaces all the way along at the Ragged Staff end and also in Commonwealth Park!

1440 Now, the Minister today has said that enforcement will only become effective as from 3rd April. It would have been helpful if that information could have been provided to the public because then we would not have had as many empty spaces as we have had over the last week or so, and perhaps that would have also helped people that really need to have the car.

1445 But my question really is, will the Government consider a variation of the scheme to at least allow people in Queensway – and Queensway remember has always traditionally been used by people to park their cars that need to come into town with their cars ... during that time period, for others to use it as well.

1450 **Hon. P J Balban:** Mr Speaker, yes I agree. Coming down Ragged Staff and looking to the right and seeing all those empty parking spaces, it is a funny thing – *(Interjection by Hon. D A Feetham)* What happened, if you go back say a few months ago and you drove past that road, how many parking spaces were available for you to use? None at all. In fact, they were all taken and they were taken in effect for ... there were many vehicles that were being sold and you could not really and there was nowhere ... Now it is salt in the wound, because before you could not get a parking space, now you cannot use them either but for a different reason. *(Interjection by Hon. D A Feetham)*

1455 Yes, but I just need the hon. Member to realise, this is a huge, huge challenge and I am sure that when they were doing it on that side, I think they realised how big this challenge was because I have looked at how the plan went and in fact the GSD decided to keep Zone 2.

1460 **Mr Speaker:** Please try to answer the specific question that you have been asked. Will you consider, the question was, a variation. You have just been 10 minutes answering a supplementary and now you seem to be winding yourself up for another few minutes. If you start talking about what went on before, in the days of the GSD, we finish up with a debate and we are not here to debate. We are here to answer questions.

1465 I cannot control the length of your answers, but I must tell you, within reason, to answer the specific supplementary that you were asked, which is a variation on the scheme in certain hours.

**Hon. P J Balban:** Mr Speaker, thank you, not being one I think who would be considered very verbose in Parliament, I am quite enjoying for once (*Laughter*) having a bit of –

1470 **Hon. D A Feetham:** Limelight!

**Hon. P J Balban:** A little bit! (*Laughter*) And the reference to the GSD was not in a negative capacity, it was a statement of fact, I was saying that –

1475 **Mr Speaker:** Please try to get to the point.

**Hon. P J Balban:** I will try to speak even less then. But it was because Zone 2 was left till the end because it was the hardest one.

1480 Now we have gone through, we have looked at all different ways of skinning this cat. There are many different options, we have looked at different schemes throughout different cities and what is best and the scheme that you are asking specifically about, we do not think will work in Zone 2. But it could well work in Zone 3, which is going to be starting – and I will tell you why. Because people who live in town, work and play in town generally, okay? So their requirements are for long-term parking. They do not get their car to go to work because they probably work and live in the same area; whereas people in the South District will tend to ...

1485 there will be an exodus of cars moving from the south to work and maybe a scheme like that is something that we should be considering for Zone 3.

1490 But we do not believe that there is going to be sufficient parking to allow for that sort of scheme but we have thought about as it and I have reiterated already, this is a pilot scheme. All options will be looked at but I think we need to let this scheme, the way it is, breathe. Give it time, we will see how it works and I think it is very unfair to criticise it or to say it is not working. Let it start first and once it starts, then let us analyse and this is what the STTPP is all about. We review, we look at things and then we change it if necessary. But we have to give it

1495 time and that is the last I will say, unless there are other supplementaries.

**Hon. D A Feetham:** Well, Mr Speaker, what about considering something else which is if somebody is in a situation, not in Zone 2 but has to use his car for whatever reason, makes out a case, why just simply exclusively allow these parking spaces to be used by Zone 2? The problem here is, the situation that has been created is that for a class of people that need to use their car for whatever reason, they just cannot get around that, you have a situation where there is misery in the mornings in trying to find a parking space. And I mean misery, because it really is *misery* to be driving and driving around and even driving all the way to the small boats marina and to find that even the small boats marina has been taken by, usually now, foreign-

1500 registered licence plates that have been shifted from somewhere else and are parking there. It is just proving to be an *impossible* situation.

1505 Finally, can I ask the Minister, what is Zone 2, what area is included in Zone 2, if he knows or can direct me as to where I can find that information?

1510 **Hon. P J Balban:** Mr Speaker, booklets were actually prepared and obviously we issued press releases and there was a press statement made on the internet, a press launch. Zone 2 is from Wall to Wall, from Southport Gates all the way to Landport Ditch, it stops at the wall adjacent to Queensway and it goes all the way up Prince Edward's Road, Flat Bastion Road and down Prince Edward's ... It does not include the Upper Town, it is confined to that area.

1515 And as I said earlier, there are 2,700 households in that area and only 505 parking spaces there, so logic will say it is not possible to fit 2,700 cars, assuming one per household, into 505 spaces so that is why at the moment we are seeing what happens in that respect.

But you have hit the nail on the head, it is an impossible task. It is an impossible task because we have got to that point where it is just not possible to sustain the amount of vehicles. Again, in all fairness, these past three or four weeks since the scheme started the weather has been atrocious, so that has not helped either. A lot more people used their cars than they would normally, a lot less motorcycle use as well. A lot less walking, a lot less cycling.

1520 So it is not just because of Zone 2 has been implemented, that is why life is a misery. When there is school there is more traffic, when there is no school Gibraltar is a lovely place to drive around. But the scheme needs to settle and from then on, we will take ... It is not my intention to create something and create misery for people, that is not the intention behind this. On the contrary, it is trying to help, this is what people wanted and we are starting to see already a flicker of 'wow' this is working. I am starting to notice that but it will take time. All I ask is let the scheme settle for one, and then we will see where we go from here.

1530 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask, is the eligibility for the parking spots just for residences or also for businesses in the Main Street or town area?

**Hon. P J Balban:** Mr Speaker, residential parking scheme: it is for residents. It is not a commercial parking scheme, it is not a visitor parking scheme. It is a residents' parking scheme. Everyone in Gibraltar is a resident. Not everyone is a business owner or a user or a commercial entity but everyone is a resident.

1535 So this scheme is to help people who reside in the areas to have a better chance of finding parking where they live; and how they move from place to place, well that is dictated whether they use the pay and displays around the area. But it is a residential parking scheme.

**Hon. R M Clinton:** Mr Speaker, having been brought up in the Upper Town area, especially in Prince Edward's Road, my father used to park his car at Grand Parade because it was virtually impossible even then to find a parking space on Prince Edward's Road and we are talking about the 1970s and 1980s.

1540 The Minister has now introduced a scheme where by his own admission, you have a less than or an 18% chance of obtaining a parking space if you obtain one of these permits in the Upper Town. What is the policy objective here? He is asking people to buy a permit which effectively gives them an 18% chance of getting a parking space, no guarantee of a parking space and yet they are being asked to pay for something that they are effectively not going to be able to get or depend on luck to get.

1550 So what really is the policy objective he is trying to achieve in what he has already admitted is an impossible task?

1555 **Hon. P J Balban:** Mr Speaker, absolutely right – but if there are only on-street parking spaces. So there are 505 on-street parking spaces for 2,700 houses. But when you look at the whole parking pool in town, it does not comprise of only on-street parking. There are a lot of parking spaces within garages and car parks, etc. which are rented, owned privately or within houses.

1560 So 2,733 parking spaces exist within town but they are not on the street; they are off the street. They are in Theatre Royal, they are in Engineer's Lane car park, they are in Mid-Town, they are in Engineer's Lane, and within private residences, Gavino's Dwellings have some parking spaces, Centre Plaza has some parking spaces within so the whole parking stock is over 3,000

1565 What we are doing is, we are controlling the amount of on-street parking spaces and this is why we look at the amount of applicants. At the moment the numbers are looking quite good

1570 because of the 505 spaces, as I mentioned earlier, there are 531 applications. Some have been denied and some are awaiting collection but so close to D-day – the scheme went live already, but so close to 3rd April there are not 2,700 applications coming through. So again, we have to suck it and see, we have to see how this goes. I think it is too early days to actually have an opinion on that.

**Hon. D A Feetham:** Mr Speaker, just finally on this because I think it is important, it is an issue that is vexing the community generally, the issue of parking.

1575 But why has the Government not imposed a condition that if you do have a parking space for your car, which is a private parking space that you own, that you will not get an off – road... a parking permit? Because that is really the only way you can grab the bull by the horns. You can say, 'Well right, you have got a parking space: you park in your parking space.' Why leave that parking space empty and park in a road-side parking space that is going to take away the  
1580 opportunity from somebody else?

I can understand that in certain cases, when we did it, residential parking schemes are good but the reality is that this involves taking very difficult decisions and having the political bravery to take very difficult decisions. It appears to me that if you have got a parking space in Mid-Town or you have got two parking spaces in Mid-Town, you should not be entitled as well to  
1585 have off-road parking at Queensway where you can occupy that space and leave your parking space empty.

**Hon. P J Balban:** Mr Speaker, I am grateful to the hon. Gentleman –

1590 **Hon. D A Feetham:** Or rent it out, yes.

**Hon. P J Balban:** – I am grateful to the hon Gentleman for saying that it does require quite a bit of political bravery. This is something that is not easy at all. We need to look at the bigger picture, and where we are going in terms of the environment and how this is affecting pollution  
1595 and the way we live and our health, etc. This is one of those measures.

Yes, there are many ways of doing this. We could have been a lot more draconian we could have said, 'Okay, you have a parking space, you are not going to get a permit.' But we felt that we would start off by disincentivisation in terms of increasing the cost of a permit. So if you are in possession, for example, of a car parking space in Engineer's Lane, you cannot get a permit  
1600 for £60 a year; your permit will cost £120 a year.

And there are families that own three, four and five cars and they double on each car. So if you are not using a car and you have got a car on the street which you rarely use or do not really need or you are waiting for the clutch to come in and it never comes and you never fix it, then you would probably get rid of it and that is the end of it.  
1605

So it is a start. It is a start to where we want to go. I think what we are doing is brave enough, and again it will be reviewed and if it is felt that we need to approach it from a different angle, fine. But if what you are saying is that is how perhaps you would have tackled it, it is quite positive to hear that on your side you probably would have been even more draconian in that respect because you would have had the political bravery to do so.

1610 At this moment in time – *(Interjection by Hon. D A Feetham)* Well you would have done it because it was part of – *(Interjection by Hon. D A Feetham)* Your predecessor was doing it. But the elections stopped that from progressing any further but that is the inevitable truth. If you start a residential parking scheme, you have to go the whole hog. What you cannot do is start a residential parking scheme and say, 'This is hitting us in the face, let's just pack this in!'

1615 There are consequences, we need to look at the whole picture and we will see. We are not here to make people unhappy, to make people's lives difficult. But you have said it, Gibraltar is becoming impossible in terms of vehicles. If we can adopt alternative forms of transport, we should, but this is I think something which ... We have got all eyes on it, we have teams working

1620 with it and we are getting comments which are worthwhile for us, we are looking at social  
1625 media, we are looking at letters, complaints and also positive comments as well, because there  
is always two sides to a story.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if that is a convenient place to park the issue,  
(*Laughter*) I suggest that the House should now adjourn until next Thursday, 22nd March at  
1625 3 p.m. in the afternoon.

**Mr Speaker:** The House will now adjourn until Thursday, 22nd March at three o'clock in the  
afternoon.

*The House adjourned at 5.20 p.m.*





# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.00 p.m. – 6.40 p.m.**

**Gibraltar, Thursday, 22nd March 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

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

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

## COMMUNICATIONS FROM THE CHAIR

### **Estimates of expenditure for next financial year – Agreed to be circulated confidentially by 30th April**

**Clerk:** Meeting of Parliament, Thursday, 22nd March 2018.

(iii) Communications from the Chair.

5 **Mr Speaker:** As hon. Members are aware, it is a requirement under section 69(1) of the Constitution that the estimates of expenditure for the next financial year be circulated to hon. Members, on a confidential basis, not later than 30th April.

10 Since the House is not due to meet next month, I am proposing that the provisions of the Constitution will be deemed to have been met if the estimates are circulated to all hon. Members before the end of April. This is what we have been doing for the last few years and so I propose that it should be the case again for this year. Is that agreed?

**Members:** Agreed.

## Questions for Oral Answer

### ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

**Q214/2018**

#### **Criminal acts by students on teachers – Complaints to Police in last 24 months**

15 **Clerk:** We now continue with Answers to Oral Questions. We commence with Question 214, the Hon. E J Phillips.

20 **Hon. E J Phillips:** Mr Speaker, can the Government confirm the number of complaints made by our schools to the Royal Gibraltar Police for alleged criminal acts by students on teachers in the last 24 months?

**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 answer is two.

25

**Hon. E J Phillips:** Can the Minister confirm obviously not the identity of the perpetrator, but identify the offences themselves?

30

**Hon. Dr J E Cortes:** Mr Speaker, I would rather not say that across the Chamber, but I would be very happy to inform the hon. Member behind your Chair.

It might just be that by mentioning the cases it may be possible to identify the person in a place as small as Gibraltar, so I would rather not do that but I will give him the information immediately we get a chance later.

35

**Hon. E J Phillips:** Mr Speaker, I am happy for that method to be deployed in respect of this matter, but insofar as future reference is concerned, clearly we can identify categories of offences rather than individual offences themselves.

Look, if it is a sensitive issue, I am willing to take the Minister at face value and we can have the discussion behind the Speaker's Chair, Mr Speaker.

40

**Hon. Dr J E Cortes:** Mr Speaker, it is a sensitive issue.

#### Q215/2018

#### Referrals made by schools to Social Services – Number in last 24 months

**Clerk:** Question 215, the Hon. E J Phillips.

45

**Hon. E J Phillips:** Can the Government state the number of referrals made by our schools to Social Services in the last 24 months?

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

50

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Yes, Mr Speaker, 61 direct referrals from schools to the Care Agency.

55

**Hon. E J Phillips:** Mr Speaker, given the significant volume of referrals to the Care Agency, can the Minister confirm the category or type of complaint? Or again, is this an issue that could identify 61, 20 or 40 students themselves?

60

**Hon. Dr J E Cortes:** Mr Speaker, when we are talking about two as in the previous question, it is much easier to identify. In 61 I would not have a problem, but as I was not specifically asked that – the question clearly said the number – I do not have that information, but I would be happy to provide it for him.

I would ask him if he would not mind writing to me so that I do not leave it undone. But it is a different case where you have 61; where you have two it is easier to identify.

Thank you, Mr Speaker.

**Q216/2018**  
**Foundation degrees/programmes –**  
**Funding policy**

**Clerk:** Question 216, the Hon. E J Phillips.

65

**Hon. E J Phillips:** Can the Government state its policy in respect of the funding of foundation degrees/programmes?

70

**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, foundation degrees are discretionary in nature. The exception to this is art-related courses where the only route to an undergraduate programme is via a foundation course.

75

**Hon. E J Phillips:** Mr Speaker, I may be wrong, but my memory at the moment is that the scholarship publication in the newspaper, in *The Chronicle* recently, stated that the funding of foundation programmes would not be provided and it would not be entertained as an application. Can the Minister clarify that statement in the advert to the press?

80

**Hon. Dr J E Cortes:** Mr Speaker, I cannot recall the wording of the advert, but the situation is that applicants for foundation degree courses would be considered but in a discretionary manner.

85

The problem, Mr Speaker, is that as things are developing and some universities are looking at funding and so on and are willing to provide foundation courses in cases where A-level results are not particularly good, one has to be wary of rewarding students who may not be working hard on an A-level in the belief that they are going to be allowed on a foundation course. This is why it is discretionary. There would be an element of considering the student's work during the A-level years in considering that. But I do know for a fact that they are considered and very often they are given. But in some cases, the board considers that it would not be a good investment of money.

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**Hon. E J Phillips:** Mr Speaker, as part of the policy, does the Government consider the potential leapfrog from the foundation programme to the full degree, and in that consideration does the Government consider the needs of our community at large in respect of that degree?

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**Hon. Dr J E Cortes:** Mr Speaker, I do not have all the details of how the board that considers this deals with it. You will recall that all ordinary degrees as opposed to foundation degrees, where a student has a place, are automatically funded and that does not enter there.

100

I would have thought – but this is subject to confirmation, I am not involved in this at all – that there would be a whole range of considerations in considering each student. The policy of the Government and of the Department is to encourage students who are *bona fide* and who would benefit from such a degree, but we have to be wary that it is not a reflection of 'I don't have to bother because I am going to go there anyway.' It is something that has to be borne in mind, together with what benefits the community might get in the end.

105

**Hon. E J Phillips:** Mr Speaker, just one further question about foundation degrees. Would the Minister agree that, certainly in the limited experience that I have with foundation programmes, there are a number of students in our community that would benefit from foundation programmes that lead to degrees, on the basis that there are students that are late developers. Some thrive in foundation degrees that are much more suitable and much more geared,

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particularly in the vocational areas of social care for instance. Would the Minister agree that we need to watch out for those types of students so that we can engineer them into full degrees later where they will probably thrive?

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**Hon. Dr J E Cortes:** Mr Speaker, absolutely. This policy is by no means aimed at discouraging that; it is just that we cannot give them automatically for the other reasons that I have stated.

120

**Hon. E J Reyes:** May I, Mr Speaker, for my own clarification. The Minister has explained clearly that the awarding of the scholarship for foundation degrees comes under the discretionary subhead. On successful completion of that foundation degree, most universities offer that student to continue with a full-blown degree and then they even get exempted for either the first or first two years. Because it is then an ordinary degree, does the student have to apply as a further discretionary award or does it now kick in automatically as a mandatory thing and therefore he or she can take it for granted that the mandatory award would come through?

125

I don't know if the Minister understands what I am asking.

130

**Hon. Dr J E Cortes:** Absolutely. I think those circumstances would mean that a person has got a place at university and therefore for students who have recently left school, it would be in my view mandatory. If you are coming at it later in life, because any degrees applied for even without a foundation year, are discretionary after two years from completing your studies, then they would be discretionary.

135

But certainly, if it is a student who, for example has decided to go on a foundation course on their own backs, then certainly that would be a consideration, as the hon. Member has described.

#### **Q217-218/2018**

#### **Students unable to complete UK studies due to mental health issues – Numbers; refunds of awards**

**Clerk:** Question 217, the Hon. E J Phillips.

140

**Hon. E J Phillips:** Can the Government state the numbers and gender of those students who have returned to Gibraltar without completing further or higher education studies in the United Kingdom on the basis that their mental health issues have prevented them from completing the course?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 218.

150

**Clerk:** Question 218, the Hon. E J Phillips.

155

**Hon. E J Phillips:** Mr Speaker, in relation to those students who are unable to complete higher education programmes in the United Kingdom because of mental health issues, can the Government state its position with respect to the obligation of the student to refund monies paid by the Government in tuition fees and maintenance awards?

**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):**  
160 Mr Speaker, the Department of Education considers issues of mental health to be as important as any other medical condition a student might face whilst studying abroad.

I can confirm that there were six students who returned to Gibraltar as a result of their medical conditions including mental health in 2016-17 – three females and three males. I can also confirm that three students have returned so far in 2017-18 as a result of medical  
165 conditions – two females and one male.

Students unable to complete their higher education programme as a result of unavoidable health issues are dealt with as per the guidance afforded in their scholarship contract, which requires medical evidence from a mentally qualified medical practitioner to the effect that the student was unable to successfully complete the course for unavoidable health reasons.

**Q219/2018**  
**Vacant teaching posts –**  
**Update**

170 **Clerk:** Question 219, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Education provide details in respect of any changes of vacant teaching posts since the answer provided to Question No. 123/2018, indicating the school/establishment where these changes may have occurred and from which  
175 dates?

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

180 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I seem to have my questions out of sequence. What was this number again?

**Clerk:** 219.

185 **Hon. Dr J E Cortes:** Question 219 seems to be missing from here, but it is okay, I have the answer in draft form, or maybe I have ... Oh, I have taken two together and put them in my 'out box' so to speak. My apologies, Mr Speaker.

There have been no changes to my answer together with the information I subsequently sent my hon. Friend, Mr Reyes, other than the advertising of 18 posts.

190 **Hon. E J Reyes:** Mr Speaker, I can confirm to you that the Minister very kindly as we had agreed, did forward me a schedule. I need your guidance, Mr Speaker, perhaps the Minister at some stage might be able to provide this schedule to Parliament so that it becomes part of *Hansard* and therefore in a few months' time if one needs to make a reference we are referring  
195 to something that is available to all Members of the House, rather than just privileged information that the Minister has made me aware.

If it is within your liking, Mr Speaker, I think the Minister can do that.

200 **Hon. Dr J E Cortes:** Yes, absolutely, Mr Speaker, you will recall that there was a slight difference in interpretation, we had agreed beforehand that I would send the information and I

did, quite soon after that. I have the schedule available, I will make it available and it can form part of *Hansard*, so delighted to do that.

**Answer to Question 219**

School	Vacant Post	Grade	Reason	Duration
Notre Dame F	Early Years	TLR 2D	Resignation	6 months
	ICT	TLR 2C	Promotion	6 months
St Joseph's F				
St Pauls F	Head	Head Teacher	Sickness/Bereavement	2 years
	Science	TLR 2B	Promotion	1 yr 2 months
Governors Meadow F	SENCO	TLR 2B	Promotion	0 months
St Anne's M	Mathematics	TLR 2A	Retirement	6 months
St Bernard's M	SENCO	TLR 2B	Retirement	6 months
	Yr Co-ord History	TLR 2B	Promotion	1 yr 1 month
	ICT	TLR 2C	No Applicant	1 yr 9 months
St Joseph's M				
Hebrew School	English	TLR 2B	Retirement	6 months
Gibraltar College	IT Co-ord	TLR 1B	Retirement	2 years
St Martin's School				
Westside	Senior Teacher	TLR 1A	Promotion	6 months
	Head of RE	TLR 1B	Retirement	6 months
	Head of Design and Technology	TLR 1B	Retirement	2 years
	Head of History	TLR 2A	Retirement	1 month
	Science Co-ordinator	TLR 1B	Promotion	6 months
<p><i>Supplementary Note:</i>                      The length for which the posts have been acted does not indicate that the person substituting is the same one. Many of these substitutions have seen a rotation of staff members.                      ACTED POSTS: 17                      AFTER EASTER: 2</p>				

**Q220/2018  
Community facilities –  
Cancellations**

**Clerk:** Question 220, the Hon. E J Reyes.

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

Can the Minister for Education inform this House how many cancellations have been necessary at any of the facilities made available for community use since 1st January 2018, indicating the location, date and reason for the cancellation?

210 **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 information required is in the schedule that I am handing over.

**Answer to Question 220**

LOCATION	DATE	REASON
Westside School	24.01.18 & 25.01.18	Parents Evening
Westside School	29.01.18 & 30.01.18	(Outdoor pitch only) Inclement weather
St Anne's	29.01.18 to 22.02.18	Inclement weather & repairs to Gym
Bayside	29.01.18 & 30.01.18	Inclement Weather
Bishop Fitzgerald	16.02.18	School disco
St Joseph's First	21.02.18 to 06.03.18	World Book Day Activities
St Anne's Middle	08.03.18	School disco
St Joseph's Middle	08.03.18 & 09.03.18	Leak in gym ceiling

**Q221-233/2018**

**Transitioning to new schools –  
Details**

215 **Clerk:** Question 221, the Hon. E J Reyes.

**Hon. E J Reyes:** Further to the answer provided to Question No. 130/2018, can the Minister for Education provide details of who composed the two different working parties looking at different aspects of the key stage realignment transition as well as details of what these different aspects were?

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

225 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I will answer this question together with Questions 222 to 233.

**Clerk:** Question 222, the Hon. L F Llamas.

230 **Hon. L F Llamas:** Mr Speaker, can the Government now disclose its Traffic Impact Assessments for the new schools?

**Clerk:** Question 223, the Hon. L F Llamas.

235 **Hon. L F Llamas:** Mr Speaker, given the noise issues caused during the World Trade Centre construction in its proximity to Bayside Comprehensive School, how does the Government intend to mitigate the construction of the Europort Avenue affordable housing development on the doorstep of the new St. Martin's, Governor's Meadow and Bishop Fitzgerald schools?

240 **Clerk:** Question 224, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain how it will grapple with ensuring that the following recommendation from the Co-Education Group of 2017 is adhered to: 'New entrants from the middle school sector are often daunted by the prospect of the transition to

245 secondary education; every attempt should therefore be made to ensure they are not  
overwhelmed by finding themselves almost overnight in an excessively populated metropolis.?’

**Clerk:** Question 225, the Hon. L F Llamas.

250 **Hon. L F Llamas:** Mr Speaker, following a recent comment made by the Minister for  
Education that should the September 2019 deadline not be met, transitioning to new schools  
would take place after the Christmas or Easter breaks, can the Government state which schools  
it would foresee to transition during the academic year, and which would transition in  
September 2020, if any?

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**Clerk:** Question 226, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, when planning school locations, can the Government provide  
details of the persons or entities it consulted and the locations considered before determining  
on the final locations.

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**Clerk:** Question 227, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government state which schools will have parking  
spaces beneath the building’s footprint detailing: (a) how many spaces; (b) if they will be sold,  
rented or otherwise allocated; and (c) whether these are at street level or underground?

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**Clerk:** Question 228, the Hon. L F Llamas.

270 **Hon. L F Llamas:** Mr Speaker, can the Government explain how it will manage security risks  
and hoax calls on schools with underground private parking?

**Clerk:** Question 229, the Hon. L F Llamas.

275 **Hon. L F Llamas:** Mr Speaker, can the Government state where the evacuation meeting  
points for pupils will be in the new schools?

**Clerk:** Question 230, the Hon. L F Llamas.

280 **Hon. L F Llamas:** Mr Speaker, can the Government state how many pupils it envisages will  
attend the two secondary schools if they were to open in September 2019?

**Clerk:** Question 231, the Hon. L F Llamas.

285 **Hon. L F Llamas:** Mr Speaker, can the Government disclose the proposed intention for  
development on the site currently used by St Martin’s School?

**Clerk:** Question 232, the Hon. L F Llamas.

290 **Hon. L F Llamas:** Mr Speaker, can the Government state what the new pupil capacity will be  
at the new St Martin’s School?

**Clerk:** Question 233, the Hon. L F Llamas.

295 **Hon. L F Llamas:** Mr Speaker, has the Government considered and consulted when it comes to populating the new schools, to populate the schools by age, by having a lower secondary in one school and a higher secondary in another?

300 **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 Director, in conjunction with the Advisory Service, set the composition of the two working parties.

305 Staffing and resources are currently the two main aspects of the key stage realignment transition that have been identified.

In relation to Question 222, the matter is currently under consideration in conjunction with the Ministry for Transport.

310 In answer to Question 223, all necessary steps will be taken and a working plan will be part of the design process.

In answer to Question 224, the schools have been designed accordingly. At an operational level the schools will have the capacity to ensure that a year group is situated on one floor per section and have zoned break areas for different year groups distinct from the rest of the school.

This is in line with a further recommendation for the working group which reads:

(j) Initially Year 7 students in both Bayside and Westside would enjoy their own ecosystem: a school within a school so to speak; an area especially reserved for them, not quite segregated from the rest of the school, but not fully integrated either.

315 In answer to question 225, Mr Speaker, no, sir.

In answer to Question 226, these were internal discussions.

320 In answer to Question 227, as plans stand, parking spaces will be provided at ground level beneath St. Anne's, Notre Dame, Westside and Bayside schools. The number of spaces and the method of allocation are under consideration. All security aspects are being discussed with the relevant authorities.

In answer to Question 229, the matter is being considered by the Gibraltar Fire and Rescue Service in conjunction with specialist fire consultants.

We estimate, Mr Speaker, that there will be a school population of approximately 1,300 students in each of Bayside and Westside school when the schools open in September 2019.

325 In relation to the St Martin's site, Question 231, Mr Speaker, this site has gone out for expressions of interest which have now been received and are currently being considered.

In relation to Question 232, Mr Speaker, the answer is 100.

330 And in Question 233 yes, Mr Speaker, it has. The preferred option is that the two schools will be distinct entities and will be populated separately. The schools will each run their own Year 7 through to 13.

335 **Hon. E J Reyes:** Mr Speaker, if I may, coming back to my own question 221, the Minister said that the composition of the two different working parties were the Director and the members of the Advisory Services. Does that lead me to safely conclude it was the same people in both or perhaps I misunderstood the actual answer?

340 **Hon. Dr J E Cortes:** Yes, Mr Speaker, this answered the question of who composed the working groups. I was answering as who named them, who made them up. It is the actual composition is different: the Director and the Advisory Service decided who would be in the early stage working groups. I am happy to facilitate the people concerned, if that will assist. I have got that information here in case it was requested.

Mr Speaker, we have Mrs Ferro from Governor's Meadow First School, Mrs Duarte from St Anne's Middle School, Mrs Lester from Bayside Comprehensive, Mrs Barabich from Westside, Mr Abecasis from the College, Mr Tavares from Bayside, Mr Clinton from St Joseph's Middle, Miss Cruz from Notre Dame and Miss Scott from Westside. That is for the primary and secondary working group, that is the initial working group.

And then different sub-groups will be established as the process develops. For example, there will be one working group specifically looking at the nursery aspect which will have the early years foundation stage co-ordinators and nursery teachers who will all break out and for the nursery working group, which is the introduction of more nursery provision, we have Mrs Mason from Notre Dame, Mrs Burgod from St Joseph's First School, Mrs Parral from Bishop Fitzgerald, Mrs Montegriffo from St Joseph and Mrs Holmes from St Bernard's First School, Mr Speaker.

**Hon. E J Reyes:** That covers a part of what the different aspects were for the two groups or is there anything else that was touched upon in any other groups? Because my question did end up saying 'details of what these aspects were'. The Minister I think referred to primary and secondary and then he moved on to the primary and nursery education. Were there any other matters that were looked upon by these entities?

**Hon. Dr J E Cortes:** Yes, Mr Speaker, there have been two meetings of each of the two groups so far. There was a recent communication sent out to schools last month in relation to current structures and the impact on the current structures, which the heads were asked to discuss with their staff.

There was also a curricular audit sent to all teachers, inviting them to identify areas of a curriculum that they are confident in teaching and with what training they are happy to deliver, because obviously we are shifting between primary and secondary and we wanted to feel what the teachers themselves felt about their own personal position, as well as the overall.

And as I said, Mr Speaker, there will now be different subgroups established to deal with each of the major items.

**Hon. L F Llamas:** Mr Speaker, I would like to touch upon first the security issue which is at the moment being discussed by the Minister and his Ministry with the relevant authorities. Is this not something – and I expect it is the case – that the Minister has already undertaken and it is just final details that are being discussed, or is it something that is being discussed now after the plans are being produced?

**Hon. Dr J E Cortes:** Mr Speaker, this is an ongoing process. There has been initial contact at an early stage but clearly, as we firm up on the plans and the design which is now almost complete in the sense that stage two has been signed off and we are now completing stage three, which is the detail within classrooms and movement and so on. That requires its own additional discussion.

So this is an ongoing process which has gone quite far but there is still a bit of a way to go, absolutely.

**Hon. L F Llamas:** But, Mr Speaker, with regard to the parking underneath and the importance of ensuring that in particular, pupils are not given the opportunity to use the parking beneath it as leverage to get out of exams and things like this.

And obviously being such a big school, 2,600 pupils that will be going into the school, having to undertake security threats of this nature in such a big school will obviously have its toll on the education, the timing and obviously the location of the school, which is in a corner which is obviously within the traffic flow from the cruise terminal. What has been the reaction and the advice given by those who advise the Minister on this sort of security risk?

395 **Hon. Dr J E Cortes:** Mr Speaker, the hon. Member has listed a large number of issues, a lot of which I do not agree with as issues. Hiding in the car park in order to avoid an exam, I mean nowadays you hide round the corner in the Victoria Stadium or have I misunderstood?

400 **Hon. L F Llamas:** No, Mr Speaker, he has misunderstood. What I mean is hoax calls obviously from children who could threaten that there could be risks underneath in the parking which obviously would need investigating and could lead to stifling and bringing the school to a halt on many occasions.

405 **Hon. Dr J E Cortes:** Mr Speaker, I would put it to the House that the danger of a hoax call now, with a parking site just this far away from an active classroom, is much greater than if it is in an underground car park with a huge slab protecting the school.

I think if anything, the safety will be enhanced in that situation to what it is now, so I do not accept that concern.

410 **Hon. L F Llamas:** Mr Speaker, in the 2015 manifesto the GSLP Liberals had a manifesto commitment to expand if necessary the St Bernadette's or Dr Giraldi Home onto the location currently used by St Martin's. Is this still the case or are they deviating from that policy?

415 **Hon. Dr J E Cortes:** Mr Speaker, I suppose that the hon. Member is referring to that question on the sites regarding expressions of interest. I explained the Government's position in my answer and I have nothing further to add.

**Hon. L F Llamas:** But could the Minister confirm whether this is one of the possibilities or has this been disregarded?

420 **Hon. Dr J E Cortes:** Mr Speaker, in all honesty I have not yet been involved in that. I expect to be involved as Minister for the Environment, as I am in all allocations of land, but I have not had any involvement so I cannot answer that question.

425 Nor was it specifically asked in the original question, so I was not in any way able to look into that information.

**Hon. L F Llamas:** Mr Speaker, given now that the plans have been disclosed to the public in the John Mackintosh Hall, and the Government has now finalised that stage of the preparation, has the Government now made a decision on how it will actually populate the two secondary schools?

430 **Hon. Dr J E Cortes:** Mr Speaker, this is a matter which is still being finalised. I have made this clear in my discussions, for example my recent discussions with the Teachers' Association who had expressed, had made some comments on one of the possibilities which was the alternation between receiving schools, but no decision has yet been made. This is part of the consultation process to which I have made numerous references in the past.

440 **Hon. L F Llamas:** Mr Speaker, with reference to the answer given to Question 225/2018, I did not quite get an answer or it missed me completely, the comment made in public by the Minister that if the 2019 deadline is not met, that some schools could ... in particular this was made after a press conference to deal with the two secondary schools – that the transitioning could occur in between the academic year.

Is that the case just for the two secondary schools or is that the case for more than just the two secondaries?

445 **Hon. Dr J E Cortes:** Mr Speaker, I said I would not answer that question because it is a hypothetical one.

**Mr Speaker:** I do not agree that it is a hypothetical question because I recall seeing the Minister in an interview on television accepting the possibility that the schools might move after the Easter or Christmas vacations. Therefore, it is not hypothetical; he himself has included that possibility.

455 **Hon. Dr J E Cortes:** Yes, absolutely, Mr Speaker, and I apologise if I have given the wrong impression. It is not that it is hypothetical. What is clearly not definite and therefore has to be hypothetical is to which schools would end up in that situation. I said that it was possible but at the moment we still have those target dates. That has not changed and therefore I do not know which schools *might* have to have their opening or their move changed to another holiday period. Therefore, I cannot answer that question, Mr Speaker.

460 Once we have that information then I would be very happy to share that.

**Hon. L F Llamas:** However, and without wanting to use any hypothetical questions, but given that the statement has been made, was that statement and the content of that statement made with the assurances and backing of the teachers and the Education Department, in that it would be possible if need be to transition schools in that two-week period, whether it is Christmas or Easter?

470 **Hon. Dr J E Cortes:** Mr Speaker, we must not take what I said out of context. What I said was relative to the fact that we certainly cannot move a school in the middle of term time. Some schools would be easier to move than others. I would put it to you, Mr Speaker, that a relatively small first school would be easier to move in a relatively smaller period of time than a large comprehensive school, and this is something that would have to be discussed with the schools to see whether it was possible or not.

It is a possibility in the future but we are not there yet.

475 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can we have some assurances from the Minister for Education that all is being done to be on top of the sensitivities associated with moving schools during a period which can be very close to exam time for students, please?

480 **Hon. Dr J E Cortes:** Absolutely, Mr Speaker.

**Hon. L F Llamas:** Mr Speaker, in relation to Question 229, did the Minister actually say that this is something which is currently being discussed with the Fire Department?

485 **Hon. Dr J E Cortes:** Mr Speaker, there are two levels of discussion and they include the Fire Department or the Fire and Rescue Service and specialist fire consultants. Where we are in this stage as to the detail, as to whether the fire consultants have passed on their recommendations to the Fire Service yet or not, I have not got that information. But certainly, both are key elements in that discussion.

490 **Hon. L F Llamas:** Mr Speaker, but the Government cannot confirm that evacuation points and meeting points for pupils has been identified and agreed?

495 **Hon. Dr J E Cortes:** No, Mr Speaker, this is part of the process. We cannot identify those points until we have the school designed. Now we are going to stage three, now we will know how the different classrooms will be populated, what kind of flow there will be. Now is the stage for that sort of thing, you cannot do it when it is just a plan with empty spaces in it.

So this is an ongoing process, it is something that cannot be done before it is actually done.

500 **Hon. L F Llamas:** Mr Speaker, but would this not be something that would have been consulted and agreed on in the same way as the evacuation has a traffic impact from the onset from the moment go, before actually designing and deciding on locations? These sort of things should have been agreed with by then. *(Interjection)*

505 **Hon. Dr J E Cortes:** Yes, Mr Speaker, we have a plot of land and I have to be careful, Mr Speaker, because I have brought a motion to this House where there will be ample time to debate. I want to avoid the need to debate it now and debate it again, but later, at the proper time if I may say, Mr Speaker.

510 But we are limited in Gibraltar as to the space that we can provide but within that, the design will inform what evacuation routes there have to be, what access routes there have to be. These are things that have to be developing continuously and there will be iterations and there will be changes as we improve, before finally opening the school.

I hope, Mr Speaker, that I will not have to answer these same questions every month or every other month because we must expect that this is a live process. It is a dynamic live process which does have to evolve and grow as I say, as the process proceeds.

515

**Hon. L F Llamas:** Mr Speaker, in relation to the answer given to Question 227 to do with the parking beneath the footprints, from my understanding the new Notre Dame is already being built so those designs should already be more than agreed and firmed up, in the same way as – I cannot recall now and I am sure I can find a picture of it – the two secondary schools had already allocated a number of parking spaces.

520

Is the Minister able to provide the number of parking spaces that will be provided in each school, given that obviously that information does exist?

525 **Hon. Dr J E Cortes:** Mr Speaker, we have an area allocated to parking. How they are going to be allocated is under consideration. The number of spaces for perhaps rental, a number perhaps for purchase, a number for one or the other thing, the number of electric charging points and so on, all these have a bearing on the configuration of the car parking, on the size of the parking bays and therefore, these are things that we have general figures, but not specific. And these again are being developed as we go along.

530

**Mr Speaker:** The Hon. Roy Clinton.

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

535 If I may keep the Minister on the same question, 227, can the Minister advise the House whether it is absolutely essential to the viability of the construction of the schools, that the available parking that is created is in fact sold to the private sector?

**Hon. Dr J E Cortes:** Sorry, could he repeat the question? I did not catch it all.

540 **Hon. R M Clinton:** Certainly, Mr Speaker.

Can the Minister advise the House whether the viability of the entire schools project is dependent on the selling of these parking spaces underneath the schools or is it that the Government actually has an option not to sell these parking spaces and retain them within the public use of the school itself?

545

And just a rider to the question, is the Minister aware of any school in Gibraltar that has actually sold off a portion of its footprint to the private sector?

**Hon. Dr J E Cortes:** Mr Speaker, this question is quite bizarre. I will go back to the second part of my answer to that question. The number of spaces and the method of allocation is under consideration.

Mr Speaker, we are building these schools not because we are trading it off to anybody; we are building these schools because we are in dire need of them and therefore, my answer to the hon. Member is no, the number of spaces and the method of allocation is under consideration. I think that his reference to us selling off part to the private sector is ... 'bizarre' is the word that I come up with.

**Hon. R M Clinton:** Mr Speaker, the Minister may find it bizarre, but in fact that is the reality. From all the information that I have seen that the Government has released on this project, it is the Government's intention, and he can perhaps correct me, to actually sell – or to use his own words, rent out to the private sector – these parking spaces. So he is in fact giving away, or selling an interest in land on which our schools are built and he cannot deny that.

Now, what I would like to know from the Minister is, is this still being considered by the Government as an option, i.e. it does not have to sell or rent these parking spaces, it may retain them for school use, or is the Government absolutely committed and has no option but to rent or sell the spaces?

I am sure the Chief Minister will stand up now and help out the Minister, because the Minister still does not seem to understand what I am saying. *(Interjections)*

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no. The Chief Minister is going to get up to tell the hon. Member that there is no school use for parking. Pupils do not neither learn to park or drive in schools. Therefore, his question is based on a suggestion which we do not recognise. *(Interjection)*

**Hon. R M Clinton:** Well, Mr Speaker, unfortunately the Chief Minister really again, has not added much to what I am getting at. And the point, Mr Speaker, is this: is the Government absolutely determined to rent or sell off to the private sector areas underneath our schools – yes or no?

**Hon. Chief Minister:** Mr Speaker, the Government is intent on making the best use of land in Gibraltar.

As Joe Bossano said in his first Budget Speech as Chief Minister of Gibraltar in 1988, the only thing that we have is our land and our people, and we must make more efficient use of both of those and that is where the success of Gibraltar lies in the future. And that is how the Government plans land use for the future, with regard to those two key views as to how we make Gibraltar more efficient.

**Hon. R M Clinton:** So, Mr Speaker, I take it from the Chief Minister's intervention that he is in fact confirming to this House that it is the Government's intention to sell areas underneath our schools to the private sector?

**Hon. Chief Minister:** Mr Speaker, the Government is confirming to the House what it has said publicly about the school projects and re-confirming its commitment to the principles set out in 1988 by Joe Bossano in the first speech given 30 years ago now, by a Chief Minister of Gibraltar on a Budget, that we will make the most efficient use of our land, which is our principal resource and our people, our second principal resource.

And that means making efficient use of all the land that we have available and if that means sharing types of uses, it means sharing types of uses in a desire to be the most modern, most efficient, make the most modern and most efficient use of our land.



600 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, I think that when we talk about the best  
use of land 30 years ago, it might not mean the best use of land today, because today we are  
living in an era where there is huge insecurity in terms of security. And to think that in an area  
built up, where there are going to be about 2,000 children, that land might be sold off to private  
buyers who could put their cars there, one could imagine the worst. Whilst 2,000 children are  
605 around in a highly densely populated area, for me, it might not be the best use of the land. For  
the Government, it might be the best use of land for other reasons, but I am thinking in terms of  
the best use of land for the children, and it is highly worrying.

**Hon. Chief Minister:** Well, Mr Speaker, the Government takes the view that what it said 30  
610 years ago about a principle, not about use of land, which is what the hon. Lady has failed to  
address in what I assume was a question, is still as true today as it was 30 years ago and it will be  
in 30 years from now, because we will still be probably the smallest jurisdiction in Europe having  
to make the best possible use of land.

And in that context, Mr Speaker, if the hon. Lady thinks that she can get away, in her  
615 presumed question, with suggesting for one moment that the Government would do something  
which endangers our children, she is not addressing the Government that is sitting in front of  
her. She is addressing a Government that must exist in her mind.

The Government is not just going to provide the best schools possible for our children. It is  
going to provide the most secure schools possible for our children. And I do detect, Mr Speaker,  
620 that we may fall into the trap of going down the road that we went in respect of LNG where it  
was suggested, for a serious part of the last election campaign, that the Government might do  
things which might put at risk any part of the geography of Gibraltar and the people of Gibraltar.

If we were not going to put at risk the people of Waterport Terraces or of the north of  
Gibraltar, there is absolutely no chance whatsoever that we would do anything that would put at  
625 the slightest risk the children of Gibraltar in the new schools that we want to develop.

And selling parking is not going to put anyone at risk. Indeed, Mr Speaker, it may protect  
people more because there may not be on-street parking as close to the schools as there are  
today. Or is it that the hon. Lady has not worked out that you are more likely to be at risk of  
630 somebody unknown to you parking alongside one of our schools today, than you are if you sell  
parking to people who have to give you their details, who are only able to enter the car park  
with the number plate which is registered to a particular parking space? Isn't that obviously  
safer, Mr Speaker? Of course it is and the Government would not do something that is unsafe.

And, Mr Speaker, I have a huge amount of time for her as she knows, but I deprecate any  
635 suggestion that any Member of this Government would for one moment countenance doing  
something that puts a child or children at risk. Her children, my children, our children will go to  
that school and we would not for one moment do something that puts it at the very slightest of  
risk.

**Mr Speaker:** Hon. Members are now debating on the question of whether parking should be  
640 allowed under the schools and therefore we are moving on because they will have another  
opportunity to do so when the motion is tabled.

**Q220/2018**  
**Community facilities –**  
**Supplementary questions**

**Mr Speaker:** Yes, the Hon. Edwin Reyes.

**Hon. E J Reyes:** Mr Speaker, would it be a convenient moment for you to allow me to refer to  
645 this schedule that was given in answer to Question 220?

**Mr Speaker:** Yes.

**Hon. E J Reyes:** It is a relatively easy schedule to understand, Mr Speaker, except for one  
650 point which needs clarification.

On the schedule it shows that on 29th and 30th January, due to inclement weather, it follows  
pretty obviously that the outdoor pitch, in other words an outdoor facility, had to be cancelled.  
Yet just below that, when it comes to St Anne's it starts on 29th January and goes on for almost  
a month. It says inclement weather and repairs to gym.

655 My understanding, and the Minister may need to correct me, is that the facility available to  
be used in St Anne's is actually a gymnasium and therefore, the inclement weather does not  
really affect a gymnasium. Is it all due to repairs to the gym?

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
660 Yes, Mr Speaker, I believe this refers to that event during one of the sessions or one of the times  
when we had inclement weather when scaffolding in the area collapsed. Therefore as a  
precaution the gym was closed because that was adjacent to it and therefore, it was not possible  
just in case there was a further problem which could have affected the roof of the gym.

I believe, subject to confirmation, that that is the reason for that.

665

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

That does clarify and make a lot more sense. Thank you. But there is in there implied my  
assumption from previous answers that the only facility within St Anne's is actually the  
gymnasium. There is no outdoor facility at St Anne's. It has not in the past so therefore it is  
670 nothing new, is it?

**Hon. Dr J E Cortes:** Mr Speaker, I am providing information that has been provided to me. So,  
if there are other facilities, they have certainly not been removed from use or they would have  
been on this list.

675

**Mr Speaker:** Next question.

**Q234-235/2018**  
**Hot school lunches –**  
**Operation and costs**

**Clerk:** Question 234, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide details as to how the hot school  
680 lunches will operate for each school, together with the additional estimated cost in preparing  
schools for this initiative and the estimated cost to parents?

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

685

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 235.

**Clerk:** Question 235, the Hon. L F Llamas.

690

**Hon. L F Llamas:** Mr Speaker, is the Government considering implementing a pilot scheme on hot school lunches prior to September 2019?

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

695

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, this is currently under consideration.

700

**Hon. E J Phillips:** Mr Speaker, just in relation to the responses to those questions, will the Government consider in respect of those families who are unable to meet any of the costs relating to hot school lunches, whether a Government subsidy would be available for those families?

705

**A Member:** It will be means tested.

**Hon. E J Phillips:** Means-tested?

**Hon. Dr J E Cortes:** Yes, Mr Speaker, I was –

710

**Chief Minister (Hon. F R Picardo):** We are being asked a question about something we have announced.

715

**Hon. Dr J E Cortes:** We have already announced that, Mr Speaker, that it would be free to those families who would not be able to contribute. I was clarifying with the Chief Minister, who announced that before I was Minister for Education, when my colleague was.

#### Q236-237/2018

#### Children with special needs – Number attending Government schools; learning support

**Clerk:** Question 236, the Hon. L F Llamas.

720

**Hon. L F Llamas:** Mr Speaker, can the Government state how many pupils suffering from visual impairment, dyslexia, attention deficit disorder, autism, Down's syndrome and other special needs attend Government schools., giving a breakdown by school?

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

725

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 237.

**Clerk:** Question 237, the Hon. L F Llamas.

730 **Hon. L F Llamas:** Mr Speaker, can the Government state for each pupil suffering from visual  
impairment, dyslexia, attention deficit disorder, autism, Down's syndrome and other special  
needs attending Government schools, what additional learning support is offered in each  
classroom by way of learning support assistants including (a) the number of pupils with special  
735 educational needs in each class; (b) the number of learning support assistants and (c) the school  
the pupil attends?

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

740 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, the information in relation to Question 236 can be found on the Government  
website.

And in relation to Question 237, as I have explained in answer to previous questions, the  
allocation of such support will vary through the school year.

745 The total number of LSAs is 102, which is 13 more than the last time I answered on this  
subject. I should, however, point out that I consider the use of the word 'suffering' to be totally  
inappropriate in this context. Perhaps, Mr Speaker, the hon. Member would care to refer to the  
language etiquette leaflet issued by the Ministry for Equality.

750 **Hon. L F Llamas:** Mr Speaker, just on that point, the reason why I phrased this question in this  
particular manner is because I took it from the former Shadow Minister for Education when they  
were in Opposition to ensure that there was not any leeway in making sure that my question  
gets answered.

755 **Hon. Dr J E Cortes:** Times have moved on! (*Interjections*)

**A Member:** Thank God!

#### Q238/2018

#### First, Middle and Secondary schools – Pupils enrolled since 2011

**Clerk:** Question 238, the Hon. L F Llamas.

760 **Hon. L F Llamas:** Mr Speaker, can Government provide a breakdown by age and gender of  
the pupils enrolled in First, Middle and Secondary schools, as at 30th September  
2011/2012/2013/ 2014/2015/2016/2017 providing details of each school and class?

765 **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 refer the hon. Member to the Gibraltar Government website where he will find  
the information requested from 2012 onwards.

**Q239-240/2018**

**Education Department expenditure and requests –  
Detailed breakdown since 2012**

770 **Clerk:** Question 239, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can Government state the amounts spent by the Education Department from 1st January 2012 to date in: (a) Maintenance; (b) Minor works and (c) Major Works, giving a breakdown by school, amount, date, contractor and details of the works carried out?  
775

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

780 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 240.

**Clerk:** Question 240, the Hon. L F Llamas.

785 **Hon. L F Llamas:** Mr Speaker, can Government state since 1st January 2012 to date what requests for (a) Maintenance; (b) Minor works and (c) Major Works remain unresolved, giving a breakdown by school; date report was made; nature of each report?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.  
790

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested is available in online statistics in relation to Question 239. The contractors, with very few exceptions, are GJBS.

795 In relation to Question 240, all requests have been addressed or are in process. There are a number of issues in many schools which are unresolved despite our best intentions, which is why we are embarked in a programme of providing new schools and major refurbishments.

**Hon. L F Llamas:** Is the Government able to disclose which ones are in the process or unresolved?  
800

**Hon. Dr J E Cortes:** Mr Speaker, I think that the fact that we are having to move to new schools and carry out major refurbishments will clearly show which schools we are referring to.

805 **Clerk:** Question 241, the Hon. –

**Mr Speaker:** Do you have a further supplementary?

**Hon. L F Llamas:** It is on 238.

810

**Mr Speaker:** On 238, yes.

**Hon. L F Llamas:** Mr Speaker, I have been able to log into the Government website and statistics, and the Question 238 does actually ask for details relating to each school and class.  
815 The information available online is specifically on each school and year, it does not have a breakdown for the classes. Is this something that the Hon. Minister can provide please?

820 **Hon. Dr J E Cortes:** Mr Speaker, as I have said before, there will be a variation during the course of the year as some students move from class to class. I have said before that this is a hugely onerous task going back all that number of years, class by class. I will need to consult and see whether that information is in fact available.

825 **Hon. L F Llamas:** Mr Speaker, I understand that school sizes can vary throughout the year, but the question actually does say as at 30th September 2017, for example. Is this something that the Government cannot look at?

830 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I said that I will see what information I can extract. But as I say, it is an onerous task. If the hon. Member is saying look, what is the average school class size and so on, maybe that is what he is after. But I will certainly endeavour to obtain this information.

835 **Hon. L F Llamas:** Mr Speaker, I would simply like to seek your advice on this. Would it be possible to table the same question at the next sitting in order to give ample time to the Minister and his Department to provide an answer to this question?

**Mr Speaker:** Is it that you want it to be on the record of *Hansard*?

**Hon. L F Llamas:** Yes, please.

840 **Mr Speaker:** Then yes, otherwise the Minister could undertake to write to you. But if you want it to be on the record, I will allow it.

The only thing is that in the answer the Member will notice it is from 2012 onwards, not 2011.

**Q241/2018**  
**E-registration for secondary school pupils –**  
**Introduction**

845 **Clerk:** Question 241, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, does the Government intend to introduce e-registration for pupils attending secondary schools as from September, 2019?

850 **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 Bayside and Westside currently conduct their registration sessions in an electronic format and will continue to do so in September 2019.

**Q242/2018**

**Gibdock lease –**

**Renewal date; environmental restrictions**

855 **Clerk:** Question 242, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, can the Government state when the Gibdock lease is up for renewal and whether Government is intending to impose any environmental restrictions such as a requirement for shore supplied power and restrictions in the hours of operation where noise is a problem under the terms of any new lease?  
860

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

865 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Gibdock lease is up for renewal, details of discussions are confidential.

However, the Government has engaged with Gibdock in order to reduce their environmental impact quite independently of any renewal discussions.

870 **Hon. T N Hammond:** Would the Minister not agree that discussions reference ... and I understand the discussions themselves are confidential, but this would represent an opportunity to perhaps impose environmental restrictions such as those regarding noise and certainly those regarding omissions from Gibdock?

875 **Hon. Dr J E Cortes:** Mr Speaker, as I say, we are in discussions quite independently of any renewal. I think the need to improve the environmental impact of every single activity in Gibraltar is something that we aspire to and need not be linked to anything else. So that is my brief within my Department and I will continue to pursue that.

880 **Hon. T N Hammond:** So can the Minister confirm then, whether the discussions that are taking place outside of those discussions which are taking place for the lease renewal do reference the provision of shore-supplied power to reduce emissions and the management of noise, particularly at night that is coming from the dockyard?

885 **Hon. Dr J E Cortes:** Mr Speaker, I believe that would require another question to be lodged. I am not leading on the discussions on lease renewal. I am leading on discussions of environmental improvement and some of the things that the hon. Member has mentioned, as we stated in a press release not too long ago, are part of these discussions. But I am not linking one to the other necessarily.

890 **Hon. T N Hammond:** I am pleased to hear that the Minister is leading on the other discussions, reference the environment, so hopefully he can therefore at least make clear whether yes in seeking environmental improvement, whether those two particular provisions – because there is a great deal of interest in the area from residents, as you can imagine – are part of the agenda and whether he can inform this House how those talks are proceeding, how those discussions are proceeding and whether he is hopeful of an outcome that will be satisfying to those who live in those areas.  
895

900 **Hon. Dr J E Cortes:** Mr Speaker, I am hopeful. There are areas that we are actively discussing that we have made progress on, but it is not for me here to defend or otherwise the performance of Gibdock. Just to say that we are engaged with them and we are looking forward to further improvements.

905 **Hon. T N Hammond:** And one last question if I may, Mr Speaker. As these particular discussions are not related to the lease, does the Minister have any idea when those discussions may be complete and perhaps a public announcement made?

910 **Hon. Dr J E Cortes:** Mr Speaker, these discussions are ongoing and there could be new issues arising and there is a regular contact with Gibdock both from my Ministry and from the Environmental Agency, so this is an ongoing thing. It is not one in which there is a particular time frame.

**Hon. T N Hammond:** I did say it was the last question, Mr Speaker, but actually the Minister's response solicits a further question.

915 So if I am asked by residents of the area, as I frequently am, whether I have asked questions and what progress there is, my response at the moment seems to me can only be, well Government is talking to Gibdock but on these particular issues of which you are particularly interested, the Government cannot explain to me or describe to me any detail as to what progress or as to when something may be achieved in respect of those issues. (*Interjections*)

920 **Hon. Dr J E Cortes:** Mr Speaker, it would not surprise the hon. Member or anybody in this House that the Government, and certainly in representation the Government, my Ministry and I are pursuing these and many other issues (*Interjection*) very strongly in order to improve the situation, not just in Gibdock but everywhere else in Gibraltar.

925 And so, anybody who goes to the hon. Member can firstly be referred to me and to my Ministry, and I will be very glad to talk to them and engage with them and tell them what we are doing, and can be reassured that we are doing everything in our power to improve the environmental performance of every operation in Gibraltar.

#### Q243/2018

#### Updated schedule of payments made – Including Commonwealth Park and Alameda Gardens

**Clerk:** Question 243, the Hon. L F Llamas.

930 **Hon. L F Llamas:** Mr Speaker, further to Question 607/2017, can the Government provide an updated schedule of payments made, to include Commonwealth Park and Alameda Gardens and the names of the entities the payments have been made to?

935 **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 information requested by the hon. Member is in the schedule that I hand over.

940 Let me say, Mr Speaker, that as in the case of Question 607/2017, I have not identified the different entities. Some of them are in competition with each other and therefore, as I said at the time, without their specific agreement I think it would be unfair to mention them by name across the House.



**Answer to Question 243**

Schedule of payments made for each entity from December 2011 to date

	<i>Entity A</i>	<i>Entity B</i>	<i>Entity C</i>	<i>Entity D</i>
December 2011 to March 2012	£123,642.68	£26,626.35	£45.00	£119,827.65
2012/2013	£518,631.47	£121,444.23	£180.00	£621,838.50
2013/2014	£555,833.51	£114,747.30	£195.00	£750,573.59
2014/2015	£573,442.83	£109,504.99	£180.00	£985,822.46
2015/2016	£565,761.73	£110,049.72	£180.00	£946,436.70
2016/2017	£563,278.50	£110,399.72	£180.00	£1,079,082.63
2017 to date	£571,511.25	£100,767.29	£2,965.00	£1,205,003.63

**Q244/2018**  
**Maintenance of planted areas –**  
**Tender process**

**Clerk:** Question 244, the Hon. L F Llamas.

945

**Hon. L F Llamas:** Mr Speaker, does the Government intend to open for tender the maintenance of planted areas around Gibraltar currently carried out through contracts?

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

950

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Government is considering this.

**Q245/2018**  
**North Front Cemetery –**  
**Maintenance costs and contractor**

**Clerk:** Question 245, the Hon. L F Llamas.

955

**Hon. L F Llamas:** Mr Speaker, since April 2017, can the Government state what the cost of clearing, maintaining and enhancing the North Front Cemetery together with the name of the contractor or contractors?

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

960

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the tender was awarded to Greenarc in August 2017 for a period of two years up to July 2019, at a yearly sum of £103,428.

965

**Mr Speaker:** Next question.

**Q244/2018**  
**Maintenance of planted areas –**  
**Tender process**  
**Supplementary question**

**Hon. L F Llamas:** Sorry, can I just have a supplementary on Question 244?

970 By when does the Minister intend to open for tender these contracts? Is there a timeline that he is thinking of at this point in time?

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
975 No, Mr Speaker, we are considering the way in which this could be done in relation to how Gibraltar may be divided up in sectors or in types of work that needs to be done. So it is currently a matter that is being considered, but I cannot give any more information at this stage.

**HEALTH, CARE AND JUSTICE**

**Q246-249/2018**  
**GHA Board meetings –**  
**Financial reports; National Dementia Committee;**

**Clerk:** Question 246, the Hon. R M Clinton.

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

980 Can the Government please advise the date of the GHA Board meeting at which the 'executive decision' to remove quarterly financial reports from the public part of GHA Board meetings was agreed to by the GHA Board?

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

985

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 247 to 249.

**Clerk:** Question 247, the Hon. R M Clinton.

990

**Hon. R M Clinton:** Mr Speaker, can the Government explain why a report from the Director of Finance and Procurement is no longer a standing agenda item for GHA Board meetings, even if held in private, and the absence of this report, how does the Board monitor the financial performance and resource allocation of the GHA?

995

**Clerk:** Question 248, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, has the Government established a National Dementia Committee in accordance with its 2015 National Dementia Vision and Strategy for Gibraltar?

1000

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

**Hon. R M Clinton:** Mr Speaker, does the Minister for Health still stand by his personal commitment given to taxpayers in his Budget Speech on 27th June 2017 that, and I quote "In my first year as Minister for Health, the GHA will come within Budget."  
1005

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

1010 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the decision to remove the quarterly financial reports from the public part of the GHA Board Meetings was taken by the CEO and his executive team prior to the GHA Board meeting of 21st September 2016.

1015 The Board Report from the GHA Director of Finance and Procurement is now discussed in the in-camera session of the GHA Board. The report may contain commercially sensitive information and disclosing this to the public may hinder the GHA's ability to obtain the best value for money for taxpayers. The financial performance and resource allocation is reviewed and discussed amongst Board members at each GHA Board meeting. The Government of Gibraltar publishes the annual GHA accounts at the end of the financial year, together with the estimates for the next financial year.

1020 The Government is in the process of deciding on the individuals who will form part of the National Dementia Committee.

I can personally attest, Mr Speaker, that in the last year, my team at the GHA and I have made important strides in improving financial control and accountability, the full details of which I will be delighted to set out at this year's Budget debate.

1025 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer.

I did not quite catch the answer to Question 247: there is no report on the agenda from the Director of Finance and Procurement so I fail to see how the GHA Board can discuss financial information if there is no such report to be had, even in camera. Could the Minister please clarify that for me?

1030

**Hon. N F Costa:** Mr Speaker, I have just risen from my first reply so I will try not to get contentious in my first reply to a supplementary question.

1035 The answer is in the original answer that I gave to the hon. Gentleman which is that the report is discussed in the in-camera part of the GHA Board meeting. Therefore, he will not have sight of that agenda because it is in camera, but it is discussed during the in-camera aspect of the Board meeting.

1040 **Hon. R M Clinton:** Yes, Mr Speaker, I fully understood what he said, but he still does not understand my point. My point is this: if he were to look at, for example, the agenda from the 2015 GHA Board held on 1st July 2015, he will quite clearly see there is a report – 6.3 Report to the Finance and Procurement – in camera. But again, I do not see that in the agenda for current Board meetings.

1045 So again, I ask the Minister, does the Director of Procurement present a report to the GHA and if so, why isn't it a standing agenda item?

**Hon. N F Costa:** Mr Speaker, for the very reason that I told him, that it is discussed in the in-camera section, the report is presented in the in-camera section and it is discussed by Board members in the in-camera section.

1050 As I told him as well, the decision not to include it as part of the public aspect of the Board discussion is for the reasons that I gave him here and there is no more to add, other than to say that the discussion is had by the Board members but in the in-camera part of the GHA Board meeting.

1055 **Hon. R M Clinton:** Mr Speaker, may I suggest to the Minister, he may wish to consider to include as an agenda item perhaps for my peace of mind and the peace of mind of the public, that the Board are considering this by having actually listed on the agenda as 'Report from the Director of Finance and Procurement – in camera', so we do at least know the Board are discussing it, rather than the Minister having to come to the House and explain, yes of course

1060 the Board are discussing it. But it is not on the agenda, Mr Speaker, so could he perhaps be kind enough to ensure that it is on the agenda in future, so that for the benefit of those who are not privy to the in-camera session, that we do know that at least some numbers are being presented?

1065 And furthermore, as we do know now, the Director or Medical Director does not give an overview in the same way the Chief Executive used to in his report, it would at least give some comfort that the GHA Board is considering these matters formally, as the agenda would indicate.

1070 **Hon. N F Costa:** Mr Speaker, I do not think that the hon. Gentleman has understood my reply. I have told him that the report *is discussed*, but it is discussed in the in-camera section of the GHA Board. So I hope that he has now –

**Mr Speaker:** That is not what he has asked you. He has asked you to consider whether you will go back and put it on the (*Interjection by Hon. N F Costa*) actual agenda of the Board, with a note that it is in-camera.

1075 **Hon. N F Costa:** Yes, Mr Speaker, that is what he is asking me but –

**Mr Speaker:** That is what he has now asked you for.

1080 **Hon. N F Costa:** Yes, but he finishes off by saying that the Medical Director now does not discuss it in the way that he used to and I am telling him that it *is* being discussed in the way that it used to, except that we do not have the agenda item on the open part of the GHA Board.

So, to be clear, the report is discussed in the in-camera section of the GHA Board meeting, Mr Speaker.

1085 **Hon. R M Clinton:** Finally, Mr Speaker, not to labour the point any further, will the Minister undertake in future to at least include the agenda item, as I suggest, with the words ‘in camera’ next to it so that we know that it is there on the agenda as a standing item, as all the others are?

1090 Now I know that he is saying the report is presented, fine I take his word for it, but can we have it on the agenda?

**Hon. N F Costa:** Mr Speaker, it really is quite something when you have the Party opposite who, when my hon. predecessor started the process of having open GHA Board meetings, we were heavily criticised for having GHA Board meetings in the open, and at the time, the hon. Lady who represented the party of the GSD was adamant that to have an open process and have GHA Board meetings in the open was perhaps not the best way to conduct GHA business.

1095 And now, we have a situation not six or five years later, asking us to have an item on the agenda in respect of the in-camera part. The in-camera part of the GHA Board meeting is not placed on the open agenda of the GHA Board meeting because it is discussed in the private part of the GHA Board meeting. For that reason, Mr Speaker, it would be a nonsense to add an agenda item in the open part of the GHA Board meeting on a matter that is discussed in the in-camera GHA Board meeting. Because if I were to apply and follow his logic, then I would have to list in the GHA open Board meeting, every single item discussed in the in-camera part of the GHA Board meeting.

1100 So no, Mr Speaker, I will not accede to his suggestion.

1105 **Hon. R M Clinton:** Mr Speaker, it was such a stupid idea that his predecessor actually did it! And again, I refer him back to the agenda of 1st July 2015, Matters for Report – (1) Chief Executive; (2) Director of Public Health; (3) Report, Director of Finance and Procurement – in camera. That is all I am asking for, nothing complicated – his predecessor did it.

1110 If he is saying, 'Well look, there are things in camera – why put it on the agenda?', how do we know what else is being discussed in camera? This is particularly critical; we are not talking about has the entrance area been swept this month or not in camera. This is critical. He has a budget of over £100 million: we want to know it is discussed regularly, albeit in camera, fine. His predecessor did it; why can't he?

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**Hon. N F Costa:** Mr Speaker, he does realise that we live in linear time and there is such a thing called the effluxion of time and the agenda item of which he speaks was in 2015. Subsequent to that point in time, there is a decision by the CEO in 2016 not to have those reports discussed on the agenda of the open GHA Board.

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And therefore, it makes no sense to me as the current GHA Chairman to place an item that is discussed in the in-camera section of the GHA Board in the open section of the GHA Board. Because trying to be consistent and applying the logic that he wishes me to accede to, if I were to decide for this particular item to add it to the open Board meeting agenda, I would feel that I also have to add all the items that we list on the agenda for the private part of the GHA Board meeting.

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So no, Mr Speaker, for the third or the fourth time, I will not accede to adding an item on the agenda of the GHA Open Board meeting for discussion in the in-camera section of the Board meeting, Mr Speaker.

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**Mr Speaker:** And because the Hon. Minister has insisted for the fourth or the third time that that remains the position, I am afraid that we are going to move on to something else.

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**Hon. R M Clinton:** Mr Speaker, if I may, he has raised a very interesting point which I would like to develop. Mr Speaker, we will leave that. Is the Minister actually suggesting to this House, that there are two agendas for the GHA Board, one which is actually published on the website and another one which is private? Is that true?

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**Hon. N F Costa:** Mr Speaker, the hon. Gentleman should pick up a dictionary. There is an *in-camera* GHA Board meeting. Therefore there is the public part which the GSD was against in 2012 and the in-camera part which has always been part of the process.

The hon. Gentleman graces us with his presence every time there is an open GHA Board meeting and we are delighted to have him and at the conclusion of that meeting we say thank you to the hon. Gentleman and any other members of the press and we excuse them because we tell them we will now discuss the in-camera part of the GHA Board meeting.

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Therefore, it is a surprise to me that he should be surprised that there is a part of a GHA Board meeting that is not publicly exposed, given that it is held in camera, which is behind closed doors.

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And let me also tell the hon. Gentleman that I am also delighted that he should take his cue from *The Gibraltar Chronicle*, because it was *The Gibraltar Chronicle* that was asking these questions to me. So maybe perhaps they should be referring to *The Gibraltar Chronicle* what questions it is that they are going to be asking me.

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**Hon. R M Clinton:** Well, Mr Speaker, I am grateful to the Minister for referring to *The Gibraltar Chronicle* because I have it precisely here. (*Interjection*) And of course, Mr Speaker, if the Minister had graced us with his presence at that meeting and the meeting before, from which he was both absent, we might have been endowed with the benefit of his wisdom in those Board meetings, in camera or not in camera.

1160

Well, Mr Speaker, we will move on as you suggest. The National Dementia Vision and Strategy for Gibraltar 2015: we are now in 2018. Can I ask the Minister what is taking so long in considering the constituent members of this committee and when does he hope to make a decision?

1165 **Hon. N F Costa:** Mr Speaker, at least I am glad that the hon. Gentleman agrees that the Government is very well endowed with the benefit of wisdom and, Mr Speaker, the reason why I did not attend the first GHA Board meeting to which he refers is because I am afraid I was in Parliament and as much as I try to expand my skill set, bi-location is not yet a gift that I have discharged. However, I do ask for that gift increasingly, given the duties that I discharge.

1170 Secondly, Mr Speaker, in respect of the question he asks about the National Dementia Strategy, he is right that we have not yet set the committee members for that particular body and the reason is because, as the hon. Gentleman knows, the Government has opened the Bella Vista Day Centre, Hillside and we have also added a floor to John Mackintosh Home and it was the considered advice of clinicians, of service groups and of users that it was very important to have those sites and those facilities rolled out and then to continue with the work of the National Dementia Strategy.

1175 I am pleased to inform him that the National Dementia Strategy has almost finished its revision. It had to be updated, given the addition of the excellent facilities that have been rolled out and there has been a meeting now, I think three weeks ago, or two weeks ago, between the clinician who is updating the National Dementia Strategy, with the Gibraltar Alzheimer's & Dementia Society (GADS) and with the Elderly Residential Service, to discuss the different parts of the National Dementia Strategy including who are the persons who should be nominated to sit on the National Dementia Strategy Committee.

1180 So we are hopeful to be able to announce the names of the persons who will sit in that committee very, very soon.

1185 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer on the National Dementia Committee and I look forward to his announcement in due course.

Mr Speaker, coming to Question 249, and I would just like a very simple yes or no answer from the Minister, although it may be just wishful thinking on my part: does the Minister stand by his statement that the GHA will come within Budget, yes or no?

1190 **Hon. N F Costa:** Mr Speaker, it is wonderful how I give answers to the hon. Gentleman and he asks me questions again to answers which I have already given.

1195 **Hon. R M Clinton:** Mr Speaker, obviously my brain does not function as well as his does, but I definitely did not hear a simple answer to the question. He said he would give some kind of update, etc. That was not my question, Mr Speaker. My question was, does he stand by the statement, yes or no? Will he come within Budget, yes or no?

1200 **Hon. N F Costa:** And I have already told him, Mr Speaker, that I will be delighted to discuss all of that at the Budget session.

1205 **Hon. R M Clinton:** Mr Speaker, again I am grateful for your guidance or not on this, but I do not think we are under any rules regarding the future Budget in terms of discussing an outcome, since we have not had the Estimates Book yet. So again, a very simple question – I do not want to discuss it at Budget time, I would like to know now, today – is he still confident of that statement, yes or no?

1210 **Hon. N F Costa:** Mr Speaker, thankfully for him and I think for this House, I do not regulate my life depending on his wishes or his whims. I have already given him the answer to the question, which is that I will be delighted to discuss it during the course of the Budget debate. If he does not like it, Mr Speaker, so be it.

**Hon. R M Clinton:** Mr Speaker – (*Interjection*)

1215 **Mr Speaker:** The fact of the matter is that it is abundantly clear to me that you are not going to get an answer to that specific question. And because you are not going to get an answer to that specific question, we are moving on to the next.

Right, you are unable to get an answer to that question –

1220 **Hon. R M Clinton:** Can I ask you on a Point of Order, Mr Speaker?

Am I allowed to ask questions of the Government and expect an answer, yes or no? (*Interjections*)

1225 **Mr Speaker:** The Government is not obliged to answer any specific question. If they do not want to answer it, they do not have to, it is a matter for them ultimately. It is not a matter for the rules. I am not the arbiter as to the adequacy of a Government answer to an Opposition question.

**Hon. D A Feetham:** Mr Speaker, may I? (**Mr Speaker:** Yes.) Thank you very much.

1230 Mr Speaker, may I ask the hon. Minister a supplementary. He may have answered this but in my old age, I cannot recall exactly whether he has answered this particular point. (*Interjection*)

1235 But does he not agree with me that in circumstances where the cost of running the GHA has more than doubled since 2011, that in circumstances where the GHA or health expenditure is costing roughly about ... it was last year about £10 million per month – that is £120 million nearly a year – and in circumstances where the Government is now introducing efficiency measures, presumably to deal with the situation where we have in some areas runaway expenditure on the GHA, and indeed in circumstances where we now have or Gibraltar is facing Brexit where the Government is going to have to reposition areas of our economy in relation to that, and presumably that could have a knock on effect as well on revenue streams, that it is in those circumstances, *imperative* that we have *greater* transparency, not less transparency? And  
1240 can the Minister explain to me why the Government is moving to less transparency at this particular point in time?

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman's prefaces to his questions are longer than Wagner's *The Ring of the Nibelung*, which I recommend that he listens to.

1245 It is not that the Government is moving to less transparency, not at all. We have told the Hon. Mr Clinton that the finances of the GHA will be discussed at Budget time. All of the finances and all of the subheads will be discussed then. They can ask as many questions as they like during the course of the Budget debate and of course during the course of the Committee session.

1250 I do not know whether I heard the hon. Gentleman correctly, but the GHA's Budget has not doubled since the time that the – (**Hon. D A Feetham:** Cost.) No, no, the cost of the GHA – certainly I am looking at the last year of the GSD, which was 2011-12 and if I recall correctly, it may have been £89 million or something along those lines, and the cost last year was £119 million so we are nowhere near doubling the cost of the GHA.

1255 **Hon. D A Feetham:** I will have a look at the point. In fact I may have in mind the budget in – (*Interjection*) No, 2011 I think. But anyway, I will stand to be corrected if I am wrong, but I will go back to that.

1260 But the point is, Mr Speaker, that the Government takes a decision and the decision in this case is to hold in camera as from 2016 what had previously been discussed openly and, therefore, was subject to public scrutiny, was subject to comment by members of the public, by members of the press and indeed by the House, on a monthly basis after those meetings took place in public. It is for the Government to justify why it is going from a position of transparency – in other words, open meetings – to a position where that aspect is now being discussed in camera. I just do not have it clear in my mind why it is that at this particular

1265 juncture, taking all those factors that I outlined in my previous question, why it is that the Government is moving towards less transparency in this particular instance?

**Hon. N F Costa:** Mr Speaker, as I said, I was not privy to the discussions that took place between the CEO of the GHA at the time and his executive team. But I have to tell him that even without being privy to those discussions, if I had been the Chairman of the GHA in 2012, I would never have placed the finances of the GHA for discussion in a public meeting during the course of the year, not just because of the reason that I gave this House, which is that if you have this open discussion about tenders and so on it could very much impact on the ability of the GHA to be able to enter into any subsequent negotiations following a tender, but also because as he well knows, finances are not reconciled until after the financial year. So to provide any figure at any point during the course of the financial year, which is subject to reconciliation and correction and audit, for me would have been a no-go area in the first place, mostly for that particular reason.

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1280 But in any case, Mr Speaker, whereas the hon. Gentleman now espouses a philosophy of having the GHA Board meetings in the open, he has to remember that when he sat with the hon. Lady that no longer sits next to him –

**Mr Speaker:** No, you have talked about the hon. Lady this afternoon on three separate occasions.

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**Hon. N F Costa:** Only?

**Mr Speaker:** Yes, you have, on three separate occasions. The present Members of the Opposition are not bound by what the hon. Lady that you are referring to said here in the House. Whatever question, whatever policy position she was taking, they are no longer committed to that, she has left politics.

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1295 That does not mean that the new Shadow Minister for Health has got to follow the line of someone who is now actually working for the GHA. That is not a valid point to make and please do not make it any more, because I am getting a bit fed up of hearing the same thing over and over again. You are just repeating yourself and it is not a valid point, in my view, to make.

I do not think we are making much progress on this particular issue, I must say. So, unless we get something new that will persuade me to carry on, we are going to move on to the next question.

1300 Now, the Hon. the Chief Minister I think wants to say something.

**Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, because the Government takes a completely different view to you of whether the point is valid or not. The Government will insist on reminding Members of the GSD what their position was. They represent the Gibraltar Social Democrats and the Gibraltar Social Democrats, when they had the opportunity and were in Government, actually carried out a particular function in a particular way. We think it is appropriate and proper to remind the community, when they now suggest that we should be judged in a different way, that that was the way that they discharged the functions of Government when they were elected into Government.

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1310 And if I may say so in particular, Mr Speaker, in respect of the questioner on this occasion, although he *sometimes* says that he is at the twilight of his political career, but I know him well enough to believe that he has got life left in him yet, (*Laughter*) he was in that Government, Mr Speaker. He was a member of the Government that acted in that way.

1315 And therefore, the Government considers that it is absolutely proper that in this House and outside it, to remind the public that when they had the chance to make public those debates of the GHA, and in particular debates in respect of the finances of the GHA, they chose not to. And when we have adopted one particular part of that, they are now in effect – Mr Feetham in



particular – arguing against the position they took when they were in Government. And that for us is politically – to take one position when you sit in Opposition which is contrary to the position you have taken in Government – something that we think is valid and necessary to point out.

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Mr Speaker, I think we have demonstrated in the time that you have been determining the proceedings of this House, that we follow your rulings to the letter and are respectful of them. But as to the political value of a point, I think we are entitled to very respectfully say that we will take a different view, but also accept that if you feel it is time for us to move on to another point, to do so with great respect.

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**Mr Speaker:** The Hon. Minister has been referring to a lady who was never in Government. She was only a Member of the Opposition. *(Interjections)*

No?

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**Hon. Chief Minister:** No, Mr Speaker, this is the problem. Mrs Del Agua was Minister for Health – *(Interjection by Mr Speaker)* Mrs Del Agua was Minister for Health for four years.

**Mr Speaker:** My apologies. I apologise unreservedly. I thought that the Hon. Minister was referring to the Hon. Isobel Hammond. I apologise unreservedly.

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**Hon. D A Feetham:** Mr Speaker, I was going to go back as well to *Hansard* to have a look at the positions taken by Isobel Ellul-Hammond, because the hon. Gentleman actually put ... The reason why there is this confusion is because he said 2012 and of course in 2012 we were in Opposition; we were not in Government. That is why everybody has assumed that the hon. Member was referring to Isobel Ellul-Hammond. *(Interjection)*

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But look, Mr Speaker, may I say this, that the hon. Member is perfectly entitled as a matter of raw politics to say, 'Well, hang on a minute, it was done when you were in Government, it was done in a particular way.' But the reality is, may I just coin the phrase that has been used by Minister Costa when asked a question earlier on in the afternoon about a change in position in Government, he said the effluxion of time, things move on. Well, I suppose what is good for the goose is also good for the gander, and things do move on.

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Mr Speaker, the reality is what we are asking is, for the Government to explain its own position, because the Government started off with a position of having open meetings for everything and in 2016 changed that position in order to carve out into private the financial aspects of the GHA.

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I just have one more supplementary question because I do not think, I do not want listeners to this debate to think that this is just simply about numbers. *(Interjection)* Actually it is not. Yes of course, I will give way, yes.

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**Hon. Chief Minister:** I am grateful to him because I will leave the supplementary to be dealt with by the Minister. I just want to deal with one particular point and that is the point which Mr Speaker made which he has now addressed.

Mr Speaker, you have apologised unreservedly. You do not need to apologise to us on this side of the House, we entirely accept that you believed we were dealing with somebody else and the only point I wanted to make on behalf of the whole Government, was that we thought it was valid to make the political point, and I am grateful for your indication.

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And finally, Mr Speaker, in relation to an effluxion of time, Mr Speaker, it is one thing for time to pass; it is quite another for people to change their position. The hon. Lady to the right has passed in time and in philosophy and politics from the labels of the GSD. The hon. Gentleman to the left also, but hon. Members in the middle are stuck with being members of the Gibraltar Social Democrats. And if they want to make points which are contrary to the politics of that party, all they need to do is to just leave the Gibraltar Social Democrats and then they will be

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1370 free to make their modern new points. But otherwise they are lumbered with their record and I  
am grateful to the hon. Gentleman for giving way, so he can now continue with his  
supplementary.

**Hon. D A Feetham:** Well, thank you very much. Well, I suppose, Mr Speaker –

1375 **Mr Speaker:** You said you had one last supplementary.

**Hon. D A Feetham:** I suppose, Mr Speaker, we all change position. I mean he spent ten years  
calling me the Darth Vader of Gibraltar politics and I did not receive an invitation to meet Luke  
Skywalker earlier on! (*Laughter and banging on desks*) I have to say that aggrieved me totally!  
1380 Does he want me to give way? I will give way in the spirit!

**Hon. Chief Minister:** Mr Speaker, the last thing I wanted was family conflict on the Skywalk.  
The last thing Gibraltar needed was Darth Vader and Luke Skywalker in the same space with  
loaded light sabres. That is the only thing that concerned me, Mr Speaker.

1385 **Mr Speaker:** Now, your supplementary.

**Hon. D A Feetham:** Yes. Thank you very much.

1390 Mr Speaker, does the Minister not accept that this is not an issue just simply about raw  
numbers?

Of course, look, I will give the Minister an example. One of the most interesting pieces of  
information that during my time in Opposition I derived from reports based on the minutes of  
these meetings, on the financials, was the fact that in 2012 the GHA Board discussed that there  
was a problem with the procurement side and that was causing significant concern to the GHA  
1395 Board, alright? Now, that was a matter that I then brought to this House and I asked  
supplementary questions. It is a matter of public interest if the Board of the GHA thinks that  
there is an issue with public procurement within the GHA.

Efficiencies, for example, that the Government is also now undertaking in relation to the  
GHA. Of course, it involves numbers, but it involves also labour issues. These are all matters of  
1400 public interest and therefore, if the Government closes the shutters by hiding off all that aspect  
in camera and does not allow the public, the Opposition and the press to properly scrutinise that  
aspect, then of course that I think is not in the best interest of democracy and I am just asking  
the Government to explain that.

1405 And does he not accept – this is my supplementary – that it is not just simply about pure  
numbers?

**Hon. N F Costa:** Mr Speaker, I have already explained that even if I had been privy to the  
conversations between the former CEO of the GHA in discussing the reasons why to remove the  
reports from the public part, I would have definitely agreed with that decision for the reasons  
1410 that I have already enumerated.

Firstly, I do not think it helps the GHA's position to discuss financials when those financials  
could impact on the ability of the GHA to be able to negotiate best value for money on any  
particular contract. I do not think that it is wise to provide numbers during the course of a public  
debate before those numbers are reconciled and before they are checked. I think it actually  
1415 causes more harm than good.

And therefore, as I said, even though I was not the Chairman of the GHA at the time, I stand  
by the decision to remove that discussion of the GHA agenda to the in-camera session.

**Q250-258/2018**

**Inpatients at foreign hospitals; agency health workers; claims against GHA;  
Primary Care waiting times–  
Breakdown of numbers**

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

1420 **Hon. D A Feetham:** Mr Speaker, following question number W126/2017, can the Government please provide details of the number of inpatients being treated at foreign hospitals or medical establishments as at January 2017 and 2018, providing a breakdown of the same?

The Government has already provided the breakdown for previous years.

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

**Minister for Health, Care and Justice (Hon. N F Costa):** Yes, Mr Speaker, I will answer this question together with Questions 251 to 258.

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

**Hon. D A Feetham:** Can the Government please update the answer provided to Question W127/2017 and provide details of the monthly number of in-patients being treated at Xanit Hospital in Spain for each month since August 2017?

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

**Hon. D A Feetham:** As at 31st December 2017, how many individuals were working within the GHA, the Care Agency and the ERS through recruitment consultants and how many were employed directly by those organisations?

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

**Hon. D A Feetham:** How many individuals who were employed directly by the GHA, the Care Agency and the Elderly Residential Services as at 31st December 2015 are now working within those organisations but employed through recruitment consultants, setting out their nationality?

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

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**Hon. D A Feetham:** Mr Speaker, can the Minister please provide a schedule setting out the number of nurses working in the Care Agency and Elderly Residential Services, stating whether those nurses are employed directly by the Care Agency and Elderly Residential Services on permanent and pensionable terms, a fixed-term contract or through recruitment consultants, together with their nationality?

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

**Hon. D A Feetham:** Mr Speaker, can the Minister please provide a schedule setting out the number of nurses working in each department of St Bernard's Hospital, also stating whether those nurses are employed directly by the GHA on permanent and pensionable terms, a fixed term contract or through recruitment consultants, together with their nationality?

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1465 **Clerk:** Question 256, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Minister provide a schedule showing the length of contracts of all doctors employed at St Bernard's Hospital, showing the areas in which they practise, their nationality and the date they started?

1470 **Clerk:** Question 257, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, how much has the GHA, or the Government on its behalf, paid out in respect of claims made against the GHA in respect of the last two years, providing a breakdown on a case-by-case basis?

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

1480 **Hon. D A Feetham:** Can the Government please provide details of the average waiting times for non-urgent referrals from the Primary Care Centre to consultants or doctors at the hospital since March 2017?

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

1485 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, we have been unable to extract data providing details of the number of inpatients being treated at foreign hospitals or medical establishments as at January 2017 or 2018, identifying each hospital and medical establishment.

1490 Further, may I inform the House, with respect to W126/2017, that the header of the table reading 'number of inpatients' being treated at foreign hospitals should have read 'number of patients referred'. The table contained the number of patients referred to foreign hospitals who were treated as out-patients *and* in-patients, thus showing the total number of referrals.

The information for January 2017 and January 2018 is as follows: January 2017, number of patients referred, 355; January 2018, number of patients referred, 236.

1495 I now hand over to the hon. Gentleman a schedule identifying each hospital and medical establishment as at January 2017 and January 2018:

**Answer to Question 250**

**January 2017**

Hospital	Country	Patients
Addenbrooke's Hospital	UK	2
Asociacion Dario Cerebral Sobvenido	Spain	1
Charing Cross Hospital	UK	3
Chelsea & Westminster Hospital	UK	1
Clinica Gutenberg (Malaga)	Spain	2
Clinica Medrano	Spain	3
Clinica Radon	Spain	33
Clinica Universidad de Navarra	Spain	6
Dorsett Orthopaedic Clinic	UK	1
Evelina Children's Hospital	UK	10
Glenfield Hospital	UK	2
GOSH	UK	6
Guys & St. Thomas	UK	9

Hammersmith Hospital (Imperial)	UK	4
HC Hospitals	Spain	1
Hospital Carlos Haya Malaga	Spain	1
Hospital de la Virgen Rocio Sevilla	Spain	1
Hospital Materno Infantil	Spain	1
Hospital Punta Europa Algeciras	Spain	1
Hospital Quironsalud Campo de Gibraltar	Spain	1
Hospital Universitario Puerta Del Mar (Cadiz)	Spain	1
Hospital Universitario Reina Sofia	Spain	1
Hospital Vithas Xanit Internacional	Spain	133
Kings Healthcare	UK	2
Leicester General Hospital	UK	1
Leicester Royal Infirmary	UK	1
Moorfields Eye Hospital	UK	12
National Hospital for Neurology	UK	1
Papworth Hospital	UK	1
Paso A Paso Clinica de Neurorehabilitacion	Spain	1
Princess Royal	UK	1
Royal Brompton Hospital	UK	2
Royal Free Hospital	UK	1
Royal Marsden (Fulham)	UK	30
Royal Marsden (Sutton)	UK	3
Royal National Orthopaedic	UK	2
Royal National Throat, Nose and Ear Hospital	UK	8
Royal Victoria Infirmary	UK	1
Salford Royal	UK	1
St Bartholomew's Hospital	UK	1
St Marys Hospital	UK	8
St. Georges Hospital	UK	33
Stoke Mandeville Hospital	UK	1
The Wellington Hospital	UK	1
UCLH	UK	18
University College Hospital	UK	1

**January 2018**

Hospital	Country	Patients
Asociacion Daho Cerebral Sobrevenido	Spain	1
Birmingham City Hospital	UK	1
Charing Cross Hospital	UK	1
Clinica Gutenberg (Malaga)	Spain	2
Clinica Gutenberg (Algeciras)	Spain	1
Clinica Medrano	Spain	10
Clinica Radon	Spain	24
Clinica Santa Elena	Spain	1
Clinica Universidad de Navarra	Spain	2
Evelina Children's Hospital	UK	16
GOSH	UK	5

Guys & St. Thomas	UK	11
Hammersmith Hospital (Imperial)	UK	4
Harefield Hospital	UK	1
Hospital de la Seguridad Social La Linea	Spain	1
Hospital de la Virgen Rocio Sevilla	Spain	1
Hospital el Angel	Spain	3
Hospital Punta Europa Algeciras	Spain	1
Hospital Quironsalud Campo de Gibraltar	Spain	36
Hospital Quironsalud Malaga	Spain	1
Hospital Quironsalud Marbella	Spain	8
Hospital Vithas Xanit Internacional	Spain	7
Kings Healthcare	UK	1
Leeds Teaching Hospital	UK	1
Leicester Royal Infirmary	UK	1
Moorfields Eye Hospital	UK	17
National Hospital for Neurology	UK	1
Nottingham University Hospital	UK	1
Nuffield Hearing & Speech Centre	UK	1
Papworth Hospital	UK	1
Paso A Paso Clinica de Neurorehabilitacion	Spain	1
Royal Brompton Hospital	UK	1
Royal Free Hospital	UK	2
Royal Marsden (Fulham)	UK	19
Royal Marsden (Sutton)	UK	2
Royal National Orthopaedic	UK	2
Royal National Throat, Nose and Ear Hospital	UK	4
St Mark's Hospital	UK	1
St Marys Hospital	UK	2
St. Georges Hospital	UK	24
Stoke Mandeville Hospital	UK	1
The Clatterbridge Cancer Centre	UK	1
The Royal Free Hospital	UK	1
UCLH	UK	13

Mr Speaker, the breakdown for the number of patients treated at Xanit Hospital since August of last year is as follows:

<b>August 2017</b>	45
<b>September 2017</b>	67
<b>October 2017</b>	64
<b>November 2017</b>	62
<b>December 2017</b>	14
<b>January 2018</b>	5
<b>February 2018</b>	2

As at 31st December 2017, there were 1,164 individuals working within the GHA, of which 62 were employed via labour supply agencies and 1,102 who were employed directly by the GHA.

As at 31st December 2017, there were 382 individuals working within the Care Agency, of which 149 were employed via labour supply agencies and 233 were employed directly by the Care Agency.

1505 As at 31st December 2017, there were 442 individuals working within the ERS, of which 127 were employed via labour supply agencies and 315 were employed directly.

Mr Speaker, no individuals who were employed by the GHA, Care Agency and Elderly Residential Services as at 31st December 2015 are now employed by labour supply agencies.

1510 Mr Speaker, there are seven nurses working in the Care Agency, of which three are on fixed term contracts and four are on indefinite contracts. Of the seven nurses, five are British and two are of Spanish nationality.

There are 327 nurses working in the ERS of which 237 are on indefinite contracts, one is permanent and pensionable and 89 are through labour supply agencies. Of the 327 nurses, 135 are British, 102 are Spanish and one is of Polish nationality. We do not hold information on the nationalities of the nurses working through a labour supply agency.

1515 Mr Speaker, there are 355 nurses working at St Bernard's Hospital, of which 106 are on permanent and pensionable contracts, 181 are on indefinite contracts, 31 are on fixed-term contracts and 37 are through labour supply agencies. Of the 355 nurses, 230 are British, 80 are Spanish, two are Polish, one is Irish, one is French, one is Swedish, one is Portuguese, one is Romanian and one is of German nationality. We do not hold information on the nationalities of the nurses working through a labour supply agency.

1520

The 355 nurses are working in the following departments:

A&E	34
Blood Department	4
Breast/Palliative Care	3
Captain Murchison Ward	36
Critical Care Unit	39
Day Infusion	2
Day Surgery	12
Dialysis	6
Dudley Toomey Ward	33
Infection Control	2
John Ward	38
Maternity Ward	27
Medical Investigation Unit	22
Oncology/Chemotherapy	1
Operating Theatres	17
Ophthalmics	7
Pre-assessment Clinic	3
Rainbow Ward	18
Relief Cover	7
TSSU/CSSD	10
Victoria Ward	34

I now hand over to the hon. Gentleman, a schedule showing the length of contracts for all doctors employed at St Bernard's Hospital, showing the areas in which they practice, their nationality and date they started.

**GIBRALTAR PARLIAMENT, THURSDAY, 22nd MARCH 2018**

**Answer to Question 256**

<b>Grade</b>	<b>Speciality</b>	<b>Length of contract</b>	<b>Nationality</b>	<b>Start date</b>
SENIOR DENTAL OFFICER	DENTAL	INDEFINITE	Bri/Gib	13/04/1993
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	1 YEAR	Pak	05/02/1997
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Pak	25/02/1997
CONSULTANT	PUBLIC HEALTH	1 YEAR	Bri	02/02/1998
NON CONSULTANT HOSPITAL DOCTOR	SURGICAL	1 YEAR	Spa	05/02/2001
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Bri	05/02/2003
CONSULTANT	ANAESTHESIA	3 MONTHS	Bri	27/05/2003
NON CONSULTANT HOSPITAL DOCTOR	ORTHOPAEDICS	1 YEAR	Can	06/08/2003
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	1 YEAR	Spa	04/02/2004
CONSULTANT	ANAESTHESIA	INDEFINITE	Swe	04/01/2005
CONSULTANT	PHYSICIAN	3 MONTHS	Spa	01/02/2005
ASSOCIATE SPECIALIST	SURGICAL	3 YEARS	Pak	08/08/2005
CONSULTANT	PAEDIATRICIAN	3 MONTHS	Bri/Gib	05/09/2005
CONSULTANT	ORTHOPAEDICS	3 MONTHS	Ger	01/07/2006
CONSULTANT	PHYSICIAN	3 MONTHS	Bri	07/08/2006
CONSULTANT	ANAESTHESIA	INDEFINITE	Slovak	14/08/2006
CONSULTANT	ANAESTHESIA	INDEFINITE	Ger	01/09/2006
CONSULTANT	ANAESTHESIA	INDEFINITE	Fre	01/10/2006
ASSOCIATE SPECIALIST	A&E	3 YEARS	Ger	02/10/2006
CONSULTANT	PAEDIATRICIAN	3 MONTHS	Bri	01/10/2008
CONSULTANT	ANAESTHESIA	3 MONTHS	Bri	09/11/2009
CONSULTANT	RADIOLOGY	3 MONTHS	Czech	01/11/2010
CONSULTANT	ENT	3 MONTHS	Ger	01/12/2010
CONSULTANT	GYNAECOLOGIST	3 MONTHS	Bri	01/06/2011
CONSULTANT	GYNAECOLOGIST	INDEFINITE	Swe	20/06/2011
CONSULTANT	HAEMATOLOGY	3 YEARS	Spa	08/01/2012
CONSULTANT	RADIOLOGY	3 MONTHS	Czech	01/02/2012
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Spa	06/06/2012
CONSULTANT	RADIOLOGY	3 MONTHS	Bri/Gib	03/09/2012
CONSULTANT	PSYCHIATRY	INDEFINITE	Bri	01/02/2013
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Bri	09/01/2014
CONSULTANT	ENT	3 YEARS	Polish	13/10/2014
CONSULTANT	PAEDIATRICIAN	3 YEARS	Hungarian	20/10/2014
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Bri	12/01/2015
NON CONSULTANT HOSPITAL DOCTOR	SURGICAL	1 YEAR	Bri	10/03/2015
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Spa	01/07/2015
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Spa	02/07/2015
CONSULTANT	PHYSICIAN	3 YEARS	Bri/Gib	10/08/2015
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	1 YEAR	Cyp	11/08/2015
ASSOCIATE SPECIALIST	MEDICAL	3 YEARS	Bri	01/10/2015
ASSOCIATE SPECIALIST	UROLOGY	3 YEARS	Hung/Bri	29/08/2016
CONSULTANT	OPHTHALMOLOGY	3 YEARS	Spa	24/10/2016
CONSULTANT	GENERAL	3 YEARS	Spa	16/01/2017
CONSULTANT	SURGICAL	3 MONTHS	Hungarian	17/01/2017
CONSULTANT	ANAESTHESIA	2 YEARS	Spa	01/04/2017
ASSOCIATE SPECIALIST	ORTHOPAEDICS	1 YEAR	Polish	24/04/2017
RESIDENT MEDICAL OFFICER	ORTHOPAEDICS	11 MONTHS	Bri	10/05/2017
CONSULTANT	SURGICAL	2 YEARS	Bri	26/06/2017
CONSULTANT	NEPHROLOGY	INDEFINITE	Bri	10/07/2017
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	11 MONTHS	Indian	24/07/2017
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	11 MONTHS	Bri	24/07/2017
RESIDENT MEDICAL OFFICER	SURGICAL	11 MONTHS	Bri	31/07/2017
CONSULTANT	PATHOLOGY	3 YEARS	Polish	01/08/2017
RESIDENT MEDICAL OFFICER	ORTHOPAEDICS	11 MONTHS	Bri	07/08/2017
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	11 MONTHS	Indian	14/08/2017
CLINICAL FELLOW/REGISTRAR	ANAESTHESIA	1 YEAR	Bri	01/09/2017
CLINICAL FELLOW/REGISTRAR	ANAESTHESIA	1 YEAR	Pakistani	01/09/2017
CONSULTANT	PHYSICIAN	3 YEARS	Bri	05/09/2017
CONSULTANT	ORTHOPAEDICS	2 YEARS	Romanian	12/09/2017
CLINICAL FELLOW/REGISTRAR	ANAESTHESIA	1 YEAR	Bri	02/10/2017
CONSULTANT	SURGICAL	3 YEARS	Bri	16/10/2017
CLINICAL FELLOW/REGISTRAR	ANAESTHESIA	1 YEAR	Slovakian	07/11/2017
CONSULTANT	A&E	2 YEARS	Bri	13/11/2017
CONSULTANT	ORTHOPAEDICS	3 YEARS	Bri	18/12/2017
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	11 MONTHS	Bri	15/01/2018
NON CONSULTANT HOSPITAL DOCTOR	A&E	7 MONTHS	Romanian	01/02/2018
CONSULTANT	GYNAECOLOGIST	3 YEARS	Bri	01/02/2018
CONSULTANT	PAEDIATRICIAN	3 YEARS	Spa	19/02/2018



1525 Mr Speaker, the GHA, or the Government on its behalf, has paid out in respect of claims made against it in respect of the last two financial years £400,000, broken down into eight payments of £50,000 each.

1530 Mr Speaker, for the sake of completion, I provide to the hon. Gentleman the average waiting times for urgent and non-urgent referrals. Waiting time for referrals from Primary Care to St Bernard's Hospital, per speciality, is as follows:

Speciality	Average waiting times routine referrals March 2017	Average waiting times routine referrals February 2018	Average waiting times urgent referrals February 2017/2018
General Physician	Six to eight weeks	Four to eight weeks	One week
General Surgery	12 weeks	Four weeks	One to two weeks
Gynaecology	16 to 20 weeks	Three weeks	Two weeks
Orthopaedic Consultant	*52 to 60 weeks	42 weeks	One week
Ear, Nose and Throat Consultant	Five to ten weeks	Four to eight weeks	One week
Paediatrician	Eight to 12 weeks	Six weeks	No waiting time

\*Orthopaedic Consultant – Mr Speaker, I need to inform the House that with respect to this part, I stated the average for Orthopaedics was eight to 20 weeks, when in fact the average waiting time was 52 to 60 weeks. My apologies.

1535 **Hon. D A Feetham:** Mr Speaker, in order for the hon. Gentleman not to surrender the advantage that he has of having the written answer there and giving it to me before I start with my supplementaries, will he be so kind as to give me the answers after the session finishes, so that I can take that? Thank you, I am very grateful to him.

1540 Well, just dealing with the recruitment consultants, as I understand it, there are 149 employees employed within the Care Agency through recruitment consultants out of a total workforce in the Care Agency of 382. That means that 39% of people within the Care Agency are effectively working via recruitment consultants.

1545 Then in relation to elderly residential services, I think the figure that the hon. Gentleman gave me, and I would appreciate it if he could confirm it, is 127 employed via recruitment consultants out of a total workforce of 422 – the percentage there is 30%.

Now, does the hon. Gentleman agree with me in the first instance that we are dealing with significantly high percentages of workers working within these two sectors employed through recruitment consultants?

1550 **Hon. N F Costa:** No, Mr Speaker, I do not agree with him, for the simple reason that I have explained in the past every time he has asked me in the House – I know that he said in a recent video which was shared with me, which they would have called perhaps a grubby little podcast when they were in Government, but I welcome the video and he said in the video that we never answer the questions in respect of how many people are employed via labour supply agencies. Let me tell him, that is not correct.

We have gone back through *Hansard* and I have answered that question every single time he has asked me that particular question. He has asked me that particular question ... 15 times he has asked me and 15 times he has got the answer.

1560 So I hope that on the next occasion that he makes a video, which they will have called a grubby little podcast, he at least has the decency to rectify the incorrect statement that he attributed and the *mala fides* that he attributed to me in that respect.

1565 The reason why I do not agree with him, Mr Speaker, is for the reason that I have explained to him in the past on those 15 occasions. The Care Agency provides domiciliary care. As he knows, the domiciliary care budget has gone from £600,000 when they were in Government, to £2.6 million now. The number of persons receiving domiciliary care has increased up to, if I recall

correctly, over ... In fact I have the exact figure. In the last calendar year, there were 478 persons receiving domiciliary care. So these are 478 persons in the community who receive domiciliary care by carers.

1570 Therefore, it has represented a huge increase in the number of people who are able to receive care and continue to live in their houses, which I am sure we can both agree is in fact a very good thing because we are providing carers at home and within the community we avoid the possibility that as a result of the lack of care they may end up in hospital where we should only have people who require medical and clinical care, rather than other types of care.

1575 And as a result, care workers in the Care Agency amount to 135. Those carers are the ones that are employed through the labour supply agencies. If we did not have that facility of having labour supply agencies providing that care, then what he is asking us is to directly employ 135 persons. If we were to do that, the bill to the taxpayer, in order to provide what I think is an excellently beneficial service to the community, would not be £2.5 million; it would be a lot, lot more. And I think that for the reasons that he alluded himself earlier, that we have to provide services in a sustainable way, we are persuaded that providing services through labour supply agencies is the correct one to take.

1580 We provide the care that persons need in the community and we also take care of taxpayer's money.

1585 **Hon. D A Feetham:** Well, Mr Speaker, thank you very much to the Minister for that answer. Indeed, I have asked questions in relation to how many people have been employed through recruitment consultants, and recruitment consultants generally on a number of occasions, because it is a matter that is of concern to Her Majesty's Opposition and it is a matter that is of concern to the people that are employed through recruitment consultants.

1590 Indeed, it is a concern to those service users who want to see continuity of service and, therefore I would suggest to the hon. Member that it is a concern all round. It does appear that that concern is justified because these are very, very high numbers – 39% in the Care Agency, 30% in the Elderly Residential Services.

1595 Mr Speaker, he may have provided me with these figures in the past, but in fact I am still waiting for an answer to a question that I lodged last time round, which was a question about how many people are employed through recruitment consultants in the Government generally and in public authorities generally, and I am still waiting for the answer. That answer has not been provided and I do not know whether that answer will be provided at close of business this session.

1600 But I do not agree with the characterisation that the Government provides the answers to the questions. The Hon. Minister, in fairness to him, may provide answers to questions that I have asked in relation to this, but other members of his Government do not and it is not my fault if the Government is politically schizophrenic in that regard.

1605 Mr Speaker, what has the Government put in place in order to ensure that there is continuity of service to service users and that service users do not suffer as a consequence of having people employed through recruitment consultants, that by that very nature, is going to be short-term employment? Because if the Minister says it is not short-term employment, then that raises other issues in relation to the exploitation of workers who are being placed in these positions.

1610 **Hon. N F Costa:** Mr Speaker, it lies ill in the mouth of the hon. Gentleman to call this Government schizophrenic – (**Hon. D A Feetham:** Politically.) politically schizophrenic, when we have a PDP Leader of the Opposition, a Labour Party that merged with the GSD and therefore, let us not talk about political schizophrenia, Mr Speaker, because the party opposite has given us much in the subject. Indeed, it would take an entire conference of psychologists to examine the schizophrenia that is prevalent in that particular party. (*Laughter*)

1615

Mr Speaker, I note the hon. Gentleman's concern in respect of continuity of care and it is not a point that I wish to be confrontational with him on, because I think we are all agreed that if we can provide continuity of care to persons who are in our charge, we should.

1620 But of course, the hon. Gentleman in my view, misses the obvious point. Even if the Government were to triple the budget for domiciliary care from £2.5 million to £6 million, because we directly employ persons by any of the agencies on which he has asked me questions, people still get sick, they go on leave, they have other commitments. So you would never have a situation, never, where there will only be one person providing a continuity of care. And indeed, 1625 Mr Speaker, it happens all over my responsibilities, including of course in the GHA.

I have to make the point at times that nurses for instance, do not work directly or just for a ward; they work for the GHA. The GHA also now encompasses ERS and therefore persons employed by the GHA or the ERS may have to provide the services in other parts of my responsibilities.

1630 But do we try to ensure continuity of care? It is the policy of the Government that we try to ensure it. That is the directive that is issued to the care provider and they try to do so insofar as is possible, but the point I am trying to make to him is this: if you were to migrate all of the persons provided through labour recruitment supply firms and they were to be craned over to the GHA, the same issues would arise, whether they were directly employed or not.

1635 In other words, the form of employment in no way changes the issues that arise in terms of continuity of care. Therefore, given that that is the case, there is no reason why we would change a demonstrably excellent arrangement with labour supply firms, who are able to provide care to the persons in our community who deserve it and who of course provide it at what we think are eminently reasonable prices that always ensures the best interests of our community.

1640 **Hon. D A Feetham:** Mr Speaker, I am afraid that the preamble to his answer provokes a preamble from me, and that is, we might as well all go to joint counselling, because the point that the hon. Gentleman makes comes from the Liberal contingent of the Government, and that Liberal contingent has not always been *ad idem* with the GSLP side of the contingent, indeed 1645 fighting elections against it in 1992 and in 1996.

But Mr Speaker, there is an important distinction. I understand that you are always going to need, within any organisation, supply workers. That is undoubtedly the case, it happens in the private sector, it happens in the public sector. But what we are dealing with is, significant amounts of labour through recruitment consultants, I mean it is 39% and what I want to know, is 1650 what the Government is doing to ensure that that does not lead to any prejudice in the service that is provided to service users. Because by the very nature of recruitment consultants, you are much more likely to have a higher turnover of staff than of course if they were employed in a different way.

I have more supplementaries in relation to this: when the hon. Gentleman gives me the 1655 answer, I will move on.

1660 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman is full of questions to which I have already given answers to. When I rose, it was not a preamble to an answer; it was my answer. I have told him on every single occasion he has asked me and I have told him that he has asked me on 15 separate occasions, that the Government is entirely satisfied with the services that have been provided through the labour supply company. I wish the hon. Gentleman would stop calling it a recruitment agency; they are not recruitment agencies. They are labour supply companies.

And of course, the Care Agency, the GHA and the ERS provide a supervisory function and role and provides the relevant directors to those labour supply agencies as to how their job is to be 1665 discharged. I would be the first one to know if there were any problems with any of the companies that provide labour to the Government that it then provides to members of our community. I am glad to tell him, Mr Speaker, that I have not received complaints about those companies that provide labour to the Government. Therefore, as I have said, we are perfectly

1670 satisfied with the arrangements that we have in place, and moreover, I am perfectly satisfied  
that the supervision that is carried out respectively by the GHA, ERS and the Care Agency is  
adequate and sufficient to ensure that the persons that receive those services are perfectly safe  
and that they are receiving the care that they need.

1675 **Hon. D A Feetham:** Mr Speaker, moving on now to the labour side and looking at it from the  
point of view, not from the service user but from the point of view of the employee. In this type  
of area, you have a situation where the Government pays the recruitment consultant x amount  
for the labour provided by a specific worker. Then that worker is paid by the recruitment  
consultants a lesser amount, because for each worker that is placed through the Care Agency  
and the Elderly Residential Service, the recruitment consultant will make a percentage.

1680 What safeguards does the Government have in place, or does the Government take an  
interest in ensuring that those workers that are working within the Care Agency, Elderly  
Residential Services, in these numbers are not exploited by recruitment consultants and that  
they get a fair amount of pay for their labour for the work that they do in these particular jobs;  
and that of course the recruitment consultant does not cream off the Government and also the  
1685 worker?

**Hon. N F Costa:** Mr Speaker, in the first place, exploitation is quite a strong word for the hon.  
Gentleman to use. And once again, they are not recruitment agencies; they are labour supply  
companies to the Government.

1690 I really have resisted telling him this since he asked me supplementaries, but he does recall,  
does he not, that we inherited the system of domiciliary care from them? (*Interjection by Hon. D  
A Feetham*) Of course not, because we provide more care (*Interjection*) but because we provide  
more care because we care more. Therefore, we saw a need to have to increase the domiciliary  
care package for other members of our community and that meant having to spend more  
1695 money and we did so. Therefore, the fact that there are more carers providing care is, in fact I  
would have thought a very good thing indeed.

But, Mr Speaker, as I said, he has to remember that we inherited that system from him. And I  
am telling him that we are satisfied with the system in respect of obtaining labour from labour  
supply companies.

1700 And once again, I think it lies ill in his mouth to ask me the last bit of his question, because in  
fact we have been criticised in that same video that he made where he accused me of not  
providing him the answers over which I have answered 15 times, of questioning going for – wait  
for it – value for money. And now he is asking me whether we are on top of obtaining value for  
money.

1705 Mr Speaker, I know that you do not want me to go back to when they were in Government,  
but even during the course of one supplementary question, they are inherently contradictory.  
So, Mr Speaker, he cannot now – or maybe he will because he certainly has no inherent  
consistency in what he says inside or outside of this House, but given that he does put a price  
and a premium now on value for money, yes that was the reason why we seek bids on the basis  
1710 of providing the best value for money for the taxpayer of Gibraltar. Therefore, he can rest  
assured that I certainly, in respect of the bids in which I have been involved and which I have had  
advice from my officials in respect of those particular bids, that I am satisfied that the taxpayer  
of Gibraltar has obtained value for money, and the Government is *not* getting creamed off.

1715 **Hon. D A Feetham:** Mr Speaker, he is unfortunately sidestepping the issue and the core of my  
supplementary question. Undoubtedly what we have is a situation where the Government, let  
us say in theory, pays £10 to the recruitment consultant – that is what they are, recruitment  
consultants – and the recruitment consultant may pay the minimum wage an hour to the  
worker. That means that the recruitment consultant keeps in its pocket, the balance between  
1720 the minimum wage and the £10.

1725 What I am asking him is, what is the Government doing to ensure that workers are not exploited in this kind of situation? Because on the one hand, workers are exploited and on the other, it is undoubtedly the case that these recruitment consultants are making an awful lot of money at taxpayers' expense. And indeed, more so than I thought because I look at these figures and we are talking about very high levels of workers in these areas through recruitment consultants.

Mr Speaker, what is he doing to prevent exploitation of workers in this situation?  
(*Interjection*)

1730 **Hon. N F Costa:** Mr Speaker, asking for bids in respect of processes of which he has asked us not to do so: in the first place, Mr Speaker, no, I am afraid that I will have to insist, and it really does pain me to have to explain the rudimentaries of employment law to a QC, but they are not recruitment consultants; they are labour supply companies. If they were recruitment consultants, they would be recruiting labour directly for the Government, which is exactly what  
1735 he is criticising us for!

So no, they are not recruitment consultants; they are labour supply companies.

1740 And the only reason why I am insisting on the point is only because he has insisted on making the point that they are called recruitment consultants. Well. I do not know from where he got that term, but certainly not with any company that I deal with which are recruitment consultants.

1745 Mr Speaker, the law of Gibraltar I can assure him is being applied by the labour supply companies which provide labour to the Government, and as I have told him in my answer before, and I think he is intent today on not listening to me, that in respect of the bids in which I have received advice and in respect of which I have been involved, I am satisfied that the employee is not being exploited. I have answered that question already, Mr Speaker.

**Chief Minister (Hon. F R Picardo) :** Mr Speaker, is that a convenient moment for the House to recess for 15 minutes?

1750 **Mr Speaker:** I would rather finish the supplementaries.

**Hon. Chief Minister:** I thought we had, Mr Speaker.

1755 **Mr Speaker:** The Hon. the Leader of the Opposition has one. As soon as we have finished with these, we will recess.

**Hon. D A Feetham:** One more, Mr Speaker – just one more.

1760 **Mr Speaker:** One more and then we can move on.

**Hon. D A Feetham:** I do not want to hog this area of today's session.

1765 But yes, Mr Speaker, can he therefore assure this House that he is satisfied that there are no situations out there, under his responsibility, where employees are being paid the minimum wage and you have a situation where the recruitment consultant or the labour suppliers, or whatever you want to call it, (*Interjection*) is not taking a substantial amount over and above that which could go into the pockets of those workers?

And is he satisfied that there are no exploited workers through recruitment consultants or whatever he wants to call them, in Gibraltar within the areas of his responsibility?

1770 **Hon. N F Costa:** Mr Speaker, I am going to have to reply to the hon. Gentleman in the manner that I have already done so.

1775 The community has a choice and it is a very simple one. We either continue to provide domiciliary care to – I gave him the exact number before – the 470 persons who receive domiciliary care, which I think we must all agree is a very good thing. Providing care in the community prevents other harms, which are that people are not cared for at home and therefore end up in hospital, where we should have people who are medically unwell and should only be there for the length of the time that they are medically unwell and then discharged home.

1780 The reason why we have been able to maintain a high bed resiliency in the hospital is directly linked to the provision and the increase of domiciliary care. Because once the person is medically discharged and is well enough to go home, that person for the most part tends to be elderly persons who would require care. Without that domiciliary care, they would simply be unable to go home, which is why the numbers keep increasing.

1785 Therefore, as I told him during the course of one of my supplementary answers, if the hon. Gentleman is suggesting that those 135 care workers should be employed directly – and there is no other way to consider his question, it is binary, Mr Speaker, you either have them through labour supply companies or you have them directly employed – if you have them directly employed, as he must surely understand, the bill would likely go from £2 million to £6 million, without addressing the only genuine concern which I think he has raised, which is about continuity of care.

1790 Because the method of employment does not affect the quality of the care or the issues that arise as to continuity of care, because a person directly employed or through an agency is going to be as ill or not as ill as many times, irrespective – (*Interjection*) yes, yes, irrespective of his employer.

1795 **Hon. D A Feetham:** I will tell him one of the ways that he can do it – and of course other ways, will be in our excellent manifesto at the next election. (*Interjections and laughter*) But hang on a minute, he has spent, I dint know how many years trying to get rid of me and now he wants me to stand! I just cannot believe it – talk about schizophrenia!

1800 Mr Speaker, yes, you can deal with the inequities of the current situation by actually making it mandatory and forcing the recruitment agency or whatever he wants to call it, to pay the worker say a percentage, but a high percentage of the amount that the recruitment agency is paid for that worker.

1805 So say for example, if in the contract it said, ‘You have got to pay your worker 80% or 85% of what we pay you as an hourly rate for that worker’, that worker then gets 80% or 85% in his pocket. But at the moment, I suspect – I do not have the figures – that there are individuals out there that are being paid the minimum wage –

1810 **Mr Speaker:** Which is?

**Hon. D A Feetham:** – which is just over £5, I think it is, the minimum wage. (*Interjections*) £6, absolutely. And then you have a situation where the recruitment agency is for example charging £10 or £12 an hour for that individual. I find that as not being fair. I find that iniquitous. It is iniquitous for the worker and it is actually, in my view, iniquitous for the taxpayer.

1815 **Hon. Chief Minister:** Mr Speaker, can I give the House a piece of information, which predates the hon. Gentleman’s position as Minister for Health.

1820 One of the key things we did when we were elected was that we spoke to those labour supply companies, which the hon. Gentleman likes to call recruitment agencies, and we told them that the fees they were charging them, when they were in Government – which were in the region of £15 to £16 per worker – were too high and that they had to reduce them. The amount that he is talking about now, whether it is £12 or £10 is the greatly reduced price that

we imposed so that they would not pocket (*Interjection*) a larger chunk of the amount paid by the taxpayer.

1825 And so, Mr Speaker, I will take from what he has taken a backhanded compliment and I hope the information I have provided to the House is helpful in his formulation of questions.

**Mr Speaker:** The Leader of the Opposition has a supplementary.

1830 **Hon. E J Phillips:** Mr Speaker, in relation to the Minister for Health's suggestion relating to the continuity of care point, particularly given his suggestion that we are receiving excellent service in relation to the labour supply company that is providing these individuals to work in our institutions, is the Government satisfied and is he satisfied as to the standards that are being met by those particular employees that are working from the labour supply company?

1835 I am interested to hear how the Government monitors the standards of the service that are delivered to the service users, Mr Speaker. That is the nature of the question.

**Hon. N F Costa:** Mr Speaker, I am happy to provide him with an overview and if he wants to ask me in the next session of Parliament, I will give him the exact way that it is done because I would like to get the feedback from the professionals that do it.

1840 But in terms of overview, I think that the standards that are being demanded by the Care Agency or the ERS, etc. are the standards that ought to apply, save that I do think that we could do better work in that respect. To that extent, without wishing to reveal a statement that I hope to make in due course, there is considerable work being undertaken in terms of formalising those standards and to have certain benchmarks that are made public by which we can measure that performance.

1845 So whereas at this point in time I am happy *de facto* with how the supervision and the checking is currently being conducted by the professionals in the Care Agency, because I do trust them to be doing an excellent job in that respect and I think that they do exactly what is asked of them, I think we can ask more of ourselves in terms of our community, by setting standards higher in terms of the benchmarks by which we will measure carers.

1850 That is very much a work in progress and I am working with that with certain professionals to agree a framework in that respect – very much as I am sure he will know about the Quality Care Commission and we will not be reinventing the wheel. We are in fact looking at those standards in the UK to be able to translate them *mutatis mutandis* to make sure that they apply in a smaller community like Gibraltar.

1855 So am I satisfied *de facto*? Yes. Am I satisfied *de jure*? No. I think that there is work to be done there to be able to have quality benchmarks by which we can measure the work being conducted by carers. So I think he does alight on an important point.

1860

**Mr Speaker:** The Hon. Lawrence Llamas –

1865 **Hon. E J Phillips:** Mr Speaker, just one if I may. Is it right in suggesting that the information in relation to the adherence to the minimum standards of care, and I appreciate the comments that the Minister has made to give us some reassurance as to how that is operating at the moment, but the Minister will agree with me that these people are dealing with probably some of the most vulnerable people in our community, particularly patients and therefore, would he agree with me that adherence to minimum standards is fairly limited at the moment and the supervision of it is fairly limited?

1870

**Hon. N F Costa:** Mr Speaker, I think that the hon. Gentleman, if I may turn it around, should agree with us: that the care that is being provided is proving to be a high-quality level of care, as I told him. Our community is vibrant in many respects, one of which is to write to me in the event of any dissatisfaction with any part of the service and I have to tell him, Mr Speaker, and in

1875 fact I have shared this with the Hon. the Chief Minister on many occasions, that I do receive high  
praise for the services that are provided by some of the companies that provide labour to the  
Government.

1880 But as I have already conceded to him, I am not trying to be difficult, we are working on  
benchmarks that I would like to enshrine in an overarching framework by which we can measure  
the work being carried out by the carers.

1885 **Hon. L F Llamas:** Mr Speaker, I am really grateful that the Hon. Minister has actually said that  
he is looking into the care quality of the provision, I think that is a really good initiative. I brought  
that into the House in my maiden Budget speech in 2016 and I am really grateful that he is  
seriously looking into this.

I just want to ask the Government in relation to a statement they made last week, which  
reads as follows: they will 'no longer tolerate zero-hour contracts and expect all employees to be  
contracted part time or full time.'

1890 I think, Mr Speaker, this will go a long way in providing certainty and stability to the workers  
but will also transcend into the continuity of care. This statement was made in a particular case  
which is the new contract being given for John Mackintosh Wing. Is this a new policy that the  
Government will be employing all across the board as it goes, renewing contracts moving  
forward?

1895 **Hon. N F Costa:** Mr Speaker, I do not want to speak for my hon. colleague, but I can tell him  
that it is not just in relation to the John Mackintosh Home bid. Also, in respect of Hillsides and in  
respect of Bella Vista, we have always been very clear to the company that we expect nothing  
less than employees to have contracts that set out either whether they are going to be full time  
or part time and of course whether the contract is one or the other will depend on the needs of  
1900 the service, but also taking into account the wishes expressed by the particular employees.

**Mr Speaker:** We will now have a recess of 20 minutes. When we come back, we will be  
dealing with Question 259.

*The House recessed for 20 minutes.*

#### **Q259-260/2018**

#### **Hearing aids –**

#### **Details of devices, needs assessments and costs**

1905 **Clerk:** Question 259, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question No. 150/2018, can  
the Minister for Health give details of any other assistive devices provided by the Health  
Authority for those suffering from hearing impairments and associated hearing conditions;  
together with details of how the person is assessed for their needs and what the costs to the  
1910 individual could be?

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

1915 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this  
question together with Question 260.

**Clerk:** Question 260, the Hon. E J Phillips.



1920 **Hon. E J Phillips:** Mr Speaker, the Government has confirmed that those with hearing impediments are provided with a £420 contribution towards hearing aids. Can the Government state whether or not, in the event that higher grade and more costly hearing aids are medically recommended, that the GHA will meet the costs?

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

1925 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, at present, the Audiology Department only issues hearing aids and tinnitus maskers or a combination of hearing aid with incorporated masker. These are issued free and do not require income assessments.

1930 In the case of children needing assistive devices in school, such as radio hearing aids, these are usually obtained by the Audiology Department, but paid for by the Department of Education. The type of assistive device required is recommended by the paediatric assessment team at the Nuffield Centre in London.

The Audiology Department has been called upon for advice by other Government Departments in respect of assistive devices. In such cases, the GHA is not involved in the assessments for entitlement or installation of the devices.

1935 Mr Speaker, in respect of Question 260, yes.

**Hon. E J Reyes:** In respect of my question 259, Mr Speaker, I am glad to hear that the radio hearing aids and so on are in conjunction with the Department of Education, but what happens to those individuals who are beyond education age?

1940 I know a hearing assistance device can be extremely useful, but there are many cases where for example the ability to be able to connect to the loop induction system is highly recommended. Would perhaps a similar process with feedback coming in, recommendations coming in from medical practitioners to the Audiology Department, would that in itself be helpful to allow these individuals to at least get part subsidy or whatever to additional devices as in extreme cases, they are a necessity in order to have a decent quality of life?

1950 **Hon. N F Costa:** Mr Speaker, I will certainly pass his comments to the relevant Department and clinician. Given that we do provide advice in respect to radio hearing aids obtained by the Audiology Department, I do not see why if that is not a service that will not be provided by the GHA. Certainly if there is a clinical need for it then the GHA in fact ought to pay for it.

So I will take his comments back to the Audiology Department and ask the question and I will write to him.

1955 **Hon. E J Reyes:** I am extremely grateful, Mr Speaker, that the Minister is going to look into that. Can we as well with your leave, Mr Speaker, come to like a gentleman's agreement that we will leave it in abeyance until perhaps the Budget session, by which time he will have had an opportunity to look at it and we can raise this matter then as a way forward to those of us with hearing impairments.

1960 **Hon. N F Costa:** Mr Speaker, depending on our day tomorrow – and by that, I mean depending on whether we come to this House or whether we go back to the office – I am sure that I will be able to have an answer for him either tomorrow or in the early part of next week.

**Q261/2018**

**Primary Care Centre proposed move –  
Public consultation**

**Clerk:** Question 261, the Hon. E J Phillips.

1965 **Hon. E J Phillips:** Mr Speaker, can the Government state whether it has consulted the public at large in respect of the proposed move of the Primary Care Centre?

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

1970 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, there have been extensive and intricate consultations with all multi-disciplinary teams with respect to design and layout over the last 14 months, for both the Primary Community Centre and the Paediatric Centre. Feedback received from our service users as to the present Primary Care Centre was also factored during the design stages.

1975 Mr Speaker, as I never tire of saying, I feel incredibly privileged to serve our community and to work with so many excellent professionals to improve our healthcare services. The new Primary Care and Community Centre is the culmination of our endeavours towards enabling clinicians to guide and lead our patients' needs, while always placing them at the heart of everything we do.

1980 I am enormously pleased to see that the diligent work and devotion of our healthcare professionals and our dedicated staff at the Gibraltar Health Authority have enabled this incredibly exciting project to come to fruition.

I am confident that we will deliver a Primary Care Centre and Paediatrics Centre, which will enhance our services to our community and serve us well for now and also in the future.

1985 **Hon. E J Phillips:** Mr Speaker, I carefully listened to his answer insofar as the extensive intricate views taken from the teams within the GHA and that service users views were factored in. My question related to public consultation so therefore the answer to the question is, we assume, no – is that right?

1990 **Hon. N F Costa:** Yes, Mr Speaker, he is correct. There was no formal public consultation in respect of the move to the new PCC. That is correct.

1995 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. Can I just ask purely from a financial point of view, as to what the anticipated costs of this move will be and whether it will be borne by the Improvement & Development Fund, the Health Authority itself or some other source?

2000 **Hon. N F Costa:** Mr Speaker, he asks me, as is his wont and expertise in respect of financial matters, of which I do not have the information before me so I cannot tell him from which fund the monies will come from.

2005 What I can tell him, however, Mr Speaker, is that the reason why the announcement was not made until 14 months after I was appointed Minister for Health is because during the course of those 14 months, apart from working very hard on the designs of the new PCC, which will be a bespoke facility for primary care health and also for paediatric health, integrating primary and secondary in-patient care for children in this hub, the developer will be the entity that pays for the new build and therefore, the Government will not be paying for the capital of that build but will instead, be paying a rent. During the course of those negotiations we have spent a lot of time trying to knuckle down on the best possible rent to be paid to the developer, once the new PCC is built.

2010 I have to tell him also that there is a capital investment that the Government will be making, I do not know from which subhead or from which fund that capital money will come from, but that

capital investment relates to the entrance to the new primary care centre which is going to be on the front of the existing hospital so that patients can access the new PCC from there.

2015 So there will be some investment in that respect and there are also other items of capital expenditure which I do not have in front of me, so I will not hazard guesses now because I do not want to unintentionally mislead the House, but if he asks me in the next session of the House I will be able to tell him exactly where the capital investment is and how much rent we will be paying.

2020 **Hon. R M Clinton:** Mr Speaker, I am extremely grateful to the Minister for his answer, as it does give me something to work on and I guess I understand the logic in replicating the model that was used to finance the hospital itself, a form of sale and lease back I imagine, but I will ask more direct questions on that in the future.

Can I ask the Minister, does he have a timeframe for the building of the infrastructure that will be required to facilitate the move from the Primary Care Centre?

2025 **Hon. N F Costa:** Mr Speaker, before I answer the question that he has asked, to be clear this is not a sale and lease back arrangement. This is a developer building a new build which will be used by the Government, but it is not like the present arrangement for St Bernard's Hospital where the Government currently pays, if I recall correctly, over £4 million a year. So we are not using that template; in fact we will be paying a rent.

2030 Now, whether or not the Government has the option to buy that at a particular point in time, I cannot remember the term. Again, if he were to ask me those specific questions I will come back to this House and provide him with the answers.

2035 And in respect of timeframes, if I recall again the heads of terms correctly, I do recall that the paediatric hub will be ready by the end of March, I think, of next year and the new PCC will be ready by the end of June of next year.

I am talking from memory and therefore I would not like to be quoted in that respect. But again, if he asks me specifically I will check the heads of terms and of course I will be able to provide an answer to the hon. Gentleman at the next sitting of the House.

2040 **Hon. E J Phillips:** Mr Speaker, just one further question. Obviously, the announcement that the Government made in relation to the PCC and Paediatric Centre has confirmed that the new Primary Care Centre is due to open in the first half of 2019. The Minister does not expect any slippage into the second half of 2019 – I know that he was not too sure in the answer to Mr Clinton's question, but he does not expect that to move into the second half of the year?

2045 **Hon. N F Costa:** No, Mr Speaker, the hon. Gentleman is right in noticing a hesitancy, but not the reason why. The reason why I was hesitant was because I do not want to tell the hon. Gentleman a particular month, to then check the heads of terms and find that it was actually the end of May and not the end of March.

2050 But as I say, from memory, the heads of terms stipulate that both centres will be delivered to the Government in the first part of the next year, but I cannot recall the exact months. If he asks me in the next session I will have the answers for him.

**Q262-264/2018**

**GHA services –**

**Repatriation; children's alcohol/drug misuse and mental health**

**Clerk:** Question 262, the Hon. E J Phillips.

2055 **Hon. E J Phillips:** Mr Speaker, can the Government state which services the GHA are currently recommending or contemplating repatriating?

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

2060 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 263 and 264.

**Clerk:** Question 263, the Hon. E J Phillips.

2065 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of people under 18 years of age that have been seen by Accident and Emergency as a result of alcohol and drug misuse for every month in the last 12 months?

**Clerk:** Question 264, the Hon. E J Phillips.

2070 **Hon. E J Phillips:** Of those children currently in care, can the Government state the number that present with mental health issues?

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

2075 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the GHA is contemplating the feasibility of repatriating as many services to Gibraltar as possible including interventional cardiology, MRI, spinal surgery, paediatric surgery and extending our urology services.

2080 To date, the GHA has repatriated the following services: Urology Service – February 2016; Chemotherapy – September 2016; Bariatric Surgery – January 2017; Colorectal Surgery – June 2017; Breast Surgery Services – January 2018; Paediatric Cardiology clinics – January 2018; Vascular Surgery Services – January 2018; and Thyroid Surgery – February 2018.

2085 Mr Speaker, there have been a total of 50 attendances to the Accident & Emergency Department of people under the age of 18 as a result of alcohol and drug misuse in the last 12 months.

There are no children in care with mental health issues.

2090 **Hon. E J Phillips:** Insofar as the Minister's answer to Question 262/2018 is concerned, am I right in thinking, Mr Speaker, that of those that the Government intend to repatriate in relation to paediatrics or cardiology and neurology, that that would fit within the existing repatriated services and therefore, would that mean that there would not be an additional cost to those repatriations. Of course, there will always be an element of cost to those services because the policy of the Government is to ensure that our service can be offered as wide as possible to the community.

2095 But does the Government factor in the fact that the existing infrastructure in the teams will be able to perform those newly repatriated services?

2100 **Hon. N F Costa:** Mr Speaker, I think that I have understood the hon. Gentleman's question, but in respect of the services that I have mentioned to him that we have repatriated, certainly in my time since January 2017 to February 2018, unless my staff correct me and they will send me an email if I am incorrect, every single repatriation has required additional human resources.

2105 Therefore, I think we can safely assume, although I will double check this for him because I do not want to unintentionally mislead the House, all of the other services that we wish to repatriate – interventional cardiology, MRI, spinal surgery and paediatric surgery – will require additional human and of course capital resources, because we will require the equipment to be

able to provide those services and also the concomitant costs in respect of maintenance and servicing.

2110 **Hon. E J Phillips:** And I assume, Mr Speaker, that it would seem to me, from someone who does not have the figures to hand in relation to for example spinal surgery or complicated paediatric surgery, that there would be a significant cost to not only the infrastructure and the hiring of human resources to deal with these types of operations, but does the Government consider, when it is weighing up repatriation, the ability to outsource these issues and the cost of that outsourcing vis-à-vis the hiring of further human resources in terms of cardiologists, 2115 consultant surgeons in relation to those services that he wishes to repatriate?

**Hon. N F Costa:** Mr Speaker, the decision to repatriate is not a complicated matrix as such but there are various variables that are taken into account.

2120 One of them is whether or not it is the policy of the GHA to provide services in-house. The answer of course is that yes, it is preferable always to be able to provide medical, clinical and surgical services at home so that patients do not have to undergo the stresses of travel. So that will always be the answer to that particular question.

2125 Then the question becomes: if that is the policy will the repatriation be more expensive or less expensive and if it is more expensive, is it prohibitively expensive or is it an expense that is although greater, manageable.

2130 We have found so far – and that is not to say that it will always be the case – that the services that we have repatriated, although it will increase the cost in terms of salaries and equipment because we are bringing over surgeons and nurses and any other clinician that is required to provide a service within the GHA, that the cost of sending a Gibraltar patient out with all the inconvenience and stress that that entails, is in fact beneficial to the taxpayer. In other words, to date, all the repatriated services are more cost effective than referring one of our patients to a tertiary centre.

2135 But the reason why I say that it is not a straightforward formula, is because of course there is also the other option of having visiting consultants which we have also increased. And I know he did not ask me about that, but it relates to the supplementary question that he asked me. I do not have the figures to hand, I do not have the costs to hand. If he wants to know exactly how much for example the urology repatriation has cost versus how much it used to cost us to send people outside, I will be delighted to provide him with that information.

2140 But there will always be, as I am continually advised by my clinicians, services that cannot be provided in-house. Open heart surgery is the example that they most often provide me. In those cases, it makes sense to have the surgeon come to Gibraltar as a visiting consultant to provide the service. The reason why we cannot have certain specialisms in Gibraltar is because the surgeon, in order not to de-skill, has to be able to operate all of the time. Therefore, we can have a visiting surgeon come and do our operations, but then we cannot keep him because to 2145 keep him here would mean that they would actually lose their GMC registration licensing for becoming de-skilled.

2150 So it is a combination of keeping sponsored patients going to the extent that those services are best provided away from Gibraltar to repatriate all those services that are best provided in Gibraltar and, for those where we think that it is best provided in Gibraltar but we cannot provide the service, to have visiting consultants.

**Q265-266/2018**

**Children in care or with behavioural issues –  
Length of time in care; assistance for families**

**Clerk:** Question 265, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, of those children currently in care, can the Government state how long those children have been in care?

2155

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

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, of those children currently in care, the length of time in care ranges from six months, being the shortest period – sorry, Mr Speaker, I will answer this question together with Question 266. My apologies.

2160

**Clerk:** Question 266, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government confirm what programmes are available for families struggling to cope with children who have behavioural issues?

2165

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

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, my apologies for jumping the gun but sometimes it is hard not to press the buzzer when you know the answer.

2170

Mr Speaker, of those children currently in care, the length of time in care ranges from six months, being the shortest period, to nine years and six months, being the longest period.

2175

There are currently two specific parenting programmes, aimed at supporting parents and carers to manage their children's behavioural problems. These are The Incredible Years programme and the Time Out for Parents programme.

Further to this, each child known to the Children's Team will have either a Child Protection or Child in Need Plan. Within this plan, the social worker will have identified any specific programme to support families if they are struggling to cope with their children's behavioural issues. All plans will be tailor-made to meet the needs of each individual child.

2180

**Q267/2018**

**Tobacco-related offences –  
Persons detained in last 24 months**

**Clerk:** Question 267, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state the numbers, ages and nationality of those persons detained for tobacco and tobacco related offences in the last 24 months?

2185

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

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the number of persons detained for tobacco and tobacco-related offences in the last 24 months is in the schedule I now hand over to the hon. Gentleman.

2190

**Answer to Question 267**

RGP 01/04/2016 – 31/03/2017

Age	Number of Persons Arrested
20	1
21	1
23	1
24	3
25	1
26	3
27	4
34	1
39	2
40	1
45	1
48	1
50	1
60	1
64	1
66	1

Nationality	Number of Persons Arrested
Spanish	13
British Local	9
Portuguese	1
Moroccan	1

RGP 01/04/2017 – 08/03/2018

Age	Number of Persons Arrested
18	1
19	1
20	1
21	4
26	1
31	1
36	2
39	1
41	1

Nationality	Number of Persons Arrested
British Gibraltarian	4
Morocco	1
Spain	6
British	2

**HOUSING AND EQUALITY**

**Q268/2018**

**Charles Bruzon House –  
Policy on interior modifications by residents**

**Clerk:** Question 268, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, would Government reconsider its zero-tolerance policy towards any interior modifications by residents to their homes at Charles Bruzon House, particularly whether on medical grounds as to why these should be made, such as replacing shower units with a bath where the latter is more suitable for the residents?

2195

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

2200 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, Charles Bruzon House is a brand-new purpose-built accommodation for the elderly which has been designed with input from occupational therapists and other professionals.

The block was completed last year so tenants moved in very recently. Flats were offered to prospective tenants on the basis that no alterations to the flats could be made and this was a condition of them accepting the flats.

2210 **Hon. T N Hammond:** Mr Speaker, that is understood. However, can the Minister see that it is possible, particularly when we look at the demographic of the residents of Charles Bruzon House, that over a period of time, a relatively short space of time potentially, their medical conditions ... they may develop medical conditions or have existing medical conditions which may become aggravated and it may therefore necessitate or be important for quality of life, that certain changes, with appropriate clinical support, be made to those residences and that having an absolute zero-tolerance policy may not be appropriate?

2215 **Hon. Miss S J Sacramento:** Mr Speaker, these flats are specifically designed for that. They have been designed with elderly people in the worst stages of their life in mind, on the advice of professionals and the design is purely on the advice of professionals, so that people may remain independent for longer.

2220 In this case that the hon. Gentleman is referring to, someone now wants a bath instead of a shower but would completely compromise the whole ethos of this building, Mr Speaker. They are very welcome to ask for an exchange for a house that would be suitable for them with a bath. But certainly not in a brand-new building which has been designed in a particular way to accommodate elderly people in a particular way and at great expense to the taxpayer.

2225 **Hon. T N Hammond:** But, Mr Speaker, surely the Minister will accept at least that it is possible for people to develop medical conditions which may necessitate certain modifications in a property. They may become wheelchair bound and therefore need access, they may need light switches moved to lower positions. Who knows? There is a whole plethora of medical conditions that can affect ... So to have a zero-tolerance policy rather than a case by case, 'we will analyse and just see if there are medical grounds for making a change', it just seems a little bit harsh that you would ask somebody to move from their home, rather than allow them possibly out of their own expense and with appropriate approvals, to make modifications.

2235 **Hon. Miss S J Sacramento:** Mr Speaker, I still do not think the hon. Gentleman understands. These flats have been designed to accommodate people with advanced medical conditions.

2240 Mr Speaker, the hon. Gentleman has referred to people who are wheelchair bound. In terms of people who are wheelchair users, Mr Speaker, because I do not like to refer to people who are wheelchair bound – like my hon. colleague Dr Cortes referred the hon. Gentleman to my leaflet on language etiquette and disability, I would refer the hon. Gentleman to the same document, he may find it enlightening.

2245 But these flats are already built and designed for people who may be wheelchair users. The light switches have already been designed for people who may have mobility issues. In this case, Mr Speaker, someone who was allocated this flat recently now wants a bath instead of a shower. Mr Speaker, the answer is no because it has been designed at tremendous expense for the bathrooms to accommodate people with severe disabilities and the medical advice that we have is that this is appropriate.

Mr Speaker, if they did not want a shower because they particularly wanted a bath at the time when they were offered this flat very recently and which they accepted on the basis that they could make no alterations, then they could have very perfectly rejected that flat and asked



2250 for a flat which had a bath, in which case they would have been allocated a flat elsewhere with a bath, but not here, Mr Speaker.

It is not a question of us having a zero-tolerance policy, Mr Speaker. It is about us having made a great investment in time and upon the advice of professionals in the design which we are very happy with and very satisfied with, and of course, Mr Speaker, this comes at taxpayers' expense. We certainly look at this on a case by case basis and in this case, Mr Speaker, the incurring taxpayers' expense is not justified.

**Hon. T N Hammond:** Mr Speaker, I think that the Minister gave a clue as to what the policy is there and she keeps referring to some ... she is making a huge assumption in referring to a particular case. I am not referring to a particular case; I am referring to a policy in general as has been described to me.

Now if the Minister is telling me that actually they do look at cases on a case by case basis and there is scope for modifications to be made appropriately when medical conditions demand it, then I would accept that answer and I am sure that the residents of Charles Bruzon would accept that answer, because that would not then be a zero-tolerance policy.

So if that is what the Minister is saying, that there is not a zero-tolerance policy but there is scope for modification in the right conditions and on a case by case basis, I absolutely accept that answer.

**Hon. Miss S J Sacramento:** Mr Speaker, he still does not seem to listen to the answer. Mr Speaker, no-one has said that there is a zero-tolerance policy. Mr Speaker, the hon. Gentleman has invented it. We *always* try to help, we *always* look at cases on a case by case basis and we weigh it up in what is in the best interests of everybody, Mr Speaker.

I know that this arises from a particular case because there is only one case in which this application has been made. Mr Speaker, the answer is no because we have just invested a lot of money on the advice of medical professionals and in this case, this was accepted by the individuals in question very, very recently and circumstances have not changed.

Therefore, the Government has made a decision which I think and I agree is perfectly justifiable. No-one is talking about zero-tolerance policies, Mr Speaker, there is no such thing, particularly when talking about vulnerable people and elderly people. We will try to help, but we will help in the best way.

**Hon. T N Hammond:** So for absolute clarity the Minister did not refute the fact that in my question I raised the issue as a zero-tolerance policy. She basically responded – the hon. Lady, I apologise, basically responded in a manner that indicated that the premise of my question was correct.

The hon. Lady has now moved on from that position and I am very gratified that she has. She has, I believe, if she would just confirm it one more time, confirm it to me that there is scope for modification on a case by case basis; that no modifications have been applied for that have been accepted at this stage is understood and appreciated.

**Hon. Miss S J Sacramento:** Mr Speaker, we are verging on the hypothetical here, because the reality is that it is unlikely that we will be asked for modifications because of the way that these flats have been designed.

We have had the input, and I say it once again, of medical professionals to make the design the best way possible to ensure independent living for our elderly community for as long as possible. We simply do not envisage after the hours and hours that were spent by the professionals on the design of these flats that they require anything else.

**Mr Speaker:** Next question.

HEALTH, CARE AND JUSTICE

Q267/2018

Tobacco-related offences –  
Supplementary question

**Hon. E J Phillips:** Mr Speaker, I just need to go back to 267, the schedule that was handed over to me.

2305 Can the Minister just clarify the difference in the year 2016 to 2017 in relation to persons arrested and in relation to the second schedule that refers to British Local and British Gibraltar  
Gibraltarian and then British in the second column. I am not too sure what he means by that. The schedule, apologies.

2310 So insofar as the schedule that he handed over to us for those persons arrested, in the second column to the right it refers to 'British Local – 9' and the column below 'British Gibraltar  
Gibraltarian' and 'British' at the bottom of that. 'British Local' – what does that mean insofar as the reference? I assume it means British Gibraltar but not –

**Minister for Health, Care and Justice (Hon. N F Costa):** Gibraltarian.

2315 **Hon. E J Phillips:** Okay, I am grateful, thank you.

HOUSING AND EQUALITY

Q269/2018

Rental homes –  
Plans to build more

**Clerk:** Question 269, the Hon. E J Phillips.

2320 **Hon. E J Phillips:** Mr Speaker, can the Government provide details, outline or otherwise, of its plan to build further homes for rental?

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

2325 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I refer the hon. Gentleman to my answer to Question 168/2018. Announcements will be made in due course.

**Hon. E J Phillips:** Yes, Mr Speaker, I am aware of the hon. Lady's answer to the question, but since then, of course, Action for Housing have been pressing her and there is of course understandably genuine interest as to the revelation that the hon. Lady made at the last sitting.

2330 Therefore, if the hon. Lady is willing to make another further revelation so that we can have another titbit of the plans that she intends to deal with in relation to rental building? (*Laughter and interjections*)

2335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think we would rather leave *bits* and all the other references the hon. Gentleman has made out of the debate, and we will make an announcement as a Government when we are ready to do so.

**Q270/2018**  
**Varyl Begg Estate flats –**  
**Damp issues**

**Clerk:** Question 270, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Can Government indicate to the House whether it is aware of damp issues within flats in Varyl Begg Estate, and how it puts them right if/when alerted to them, such as the average turnaround time to cure such issues?  
2340

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

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the Housing Department is aware that there are reports of damp in Varyl Begg Estate in the same way that there will be in all the other housing estates.  
2345

Reports of damp are processed by the Housing Department when such complaints are reported, with a target date of three months for completion.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I was asked to visit one particular flat which has been suffering from damp issues which just keep getting worse and worse, for years. Basically, they seem to be tired of calling the Housing Department. That is why I wanted to find out the typical turnaround times in case it was a standard that it would take this long.  
2350

So in light of what the Minister has just said, would she be happy to prioritise this house because these people are elderly and they have respiratory issues as a result? Would they be happy to prioritise this matter and treat this particular flat as soon as possible?  
2355

**Hon. Miss S J Sacramento:** Mr Speaker, if the hon. Lady genuinely wanted us to expedite this matter, which obviously sounds serious, then all the hon. Lady had to do as she does on other matters on other occasions, is to pick up the phone, call me, give me the name and the address and I would have looked into it immediately.  
2360

The Housing Department of course receives hundreds, sometimes thousands of complaints in relation to works. Some are major works, some are minor works but the volume is tremendous. It may well be that as a result of human error, this may well have slipped the net. So I will ask the hon. Lady to confidentially give me the name and the address and I will of course look into it.  
2365

But, Mr Speaker, genuinely if we hear, if something comes to someone's attention which is serious, then is it really, Mr Speaker, a matter for a Parliament question and not really a matter for someone to be practical, pick up the phone and we will help, without the need of parliamentary business time?  
2370

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate the Minister's answer and also her willingness to get this matter on track. And I do agree that there are some matters that I have called her on and she has assisted, but then there are several other emails that I have sent over the last year that I am still waiting for a reply, and I thought that this was worthy of flagging up in order to capture her attention and ensure that this issue got sorted out as soon as possible.  
2375

**Q271/2018**  
**Government flats –**  
**Details of sales since 2011**

**Clerk:** Question 271, the Hon. L F Llamas.

2380 **Hon. L F Llamas:** Mr Speaker, since 2011 with reference to Bayview Terraces, Cumberland Terraces, Nelson's View, Beach View Terraces and Mons Calpe Mews, can the Government give a breakdown of sales details for each, as follows: (a) how many flats have been sold with 100% financing from the purchaser; (b) how many have been sold with 50/50 ratio; and (c) how many have been sold at any other ratio and specify what that ratio is?

2385 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I refer the hon. Gentleman to my answer in Parliament to Question 188/2017.

2390 **Hon. L F Llamas:** Mr Speaker, the Hon. Minister provided an answer that this is a public document and suggested that the Opposition spend £12,000 in reaching an answer.

Mr Speaker, I would like to refer back to Question 943/2011 where the Opposition then, the Government today, asked the same question and got a very detailed answer by the Government back then.

2395 Is this the time for change that was promised?

**Hon. Miss S J Sacramento:** Mr Speaker, this is the same question that he has asked me orally as well in the past and at no point, Mr Speaker, was this raised on the last occasion when I answered in the same way.

2400 Mr Speaker, I am taking the same position that we have taken in relation to when the hon. Members on the opposite side asked for information that may well be available at Companies House, by undertaking a company search. This is the exact same thing, Mr Speaker. It is information that is available publicly.

2405 In any event, Mr Speaker, in relation to the Bayview, Cumberland and Nelson's, in any event, Mr Speaker, if the hon. Gentleman may recall, I know he is not part of the GSD now, but he was part of the GSD when he stood for election and these are all estates that were sold by the GSD and not by this Government, Mr Speaker.

2410 **Hon. L F Llamas:** Mr Speaker, that is beside the point. The point is that back in 2011 the level of transparency given back then was a lot higher and what we are receiving now is a direction from the Hon. Minister to go to Land Property Services and conduct a search at £12,000 in order to obtain an answer which should be given in this House.

2415 And, Mr Speaker, the fact that Bayview, Cumberland and Nelson's were sold by the previous administration, there are properties within those estates which were even sold by this administration. Therefore, will the Government provide the answer that I have asked for on two occasions in this House?

And the fact is that this question I happened to come across whilst researching what they were given by the previous administration whilst they were in Opposition.

2420 **Hon. Miss S J Sacramento:** Mr Speaker, it is not information ... I do not think, Mr Speaker, that it is something that would cost that amount. Had I been aware, Mr Speaker – (*Interjection*) Mr Speaker, I was not aware that something like this would cost in that region. But, Mr Speaker, bearing in mind that more than 50% of the question that I am being asked relates to housing

estates that were built and sold by the GSD, so that is before my time. But nevertheless, it is still information that is publicly available.

2425 The other point that I make, Mr Speaker, is that this point could clearly have been made orally on the last occasion. What we are having is the extension of what could have been on the last occasion more properly a supplementary and we could have had this debate on the last occasion. But perhaps the hon. Gentleman opposite needed more time to formulate this, Mr Speaker.

2430 I think that perhaps given time I am happy to prepare a schedule of this information, Mr Speaker. I do not think it is necessarily appropriate that I am accountable to this House to give information that relates to estates that were built and sold by the GSD. Mr Speaker, I have to ask staff to undertake this exercise thoroughly. Clearly it will relate to sales of properties that were sold post-2011, not pre-2011 and, Mr Speaker, I am happy to provide that information and  
2435 I will see if I can get somebody to provide that.

Certainly, that information would not have been available on this occasion, but given more time, Mr Speaker, perhaps by the next parliamentary session I will ensure that I have that information up to date – but certainly, Mr Speaker, in relation to sales which we have undertaken since we have been in Government. *(Interjections)*

2440 Yes, but the majority, Mr Speaker, of the sales of certainly the first three estates would have taken place before 2011 because they were developments that were developed by the GSD, Mr Speaker.

**Mr Speaker:** The Hon. Edwin Reyes.

2445

**Hon. E J Reyes:** May I, Mr Speaker, since the Minister has committed herself now to providing some information to avoid my supplementary coming later on: yes, I agree with the Minister that the majority of the houses referring to Bayview, Cumberland, Nelson's and so on would have taken place prior to 2011; but there have been transactions in respect of those  
2450 houses post-December 2011 and I certainly would be interested in that information. Because a tenant who bought a home, a purchaser who bought originally prior to December 2011 has the option and may have bought further shares later on.

So that information would probably come up in my supplementaries, if I give the Minister advance warning, when she gets her clerks to undertake this onerous task, then they know  
2455 which direction I am going to be heading in my supplementaries as well.

**Hon. Miss S J Sacramento:** Mr Speaker, that is information that can be derived but I suspect that that is a huge exercise and is very, very unlikely to be ready by the next sitting of this Parliament. We are looking at all transactions of these affordable housing since 2011. Some  
2460 premises may have changed ownership more than once, we are talking about a substantial volume of ownership.

I will look into it, Mr Speaker, but I think it is an exercise that would be quite onerous and quite unlikely to be ready in a month.

2465 **Hon. E J Reyes:** I will add further, Mr Speaker, it may or may not help the Minister when she embarks on this exercise, I remember Dr Garcia used to ask questions when he was on the Opposition benches and he received an answer which satisfied him at the time and I think that would probably satisfy at least me.

Through the Land Sales Registry he can then from there devise, say, in respect of flats at  
2470 Cumberland Terraces and it is easier to get it that way, rather than searching each individual property, so the ledger of the transactions on sales.

**TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT**

**Q286/2018**

**Ocean Spa Plaza scaffolding collapse –  
Health and safety investigation**

**Clerk:** We now move to Question 286, and the questioner is the Hon. T N Hammond.

2475 **Hon. T N Hammond:** Mr Speaker, has a health and safety investigation been carried out of the recent scaffolding collapse at Ocean Spa Plaza and what were the results of that investigation? Were any recommendations made to avoid future occurrences and what were those recommendations?

2480 **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 Health and Safety Inspectorate has investigated the recent scaffolding collapse at Ocean Spa Plaza.

2485 As part of the investigation, the materials used were tested and found to conform to the relevant specifications. Only the east elevation of the façade was affected. The west elevation remained in-tact.

2490 The determining factor on the collapse was the swirling channelled effect of the winds which at times reached speeds of 117 kilometres per hour. The Health and Safety Inspectorate recommended the doubling of securing eyebolts holding the scaffolding in place, as well as the connecting of the scaffold modules all the way to the top and back to back with steel ties and the avoidance of continuous non-perforated material along the perimeter of the site.

2495 I am informed, Mr Speaker, that the recommendations have been accepted and the works carried out to the satisfaction of the Health and Safety Inspectorate.

**Hon. T N Hammond:** I very much thank the Minister and the Health and Safety Inspectorate for having conducted that investigation speedily and actually come up with some very solid recommendations.

2500 Will those recommendations now be taken forward to other potential sites which may be in a similar area or suffer similar wind conditions to ensure that perhaps we would not be affected in the same way or that future sites may not be affected in the same way, or will those recommendations only be applied to this particular development?

2505 **Hon. G H Licudi:** Mr Speaker, the issue was specific to this particular site. There are of course regular inspections by the Health and Safety Inspectors in all the sites around Gibraltar. That is part of their job, it is part of what they do.

2510 In this particular case, what happened was that a non-perforated sheeting, white sheeting had been used by the company that put up the scaffolding and that is what trapped the wind and because of the swirling effect of the wind at very high speed, that is what caused the collapse of the scaffolding, even though the scaffolding itself had complied with all necessary health and safety measures.

2515 So it was not that there was any fault or problem in the erection of the scaffolding or the fixing of the scaffolding, but the combined effect of the winds with the non-perforated sheeting. The recommendation obviously was to remove the non-perforated sheeting and to replace it with a perforated sheeting.

I would say that the purpose of the sheeting is really for dust control in respect of the area. A non-perforated sheeting has greater effect in terms of dust control, but has the problem of

trapping the wind and causing this. So whilst the perforated sheeting will allow the wind through, it is less effective in controlling the dust from the works going into other areas.

2520 So clearly the compromise that has to be reached is that a sheeting has to be used which has some perforation, which does allow the wind to go through but which does also conform with the requirements in terms of dust control. That is the balance that has to be struck.

In this particular case, the company opted for more dust control without anticipating that this would be the effect, but that has now been corrected.

2525

**Hon. T N Hammond:** And, Mr Speaker, I think that the Minister has pointed out what most of us had guessed, that the sheeting was certainly a significant factor in that particular collapse. But he has also referred to other recommendations like the doubling of the number of eyebolts in the scaffolding and as I say, I just wonder if in other developments in that area – because we are likely to see future developments in that area, I am assuming – it wouldn't be worth applying those same standards of doubling the eye bolts, taking the lessons learned from this particular collapse and, through the planning process perhaps, just ensure that we do not experience anything similar or at least reduce the chance of anything similar occurring in the future.

2530

2535

**Hon. G H Licudi:** Mr Speaker, the hon. Member mentions that I indicated that the principle factor was the sheeting; in fact it was the determining factor. As I indicated earlier, the way that the scaffolding had been put up and the eyebolts which had been put in place to secure the scaffolding conformed to all health and safety standards. So that in itself was not the problem.

2540

Certainly the Health and Safety Inspectors will be very astute as to problems with wind and they will want to ensure that this is not repeated in other sites. They will be, or they have been, carrying out inspections to make sure that the eyebolts properly secure the scaffolding. But in this particular case, the problem was not the eyebolts; the problem was the sheeting that was used and that has now been replaced.

2545

**Hon. D A Feetham:** Mr Speaker, I did some research in relation to this for other reasons, not specifically because of this site, and I know the problem was the actual sheeting that effectively acted as a type of sail, so with the wind, acting as a sail, it just dragged the scaffolding over.

2550

But this type of sheeting is designed, the way that it is connected to the scaffolding is through rope connections that are designed to effectively disengage when there are strong winds and it appears that in this case, my information is that in this case, what happened was that it was tied very strongly on a permanent basis and when the sheet actually caught the wind it just could not release.

2555

Now, is that something that the hon. Gentleman has in the information that has been provided to him, because that is what I have been told was the problem in this particular case?

2560

**Hon. G H Licudi:** Mr Speaker, I cannot see anything just looking at and trying to address the issue that the hon. Member has mentioned. In the information I have been provided, I cannot see anything which mentions specifically these particular methods of tying which are supposed to release, but I am happy to look at it and get back to the hon. Member.

**Mr Speaker:** Next question.

**Q287/2018**

**Waterport Place falling metal sheet –  
Health and safety investigation**

**Clerk:** Question 287, the Hon. T N Hammond.

2565 **Hon. T N Hammond:** Does Government intend to carry out a health and safety investigation of the recent incident where a sheet of metal fell from Waterport Place?

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

2570 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, a health and safety investigation of the recent incident has in fact been opened by the Health and Safety Inspectorate, so they are investigating the issue.

2575

**Q288/2018**

**Visitor expenditure–  
Monthly figures for 2017**

**Clerk:** Question 288, the Hon. T N Hammond.

2580 **Hon. T N Hammond:** Can Government provide the total visitor expenditure figures, by month, for July to December 2017.

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

2585 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the tourist expenditure figures for the whole of 2017 are currently being compiled by the Government Statistics Office and are therefore not available. They are being compiled for the whole of the year of 2017.

2590 The latest tourist expenditure figures are included in the Tourist Survey Report 2016 which is available on the Government website. Tourist expenditure estimates are not compiled by month. They are calculated as the total sum of the expenditure from six categories of visitors: visitor arrivals at hotels; excursionists from cruises; visitors on yachts; visitors in supplementary accommodation; in-transit visitors; and excursionists from Spain. Monthly expenditure figures are therefore not available.

**Q289-290/2018**

**University of Gibraltar Act 2015 –  
General borrowing; land mortgage**

2595 **Clerk:** Question 289, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please advise if it has given any approval for general borrowing under section 37 of the University of Gibraltar Act 2015 and if so, for what amount and purpose?



2600 **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, I shall answer this question with 290/2018.

2605

**Clerk:** Question 290, the Hon. R M Clinton.

2610 **Hon. R M Clinton:** Mr Speaker, can the Government please advise if it has given any approval for the University to mortgage any of its land under section 40(2) of the University of Gibraltar Act 2015 and if so, for what amount and purpose?

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

2615 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the Government has not given approval for any general borrowing under section 37 or for the university to mortgage any of its land under section 40(2) of the University of Gibraltar Act 2015, as no request has been made by the University for either purpose.

#### ADJOURNMENT

2620 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn until Monday at 3 p.m. in the afternoon.

2625 **Mr Speaker:** Before we do, I recall that the Chief Minister and I were discussing the question of the requirement about the Estimates of Expenditure as I had indicated. Has he been able to review the matter now or he can do it between now and Monday?

**Hon. Chief Minister:** Mr Speaker, I have had a preliminary look but I want to check two other sources for my recollection so that I can put something to you and to the Clerk which is properly researched and also the understanding of others in my office. So I will do that in time for Monday.

2630

**Mr Speaker:** Right, the House will therefore adjourn until Monday, 26th March at three in the afternoon.

*The House adjourned at 6.40 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.12 p.m. – 8.27 p.m.**

**Gibraltar, Monday, 26th March 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.12 p.m.*

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

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

## Questions for Oral Answer

### COMMERCE

#### Q285/2018

#### Postal service review – Findings

**Clerk:** Meeting of Parliament – Monday, 26th March 2018.

We continue with Answers to Oral Questions.

We commence with Question 285, the Hon. L F Llamas.

5

**Hon. L F Llamas:** Mr Speaker, can the Government disclose its findings upon conducting the postal service review?

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

10

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, the review is still ongoing.

**Hon. L F Llamas:** Mr Speaker, without going into too much detail on the actual review, does the Hon. Minister have any indication of any findings that they may have encountered so far. On this side of the House I am pretty sure we are all getting the same feedback from members of the community that they are still awaiting parcels and postage from as far as December and they still have not received it; and they are only just receiving even local postage, is also taking quite a considerable amount of time.

20  
Somebody this week actually mentioned a health appointment for which they had been waiting for eight years and they have actually missed the appointment because the actual appointment date arrived two weeks after the appointment had actually been allocated to them. Is the Minister aware of these sorts of problems that people are encountering before actually disclosing the final review of what the review may reveal in the future?

25  
**Hon. A J Isola:** Mr Speaker, from what the hon. Member has said, it is obvious that he understands why we are doing a review. And at this stage, all I can really do is say that the review is still ongoing.

30  
**Hon. Ms M D Hassan Nahon:** Mr Speaker, could I ask the Hon. Minister when he will have the findings of the review and we can be sure that we will get this information, please?

**Hon. A J Isola:** Mr Speaker, when the review is completed. I am not able to put any finer time on that. These things take time, processes, people, manning levels, a whole raft of different issues are being considered and reviewed. When that is completed, it will be completed.

I would rather give it the time that it needs rather than try and put a date on it by which time we will be forced to finish. So I am confident it will be reviewed shortly and at that time I will be happy to discuss it further.

**Hon. D A Feetham:** Mr Speaker, if I may. Just two questions so the Hon. Minister can answer them both at the same time.

The first is that he may recall that I asked him about this some time ago and I asked about the individuals that were on supply contracts within the Post Office. So the first question is, have any of those individuals that were long-term supply been engaged permanently by the Government?

Secondly, he refers to the review. That is a review conducted by the Government. I sense from the questions that my colleagues on this side have asked that there is an implication that that is going to be made available to the Opposition. But can the Government confirm that the review is going to be made public, or the results of that review are going to be made public? Or is it the intention of the Government to just simply make a public statement on the way forward for the Post Office, but not necessarily publicise the results of the review?

**Hon. A J Isola:** Mr Speaker, as the hon. Member has just alluded to in the last part of his question, we will make a statement at the time saying what the way forward will be. There are obviously discussions to be had long before that with the members of staff and the union on the different aspects of it, so I would not expect the review to be made public, no, or shared indeed with the Opposition.

With regard to the first question on the supply workers, depending on what date that question is asked, the answer could be different. I know we have made some supply workers permanent who had done the time period they were required to do, but since the commencement of the review, those have been frozen so we have not moved further on those.

But I can certainly say that in my time in looking after the Post Office in the last 12 to 18 months, there has been certainly one supply worker that I recall, but I would need notice to be specific in respect of the date that you ask for, so that I can give you some clarity. Because I know some had been, but certainly not in the last six to eight months and I think that was when the question was asked by the hon. Member.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, from my understanding, there are about 10 members of staff who are on supply and a few of them, I do not actually have the information with me now, but I have done my homework and there are several of them who have been on supply for over a couple of years or more. So a lot of these members of staff who are on supply are waiting patiently for the end of this review and obviously from their point of view, they have been on supply for longer than the review has been going on, as the Hon. Minister has said, and they are waiting patiently to know what their future will be.

So if I can ask the Minister to engage them as much as possible after this review is concluded and try to enfranchise them and obviously offer them contracts, it is exactly what they are waiting for.

Thank you.

**Hon. A J Isola:** Mr Speaker, obviously the workers are well aware of the review. All the staff, I met with, a couple of months back at the Post Office and explained to them where we were, what we were doing and why we were doing it, so they fully understand that. I am grateful for their indulgence and their patience and I hope not to keep them waiting too much longer.

**Hon. L F Llamas:** Mr Speaker, could I ask what is the Government exactly doing in this interim whilst it is reviewing the processes and the lengths of time that it takes to receive letters and parcels.

85 My own personal experience, Mr Speaker, a couple of months ago when I did go, I had to be attended by an actual Customs officer which was going beyond his call of duty, to be able to retrieve the parcel because the people who were there employed by the postal service simply could not cope with the demand and the amount of people – and this was after Christmas, nothing to do with the Christmas period.

90

**Hon. A J Isola:** Mr Speaker, these are the reasons why we are conducting the review and consequently our intention is to end up with a better service, providing better value for money to the taxpayer and with the service levels that you would expect and require from the Post Office.

95

**Hon. D A Feetham:** Yes, I am afraid that I do not get my post delivered because the postman is too scared of my four dogs, so I have to go down to the Post Office to collect my letters!

100 But, Mr Speaker, does the Hon. Minister know whether this review is going to be concluded before the next General Election and that it is the intention that a statement is going to be made well before that date, so that everybody knows where they stand before that seminal moment in the history of Gibraltar?

**Hon. A J Isola:** Yes, Mr Speaker, long before. *(Interjections)*

## ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

### Q291-305/2018

**Public Debt; liquid reserves; General Sinking Fund; Savings Bank; GBIC Limited; GOC (Secretaries) Limited; GEP Limited; GSTR Limited; GEWP Limited; accounting; GDC – Details and reasons**

**Clerk:** Question 291, the Hon. R M Clinton.

105

**Hon. R M Clinton:** Mr Speaker, can the Government please provide the total Gross Debt, Aggregate Debt after application of the Sinking Fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt for the following date, being 1st December 2017?

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

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question together with Questions 292 to 115 305.

**Clerk:** Question 292, the Hon. R M Clinton.

120 **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 December 2017?

**Clerk:** Question 293, the Hon. R M Clinton.

125

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

**Clerk:** Question 294, the Hon. R M Clinton.

130

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

**Clerk:** Question 295, the Hon. R M Clinton.

135

**Hon. R M Clinton:** Mr Speaker, can the Government advise why the Report and Annual Accounts for the Savings Bank for 2015-16 has been sent to depositors and yet the full Savings Bank Report for 31st March 2016 has not yet been Gazetted as required by the Savings Bank Act?

140

**Clerk:** Question 296, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise what is the procedure in the Gibraltar Savings Bank for the situation where instructions have not been obtained for the reinvestment of maturing debentures?

145

**Clerk:** Question 297, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise in the year to 31st January 2018, how many complaints have been received from pensioners who claim to have lost interest due to the non-renewal of Gibraltar Savings Bank debentures?

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**Clerk:** Question 298, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GBIC Limited and what is GBIC short for?

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**Clerk:** Question 299, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GOC (Secretaries) Limited and what is GOC short for?

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**Clerk:** Question 300, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GEP Limited and what is GEP short for?

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**Clerk:** Question 301, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GSTR Limited and what is GSTR short for?

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**Clerk:** Question 302, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GEWP Limited and what is GEWP short for?

**Clerk:** Question 303, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise why GBIC Limited and GOC (Secretaries) Limited have individuals as directors and secretary, contrary to the Government's policy of having corporate directors and secretaries, and what was the criteria for the selection of these individuals?

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**Clerk:** Question 304, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, has the Government undertaken any exercise in respect of a cost-benefit analysis of a move from cash accounting to accrual accounting for the reporting of Gibraltar's public finances?

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**Clerk:** Question 305, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise if the Gibraltar Development Corporation has any branches outside Gibraltar and if so where and why and since what date?

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

**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.

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The figures requested for 1st December are: Gross Debt £447.7 million; Sinking Fund £5.2 million; Aggregate Debt £442.5 million; Cash £86.2 million; Net Debt £356.3 million.

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The Report on the Savings Bank results which I send to its customers is not a requirement and there is no reason why it should not be sent before, after or at the same time as the accounts are Gazetted.

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Whilst responsibility to return debenture certificates and provide instructions for reinvestment lies with debenture holders, the Savings Bank does send a letter to all debenture holders a few weeks before the maturity date, reminding them of the upcoming debenture maturity and reinvestment options. Following the maturity date, further efforts are made to contact clients who have not responded to the initial letter, either by letter or telephone.

The debenture prospectus states that, and I quote:

From and after the date of redemption of any debenture, all interest on the principal monies represented by a debenture shall cease and determine whether payment of the principal monies shall have been demanded or not.

There have been five complaints received from pensioners on loss of interest in the year to 31st January 2018.

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When the Government registers a new company, it does so because it has decided so to do and this is also the case when a company name is chosen and directors are appointed.

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The names chosen for the companies identified in the hon. Member's question are made up from the letters of the Roman alphabet which runs from A to Z. There is no other name for such companies other than that which has been registered.

No cost-benefit analysis of a possible move to accrual accounting has been undertaken.

The Gibraltar Development Corporation has no branches anywhere.



225 **Hon. R M Clinton:** Mr Speaker, you will of course, I hope, indulge me as I go through the questions, of which there are obviously quite a few.

If I could thank the Minister for his answers and if I could perhaps start with Question 295. I agree that there is nothing said in the Savings Bank Act that it cannot be published outside the Gazette but surely the Minister would agree with me that it is kind of somewhat logical that the law should require one thing and he actually does something that the law does not require and yet still does not do what the law does require.

230 I recall the debate that we had on my amendment to the Savings Bank Act, which would require publication within a certain timeframe, he said he saw no reason to publish it until the Government's accounts were published in full and yet he has seen fit to publish them and issue them to the depositors. I do not see that logic follows, in that he has obviously now released this to the depositors but still has not yet Gazetted it.

235 So obviously his original argument is saying, 'Well, I am not going to release this until the Government's full accounts are prepared' has seen to have fallen away or perhaps there is some other reason on which the Minister can enlighten me, but perhaps the Minister could indicate when he intends to Gazette these?

240 **Hon. Sir J J Bossano:** Well, first of all, I certainly do not agree with his opening statement that it is illogical because that would mean that I am accepting that I am illogical and I do not accept that, Mr Speaker.

245 The fact that I chose to send the reduced level of information that is in the booklet that I sent to depositors before the accounts have been Gazetted is consistent with the answer that I gave him which he has just quoted. It will be Gazetted when the accounts are published and that is what I intend to do. But since that has not yet happened, I did not want to delay further the abridged version that I sent to each depositor.

250 **Hon. R M Clinton:** Well, Mr Speaker, I move then to Question 296 and I note what the Minister has quoted in the prospectus and certainly I would accept that as normal banking practice.

255 But can I ask the Minister what happens in reality to the money that comes off debentures? Does it get paid to a debenture holder's account or does it go into a suspense of some sort, pending instruction and absence that instruction there is no interest earned?

260 **Hon. Sir J J Bossano:** Well, Mr Speaker, the hon. Member knows that it is a special fund and it is not separated into different accounts. So the money is kept on a cash account in one of the banks that we use, which is one of the local banks and there is no return on that money while it is there, because it has not been reinvested.

265 So part of the reason why we do not pay interest to the depositor is because we cannot invest the money without knowing if it is going to be reinvested for how long. Because as the hon. Member knows, there is a requirement to match on average the period of reinvestment and the period of repayment so that we do not get caught in a situation where we are borrowing short and lending long.

270 **Hon. R M Clinton:** I thank the Minister for his answer. In relation to Question 297 where there have been five complaints from pensioners on reinvestment of proceeds, and in a way this ties in to the previous discussion about our postal services in which certainly I know of several pensioners who claimed that either they did not receive the letter or they received the letter late. Is the Savings Bank taking that into account, in the sense of pensioners may not necessarily be on top of the maturity dates of their debentures and the required letters advising them of the maturity may not receive them in time to act upon it? Is the Savings Bank exercising a degree of discretion in respect of these complaints and in fact have these complaints now been resolved?

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**Hon. Sir J J Bossano:** I think, Mr Speaker, to put it in context in the same period as the five, which is a year ending on 31st March, a total of 4,482 holders of debentures had their debentures maturing. But there seems to have been in this period, over a number of days, either delays or letters that have not gone there and that has been investigated and therefore, exceptionally there has been an adjustment made which has not come from the Savings Bank but from the Post Office side. That is to say, it has not been at the cost to the Savings Bank because the Savings Bank posted the letters early enough.

**Hon. R M Clinton:** Well, I am grateful to the Minister and I am sure that the debenture holders or pensioners will be delighted to know that they will be compensated.

Mr Speaker, if I can refer now to Questions 298, 299, 300, 301 and 302, the Minister's answer is somewhat light on information, to put it mildly, and I think everybody in this House can probably guess what the Roman letter G stands for and so I presume the other letters must stand for something else. Because otherwise, why not start with ABC and carry on ACD etc. until you exhaust the alphabet? There is obviously a particular rationale for the choice, for example, of GBIC.

Mr Speaker, I will illustrate this by reference to Europa Stadium Limited, which has since been morphed into a power-station-owning entity, which was originally called Europa Stadium Limited and has now become ES Limited.

So, Mr Speaker, there is a sort of rationale and there is a set pattern to the way the Government has done this in the past. I just find it perhaps regrettable that the Government cannot see itself or bring itself to tell the House what these particular initials stand for. In fact you know, Mr Speaker, from my reading of the question, the initials obviously stand for something.

Now, the Government obviously does not want to volunteer what those initials stand for, but could the Government perhaps confirm that the G stands for Gibraltar?

**Hon. Sir J J Bossano:** No, Mr Speaker, the G stands for G in the Roman alphabet, because I have already told him that the fact that we choose one letter as opposed to another, does not mean that the name of a company is anything other than the name that has been registered and that is the name that will go on the letterhead, the name that people will refer to it and the name that will feature on all the documentation of the company. The G might be Guernsey instead of Gibraltar.

**Hon. R M Clinton:** By that very answer, Mr Speaker, he belies the fact that there is obviously a meaning behind it when he says the G might be Guernsey, obviously means something, if not nothing.

But can I come back to GOC (Secretaries)? I mean is the Minister seriously saying that GOC does not stand for anything or it may as well be called Death Star (Secretaries) Limited or Skywalker Limited (Secretaries) or Jabba Hutt Limited or any other Star Wars character?

I mean is the Government seriously telling this House that there is no rationale for the naming of its companies? (*Interjection*)

**Hon. Sir J J Bossano:** What I am telling the hon. Member is what I have told him before. We take decisions, he is entitled to information as to what we have done but he is not entitled to expect us to have to justify why we choose one letter as opposed to another in a name, or why we put one person as opposed to another in a position.

We do it because governments take thousands of decisions every day of the week and they have been elected to take those decisions. The consequences of those decisions may be something that the hon. Member agrees or does not agree, but it is not a question of having to have a bilateral approach to choosing company names.

The issue is, those are the names that have been suggested for those companies and that is the names in which they have been registered and it is part of the decision process of the Government. I know he has not been in Government and I am sure if he looks back it is not the kind of thing that anybody in Opposition has ever challenged before, 'why do you choose this name and not another one?' Well, because I am the Government and you are the Opposition, basically.

**Hon. R M Clinton:** Well, Mr Speaker, I am grateful for the Minister's answer.

Can I ask then, in terms of the answer to Question 303. There are individuals appointed but obviously the Minister chooses not to explain why those individuals have been selected, but he has not explained whether the Government's policy has changed in respect of having corporate directors and secretaries as opposed to individuals.

I would like to understand why, for GBIC Limited and GOC (Secretaries) Limited, this is different to other Government entities.

**Hon. Sir J J Bossano:** Mr Speaker, when the hon. Member's first questioned why we put Company Directors Limited, he was told that it was so that the individuals could change and we would not need to go back and change the name of the directors. Clearly that does not mean that we have to do that in every single case. We choose to do it when we feel we should do it and when we feel we should not do it, we do not do it.

**Hon. R M Clinton:** Mr Speaker, can I then ask in respect of GBIC Limited, why it is necessary to have a director that is resident in Hong Kong? Is that something to do with the activities of the company and if so, what are they?

**Hon. Sir J J Bossano:** Mr Speaker, when somebody is appointed, it is not because it is necessary, nor is it that it requires a consultation with the Members opposite. We appoint somebody because we think he has something to contribute in the role to which he is being appointed.

**Hon. R M Clinton:** So, Mr Speaker, following on from what the Minister has said, and I follow his logic, then GBIC Limited obviously has some activity or some relationship with Hong Kong or why else would you appoint a director who is resident in Hong Kong? Would I be correct in assuming then that GBIC Limited has some business interest in South East Asia?

**Hon. Sir J J Bossano:** Mr Speaker, he can assume whatever he wants but I am not here to correct or otherwise his assumptions. He is asking hypothetical questions about his speculation. I am telling him that we took a decision to appoint a certain person to a certain company and give it a certain name. He has the information of the person and the company and the name and that is all the information he is entitled to have.

Why did we put it there, is it that there is something going to be happening in Hong Kong? Well, if there is, when it happens he will no doubt find out.

**Hon. R M Clinton:** Sorry, Mr Speaker, I was just reviewing my answers. I have nothing further to add, thank you.

**Hon. L F Llamas:** Mr Speaker, could I ask, is the directorship linked to any additional remuneration for that role.

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

380 **Hon. T N Hammond:** Mr Speaker, in order that I do not assume anything, may I ask the Minister, where we come to GOC (Secretaries), that the Secretaries element in the name is not a random and coincidental agglomeration of Roman letters but actually does mean Secretaries?

385 **Hon. Sir J J Bossano:** Mr Speaker, the selection of a secretary or the selection of directors is something that is done because we think it is appropriate to do it in the way that it has been done. There is no... *(Interjection)* I do not follow what the supplementary is trying to get at. *(Interjection)*

**Hon. T N Hammond:** Sorry, the question is simply, does the Secretaries in brackets following GOC actually mean the word 'secretaries' or is it just a random accumulation of letters?

390 **Hon. Sir J J Bossano:** Well I think it means what it reads, I mean whoever prepared the answer for me puts that down that this is what it means, what it says on the paper.

395 **Hon. R M Clinton:** Sorry, Mr Speaker, I just had one thought. Could the Minister enlighten the House as to who chooses the names of these companies. Is there a Cabinet company-naming committee that decides on names based on the Roman alphabet on a random basis? Is there a code book the Cabinet uses? Could the Minister enlighten us as to how these wonderful names are arrived at?

Thank you.

400 **Hon. Sir J J Bossano:** No, I think that is decided at the level of AA, Mr Speaker. *(Laughter and interjections)*

#### Q306/2018

#### Public service vacancies – Number as at 31st January 2018

**Clerk:** Question 306, the Hon. D A Feetham.

405 **Hon. D A Feetham:** Mr Speaker, how many vacancies were there in the public service as at 31st January 2018?

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

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

#### Q307/2018

#### New Calpe House – Use for medical patients

**Clerk:** Question 307, the Hon. Ms M D Hassan Nahon.

415 **Hon. Ms M D Hassan Nahon:** Can the Government confirm that the new Calpe House building in 19-23 Norfolk Square will only be used by patients and their escorts for medical related reasons, or are there already plans to house others?

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

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, there is no change in the intended use of Calpe House.

425 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I ask this question following representations as a result of a request to change the application of the lease to remove the condition restricting use of the hostel to use by the Calpe House Charitable Trust. So even though the hon. Gentleman has confirmed that there are no plans at the moment, can he confirm that this will remain in the future as well?

430 **Hon. Sir J J Bossano:** Well, Mr Speaker, I cannot tell the hon. Lady in the future indefinitely, that is to say certainly in the future for as long as I am patron of the charitable trust and the trustees are the trustees that are there. But I have to say that I want to take the opportunity for congratulating the trustees and indeed express my gratitude to Her Majesty's Government for having removed the restrictions that existed, because we paid a reduced price for the property because it had the restriction. There was a value put on that restriction which was waived when  
435 it was negotiated directly with the Minister responsible, in the knowledge that this is an institution that is a charity and will continue to be a charity.

But it means that if at some future date, for example, certainly not in the very near future but at some time in the future, there was a need to look for a bigger place, then the realisable value of the property would be much better than it would have been with the restriction that it had. And I think that is the value of having removed it.

In the meantime, of course, we have got an asset now that has a greater value even though the use will be the same because the restriction is no longer there.

445 **Hon. D A Feetham:** Yes, Mr Speaker, may I, with the permission of the Leader of the Opposition to my right, join in congratulating the Trustees for what the hon. Gentleman has just outlined in his reply.

Can I also say that I have last week been to London at the invitation of the Trustees and they took me round the new Calpe House and it is going to be an absolutely fantastic facility for the people of Gibraltar and indeed all the Trustees can be truly proud of the work that they have done in respect of Calpe House.

450 My question, Mr Speaker, because of course it is Question Time, is: in terms of completion, does he know more or less when Calpe House will be completed and when the new Calpe House will be available to the GHA?  
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**Chief Minister (Hon. F R Picardo)** Mr Speaker, I will allow the hon. Member to answer that question, but if I might just for a moment deal with the issue of the question that the hon. Lady has asked, which I think is something that is important for the whole House to be aware of.

460 As Mr Bossano has said, the indication to the Government is that this of course adds value to the lease, etc. But also, and I think this is important for the hon. Lady to factor into her reckoning of this matter, all that has happened is that the new Calpe House is now in exactly the same position as the old Calpe House was.

Of course, the old Calpe House is the current Calpe House in use and that lease, I believe in Prince's Square if my memory serves me right, does not have any restrictions. And so, what has happened, is that the trustees have rightly, in the view of the Government, moved to remove  
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the restrictions that there are in respect of the new lease, to put themselves in exactly the same position they were in, in respect of the old and current lease.

So as the Minister has suggested for example, when the time comes, they will be able to realise the value of the new lease as they go to increase the space available to Gibraltarians if that were to be an issue again in the future.

So there is not a move here that suggests a desire to change use; there is a move here to put the new Calpe House premises, and the law of the lease of the new Calpe House premises, into exactly the same standing as that of the current Calpe House premises which are also unrestricted. I hope this assists the hon. Lady in understanding why there has been that change made.

I do not have an exact date to share with the hon. Gentleman so I will give way to Mr Bossano if he has, but I think we all agree that as soon as possible is the right answer. But if the hon. Gentleman wants me to give way so he does not have to ask a question, he can make a comment, I am happy to do so.

**Hon. D A Feetham:** Yes, Mr Speaker, just in relation to the point that the Hon. the Chief Minister has made, the change of use is not an indication that there will be a change of use. What the change of use does is it gets rid of a restriction within the lease which then means that on the books of the trust, you have an asset that is of a greater value because it is unencumbered by that restriction. That is the reality, and that, in my respectful view, is good business by the trustees and therefore they ought to be congratulated for it, which is the point that the hon. Gentleman made.

**Hon. Sir J J Bossano:** I have not got a specific date that I recall, Mr Speaker, but he actually has been to see it more recently than I have. So my information is that there are no delays of any significance and that it is on time.

I think we would all like to see it happening and the sooner the better, because the present Calpe House is not in a very good state and the trust has to spend money on doing things to the one that is going to be put on the market, which is an unnecessary cost. So now that the investment has been made in the new one, the sooner we can start using it, we will be able to accommodate more people and see what return we can get from the other one.

#### DEPUTY CHIEF MINISTER

**Q308/2018**

**Activity-led tourism –**

**Land use**

**Clerk:** Question 308, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government confirm what plans, if any, it has to use land for the purposes of activity-led tourism?

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker. The Government is studying proposals for the use of the Northern Defences for the purposes of heritage and activity-led tourism.

**Hon. E J Phillips:** Would the Government agree that the key to increasing activity-led tourism – indeed, event-led tourism – is its marketing?

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**Hon. Deputy Chief Minister:** Mr Speaker, the hon. Member will understand that I am not the Minister for Tourism nor the Minister for Marketing. But the question was posed from a land point of view, so I answered the question as landlord in terms of whether the Government intends to locate a site to be used for tourism-related activity.

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**Hon. E J Phillips:** Mr Speaker, I think I have asked a question in relation to land use, yes for the purposes of activity-led tourism. I am just asking whether the Deputy Chief Minister would agree that the key to having a successful policy in respect of that activity-led tourism or event-led tourism is marketing.

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**Hon. Dr J J Garcia:** Yes, Mr Speaker.

**Hon. E J Phillips:** And therefore, he would also agree, Mr Speaker, that expenditure on tourism and marketing should be driven by value-for-money criteria, linked directly to results, would he not?

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**Chief Minister (Hon. F R Picardo):** Absolutely, Mr Speaker. Hence why the hon. Gentleman will have seen a press release issued by the Government a few hours ago, thanking him, the hon. Lady and Mr Llamas for their support at the recent event at the top of the Rock, where the Government launched the Skywalk, using a gentleman by the name of Mark Hamill, who used to star as Luke Skywalker in the movies which also feature 'Dad Vader' and others, (*Laughter*) well known to Members opposite, Mr Speaker!

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And the hon. Gentleman might like to know, and this is why I wanted to thank them for their support, that the marketing of that particular opening which marketed the whole of Gibraltar, not just the Skywalk, garnered on the *Time Magazine* site, which has 15 million followers as I understand it, either on Facebook or on Twitter, over half a million views of a video on Gibraltar and the Skywalk. It was reflected in Mark Hamill's own Twitter feed which has 2.6 million followers. On another website it had a quarter of a million views of that video and indeed, Mr Speaker, I forget the countless numbers of television stations, I believe 117 television stations around the world carried the video of the opening of the Gibraltar Skywalk.

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So, Mr Speaker, marketing is absolutely what we have to be ensuring we get right and marketing, Mr Speaker, unfortunately sometimes costs money but we have to ensure that we use the money wisely to get the widest possible reach for Gibraltar, just as we, I think, demonstrated last week in an event which we also used to ensure that people who were followers of the particular saga that this particular actor is well known for also had the opportunity to interact with him.

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So I would like to thank Ms Marlene Hassan Nahon, the Independent, Mr Lawrence Llamas the Independent and the Leader of the Opposition for the GSD, Mr Speaker, for supporting that event.

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Thank you very much indeed.

**Hon. E J Phillips:** Mr Speaker, I am grateful for the invitation. I always try to attend as many public events that I have been asked to attend and I will continue to do so because that is what I have been asked to do sat in this House and when Government invites me to its functions I will of course attend. It would be odd if I just refused it.

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Mr Speaker, in relation to the position of the Government, can the Government confirm that the significant costs associated with having Mark Hamill is driven by value-for-money criteria linked directly to its results?

560 **Hon. Chief Minister:** Mr Speaker, I would not even call it a significant cost. Given the reach that we had, I think that hon. Gentlemen might look at the cost of the Skywalk versus the cost of this event, which unfortunately we are prevented by this non-disclosure agreement of giving the details of, and would decide that actually this is not just good value for money, this is *excellent* value for money, *brilliant* value for money.

565 In particular, just to juxtapose it, and as I said in my statement at the end of that press release, in the same week as we are also demonstrating our investment in health, because we had just launched that week the new Primary Care Centre and the new Paediatric Centre so that our children do not have to go to the same primary care centre as adults, and in the same months as we are being told by hon. Members that we are investing too much in education.

570 So I think in terms of value for money compared to the reach and the cost of the Skywalk, I really wish I could give Members chapter and verse of what the cost has been because it is absolutely excellent value for money and gets the name Gibraltar a reach we do not usually have, to the many millions of people that we want to attract.

I will just say this to the hon. Gentleman at the end of this contribution, Mr Speaker. Gibraltar has had a pull to attract people for many years. Part of it is the view of the apes in Gibraltar and I think that will always continue and I think as my friends in the taxi trade say often, the apes are our Mickey Mouse and they continue to be the biggest draw for Gibraltar.

575 We have also been able to draw on the affections of those who have served militarily in Gibraltar, who wanted to return and bring their families. We also draw on our historical significance and our strategic significance and people are interested in coming to see Gibraltar for those reasons.

We draw on the fact that Gibraltar is iconic and people who visit Gibraltar and are lucky enough to arrive by ship want to see it, get off the cruise ships – perhaps not as many as we would like but many do. But we have to reach a new generation of tourists to Gibraltar and as the world changes, Mr Speaker, and we cannot rely on WW2 veterans who have served here or have served here subsequently to bring their families, etc. we have to reach a new demographic. Mr Speaker, the hon. Members opposite will agree with me that that means reaching a new generation of individuals who might want to come to Gibraltar.

580 There have been two significant things which we can point to in the past year in that respect. One of them, and in my view at the moment the most significant, because it has been one of the largest events in Gibraltar's history, certainly the largest event for the launch of any tourist site, is the visit by Mark Hamill, the actor who played Luke Skywalker.

The second is the fact that Gibraltar is featured in a video game called *Call of Duty*, Mr Speaker, which is what is known in the trade as a 'shoot 'em up' based on the Second World War. Mr Speaker, it is really quite incredible to see that the reach of this video game technology is now in the hundreds of millions of people. Hundreds of millions of people around the world play these games. Indeed now, Mr Speaker, they play together and one of the stages of that game – this is a special edition of the game which is a World War II version, includes Gibraltar as a fortress coming under attack from Axis forces etc.

600 We have to reach that new demographic, we have to reach the new generations. This was, Mr Speaker, in respect of the launch of the Skywalk, exactly the right way to reach them and to make something of our Skywalk to make it different to all the other skywalks around the world. This is the Gibraltar Skywalk. Gibraltar, if the hon. Member cares to look carefully, looks a little in profile like the island where the Last Jedi is to be found in the last edition of the saga. This is all creating part of the myth. We are trying to create an attraction for people.

605 I have seen, Mr Speaker, that there are some who think this is not going to produce a return. Well, Mr Speaker, we think it has, certainly in marketing terms already. The advertising value of what I am telling the hon. Gentleman has been the reach of this video is absolutely huge. If we had had to pay for it, Mr Speaker, it would have been millions of pounds.

610 I have read some people trying to be funny to bring in references to Tatooine, etc. and actually not achieving even funniness, let alone serious political reach, but you know, that is



what happens if you become a nomad in politics I suppose, Mr Speaker. You do not actually ever hit the target.

615 But if you look at this seriously and if you work it out carefully, Mr Speaker, even the real Slim Shady, Mr Speaker, would have understood (*Laughter*) the value of bringing the Force to Gibraltar.

**Hon. E J Phillips:** Mr Speaker –

620 **Mr Speaker:** Before the Leader of the Opposition asks a supplementary, given that the Chief Minister has widened the scope of the original question by his intervention, I will allow supplementaries on those aspects by which he has widened the scope, but I am not allowing any debate on these issues.

625 **Hon. E J Phillips:** Mr Speaker, given the fact that this House and the people in our community will not be permitted to know how much this event on the Rock has cost us, can the Government confirm at least that they have been able to manage the message being delivered via Twitter and other social media outlets in respect of Mr Hamill's communication?

630 Because as far as we can tell from this side of the House, Mr Hamill remarked on 'Why would they ever invite me to the opening of something called a Skywalk? Remains a mystery.' I think that is a fairly negative way of putting a Skywalk who has cost us money, Mr Speaker. Can the Chief Minister confirm that he is managing the marketing message being delivered to our community, outside our community?

635 **Hon. Chief Minister:** Mr Speaker, I paused to think because I really do not believe it is possible for the hon. Gentleman to mean what he has just said. I assume he is trying to deal with some social media mutterings of others who he has responsibility and owes allegiance to, Mr Speaker.

640 Now irony, Mr Speaker, is not something that tastes 'metally'. Irony is a methodology of getting across a message. And so, when Luke Skywalker, because that is how he is best known, says, 'I can't imagine why they ask me to open a Skywalk!', he is being ironic and, in that way, communicating a message. Very well, if I may say so, because the hon. Gentleman will indulge me for a moment as I reflect to the House, Mr Speaker, how far the irony of that particular message has gone.

645 In just seeking to give the House an updated number, that ironic message from Mark Hamill, also known as HamillHimself, garnered 7,938 likes – this is a way of measuring on social media, Mr Speaker – 969 retweets and 314 comments, Mr Speaker. So, 8,000, in effect, likes, 1,000 retweets, 315 comments. That is probably a million times more than anything he has ever said on Twitter has attracted the attention of, or indeed, Mr Speaker, that those beyond this House

650 who he owes allegiance to might ever have suffered the liking of.  
Just after that, Mr Speaker, Mark Hamill the actor who played Luke Skywalker, amusingly also took a picture of himself of his face in a Barbary Macaque cut-out, Mr Speaker. That obtained 7,000 likes and, Mr Speaker, just demonstrating that one can be a celebrity but also be a thoroughly decent, nice and kind individual as well, another tweet that the hon. – sorry no, not the honourable, he is not *really* a Jedi! (*Laughter*) That Mark Hamill himself put up which talked about World Down's Syndrome Day, and featured what we were doing in Gibraltar for World Down's Syndrome Day, garnered 4,500 likes and 630 retweets, Mr Speaker. That is just on Twitter.

660 The numbers on Facebook are I think even higher, Mr Speaker. That is one part of the marketing and if I may say so, Mr Speaker, and I will be very honest with the hon. Gentleman, we do not control what Mark Hamill says on Twitter. You never contract to control what is said; you contract so that something *is* said and that it is in the positive, and that is extraordinarily positive messaging which goes beyond simply saying – which is very bad marketing, by the way –

665 'I have been to open the Skywalk, the Skywalk is open, come and turn up, it is £1.50.' That is *not* good marketing.

Good marketing is marketing that gives a twist, that is ironic, that suggests something exciting. Mr Speaker, if the hon. Gentleman would care to know, the one thing I did not think worked very well was that one of the Stormtroopers was very casually photographed in the background. That turned out to be one of the key features of what drove the message, because  
670 people wanted to know what the Stormtrooper was doing casually hanging on the side of the balcony.

In fact, there was a caption competition running at one stage and some very funny contributions about what it was that the Stormtroopers were saying: 'They really need to polish the Death Star better', etc.

675 So, Mr Speaker, you do not need to control a message if you are on message with the people that you contract. These were excellent messages from Mark Hamill himself. I think they demonstrate the value of what we have done. They got out the message. We can all be grouches and scrooges about things. This was the right thing to do.

And the hon. Gentleman says we are not going to be permitted to know the cost. No,  
680 Mr Speaker, I am not permitted to tell you the cost, but I wish I could because it would demonstrate that all of the attempts to denigrate this are absolutely wrong and all the attempts to compare it to investment in health services are absolutely wrong, because it is done in the same week as we invest in the Primary Care Centre and the new Paediatric Facility. Frankly, Mr Speaker, to suggest that we would do anything that is not value for money, I think does not  
685 demonstrate the understanding the hon. Gentleman should have of how we ensure that we get the message out.

But the results speak for themselves. When have we had something out in 117 television stations? When have we had something to do with Gibraltar with half a million views already, four days after it has happened, on the *Time Magazine* page? Mr Speaker, these are excellent  
690 numbers, they show that the message has gone further.

I thought the attack would be, Mr Speaker, that we have spun this too well. But no, the suggestion seems to be the opposite. But I think the hon. Gentleman needs to get the irony of the message.. He needs to understand what irony is and see the value of marketing done in that way as well as we have.

695 **Hon. E J Phillips:** I have just one further question, Mr Speaker.

**Mr Speaker:** The Force is telling me that we should move on. (*Laughter*) I will allow one more supplementary and then we are moving on. We are not having more of Mark Hamill or Luke Skywalker in the House today.

**Hon. D A Feetham:** I had one more.

705 **Hon. E J Phillips:** Mr Speaker, I thank the Chief Minister for his response in relation to his expertise on ironic and the irony of this particular type of marketing on social media. But speaking seriously for one moment, how does the Government rationalise with people that have complained to me and complained to my colleagues about the excessive spending of public money – ?

710 **Mr Speaker:** No, no. We are now debating Government expenditure on a general basis. It does not arise from the original question. It does not even arise from the supplementaries that I have allowed.

715 **Hon. E J Phillips:** Mr Speaker, but he has given the widest possible remit.

**Mr Speaker:** No, I am not allowing that question. I am very sorry. You are outside the rules.

**Hon. E J Phillips:** Mr Speaker, I don't know how. It is the Chief Minister that is outside the rules.

720

**Mr Speaker:** The Hon. Mr Llamas.

**Hon. L F Llamas:** Mr Speaker, just on the marketing aspect, would the Government accept that perhaps they have lost an opportunity of having marketed this event in advance to the actual day and being able to attract fans over and fill up rooms in hotels and the restaurants in Gibraltar?

725

**Hon. Chief Minister:** Well, Mr Speaker, the one thing I did not say before was that Mark Hamill apparently on television in GBC said, 'I am very lucky that they called it a Skywalk, otherwise they might never have contracted me to come and open it.'

730

The definition of irony which I have got here, is 'the expression of one's meaning by using language that normally signifies the opposite, typically for humorous or emphatic effect', by the way.

735

Mr Speaker, I do not know whether the hon. Gentleman attended the events at the Piazza. The events at the Piazza demonstrated just how blessed Gibraltar is, because Mark Hamill landed in brilliant sunshine and had his picture taken, as anyone arriving at Gibraltar would, with Kaiane, with the Rock behind, an important marketing picture for Gibraltar in the future – Luke Skywalker, Gibraltar and our Mayor, Miss World 2009.

740

It then rained cats and dogs. I bit my nails to the quick and by seven o'clock in the area in front of this Parliament, the sun was shining brightly and everyone that had an interest was here for an interview that Mark Hamill did with Nick Guerrero. Now the important thing, Mr Speaker, to tell the hon. Gentleman is the public order issues that we had getting Mark Hamill out of the lobby of the House of Parliament.

745

Now, the hon. Gentleman knows that unfortunately, although I do not think it is necessary in Gibraltar but you know sometimes, as the hon. former, former Leader of the Oppositions says, we have to do these things. I have a bodyguard in Gibraltar. I have two in Spain for reasons which might be more obvious. He had five, Mr Speaker, and we had to call reinforcements to get him out. Now, if we had said earlier than we had that he was coming, we might have had even more difficult public order issues.

750

The airport at one stage was full of people wanting to see him on his arrival. There were people who would not let him out of here. The Rock Hotel was besieged by people at different times. That is why we did not announce it earlier than we did, because we were concerned about those issues.

755

But I think that the spread of the message has worked. That is what the marketing was about. This was not an event-led tourist event. In other words, we did not use the visit as a tourist event to fill hotels. We used the visit to promote a thing that we hope will help us fill hotels and attract people to Gibraltar.

760

Look, it is possible to bring a celebrity every weekend, tell people they are coming and potentially, as long as the celebrity has a strong enough draw, fill Gibraltar with people who are interested in seeing that celebrity. That is not an area that we have explored but, Mr Speaker, what we have done in this instance, I think, is used the marketing by the celebrity being here in order to create an interest in those who follow the saga, in coming to see that Skywalk etc.

765

**Mr Speaker:** The Hon. Mr Feetham.

**Hon. D A Feetham:** Thank you very much, Mr Speaker. Just a couple or three quick-fire supplementaries, Mr Speaker and then I will sit down.

The first is: did Mr Hamill insist on the non-disclosure of the consideration payable under this contract or was it the Government that insisted on it?

770 Secondly does the Chief Minister think that it is in the public interest for a Government to be signing a non-disclosure that it will not effectively disclose the consideration for a contract of this nature to a Parliament?

And thirdly, is there any truth in the rumour that the Government is bringing Eminem next to Gibraltar? *(Laughter)*

775

**Hon. Chief Minister:** Well, Mr Speaker, I have to start by apologising to the hon. Gentleman, because I was not able to invite him also to the Skywalk launch. Not all Ministers were able to be invited because we had a controlled set of numbers and we needed certain shots etc. taken. So it was not possible to invite all Members of the House so we went for representatives of all the political groups opposite and we found the support of the GSD for this event and the support of Mr Llamas and Ms Hassan Nahon. Otherwise, Mr Speaker, we might have had the very difficult situation of having a Sith Lord and a Jedi on the same viewing platform, and then all sorts of trouble could have ensued. *(Laughter)*

780

But, Mr Speaker, it is not us that insisted on the confidentiality clause; it is a standard clause in the artist's agreement. Frankly, I am going to seek to be discharged from that but I do not know whether we will be because it is a standard clause of his. And there is control, Mr Speaker, because this money is in the Estimates Book under marketing costs, etc. It is like the Music Festival, we are not able to disclose the individual fees of the bands, but you know what it cost. In other words, you know what is spent on that and you know how much is spent on marketing.

785

790 But you just put yourself in a position, Mr Speaker, if you disclose that you are not going to get best possible value for money, because if you get a discount, Mr Speaker, and that is published, others will want to pay no more than you have paid.

So it is entirely in the public interest of Gibraltar that we respect confidentiality agreements because we think we get better deals for the Gibraltar taxpayer as a result, not worse deals as a result. So I think hon. Members would appreciate that that is the logic of why we accept these things.

795

Finally, Mr Speaker, I know that these questions were put in some time ago, which means, Mr Speaker, these questions were put in long before there was any chance of anybody knowing about Mark Hamill coming to Gibraltar. They cannot have been intended for that, although all the supplementaries have been on that. I welcome that, Mr Speaker, because we have been able to deal with an issue that has been made public in another not so positive way by the Members of the party represented opposite but who are not in this House to put the very contrary view that was expressed by hon. Members present at the event last week.

800

**Mr Speaker:** The Hon. Roy Clinton and that is the last supplementary that I am allowing. I have had enough this afternoon. Half an hour on Luke Skywalker, I think is – *(Laughter)*

805

**Hon. R M Clinton:** Thank you, Mr Speaker, I will be brief.

Given that the Chief Minister has emphasised that this was indeed value for money, can he advise the House whose idea this was and was there a cost-benefit analysis presented beforehand as to this event?

810

And finally, Mr Speaker, would he be willing to disclose to this House, the total cost of the Skywalk, including the cost of the opening?

Thank you, Mr Speaker.

815

**Hon. Chief Minister:** Mr Speaker, it was my idea. Yes, we did a cost-benefit analysis. We will disclose the full cost of the Skywalk but not the cost of the opening because that would allow people to work out the cost of the event and therefore put us in breach of our obligations. I am

820 sure that the hon. Gentleman does not want to put the Government of Gibraltar in breach of its contractual obligations, Mr Speaker.

And I bow to you now as Supreme Leader and end this part of the questioning.

**Q309/2018**  
**St Christopher's School –**  
**Plans once handed over to Government**

825 **Clerk:** Question 309, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain what plans it has for St Christopher's School, and explain in what physical conditions the school has been handed over to the Government?

830

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker. St Christopher's School has not yet been handed over to the Government.

**CHIEF MINISTER**

**Q310/2018**  
**Economic Advisory Council 2025 –**  
**Members and meetings**

835 **Clerk:** Question 310, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, has the Government appointed members to the Board of the Economic Advisory Council 2025 and if so, how many times, and on what dates, has it met since formation?

840

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

845 **Chief Minister (Hon. F R Picardo):** Mr Speaker, less than 90 days after the result of the 2015 General Election, the former Prime Minister of the United Kingdom, David Cameron, called a referendum on the UK and Gibraltar's membership of the European Union. For that reason, the Government decided to forgo appointments to the said Economic Advisory Council.

The Government will therefore now expect to convene the council in July, a date by which we may have greater clarity as to the access the UK and Gibraltar may have to the EU Single Market.

850 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer, although I fail to see why the Brexit vote had to delay the creation of the council. In fact, I would have thought there would have been more reason for its creation.

Can I ask the Chief Minister, has he identified the individuals that he would wish to appoint to such a council and if so, have they been approached?

855

**Hon. Chief Minister:** Well, Mr Speaker, I do not agree, because it is not possible to make serious suggestions *in vacuo*. So in other words, Mr Speaker, what is the point of sitting round thinking about what we would do if we had access to the Single Market if we do not have access

860 to the Single Market, or thinking about what we would do if we do not have access to the Single Market if we do have access to the Single Market.

So what makes more sense, Mr Speaker, is to know what the settled position is going to be, what market we are going to have access to and to plan in that way.

I have approached a number of people to form part of this council and I expect to approach others in coming months.

865 You should not expect a call. *(Laughter)*

**Hon. R M Clinton:** No indeed, Mr Speaker, I certainly would not expect a call.

Can the Chief Minister enlighten us as to the significance of July? Forgive me if I am not up to speed on that particular date.

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**Hon. Chief Minister:** Well, Mr Speaker, I take it then that he is not following the debate about when the European Union expects to enter into arrangements with the United Kingdom.

### Q311/2018

#### Pensions for private sector workers – Government manifesto commitments

**Clerk:** Question 311, the Hon. R M Clinton.

875 **Hon. R M Clinton:** Mr Speaker, how does the Government believe it has fulfilled its manifesto commitment of 2011 and 2015 in respect of pensions for private sector workers?

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

880 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in full, sir.

### Q312/2018

#### Tax rebates – Value outstanding as at 31st December 2017

**Clerk:** Question 312, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please advise the value of tax rebates outstanding as at 31st December 2017, analysed between personal and corporate?

885

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Income Tax Office does not hold historical information on the level of tax rebates due.

890 The fact is that the total value of refunds due to individuals and entities is obviously in a state of constant flux. The Tax Office continues with its refund repayment programme and is continuing to bring assessments up to date. The result of this strategy is that additional refunds continue to be made in a timely manner as practically possible.

895 Therefore, during the current financial year, and as at 9th March 2018, the Income Tax Office has paid an unprecedented £14,247,460 in tax rebates. That is the largest amount ever paid in

tax rebates in the history of our community and is in keeping with our policy of seeking to be as up to date as possible in respect of the amounts repaid to taxpayers.

Mr Speaker, this is a record to be proud of and I am pleased to tell the House that I will be able to provide more detail on the success of our policy during the course of the debate on the Appropriation Bill later this year.

**Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister for his answer. I will perhaps file another question, Mr Speaker, with your permission, because without checking *Hansard* I cannot remember off the top of my head, I am fairly certain that we have had information in the past on the level of tax refunds outstanding and therefore it is entirely within the ability and remit of the Tax Office to provide that information.

While I am on my feet, Mr Speaker, the Chief Minister has just given a number of rebates paid of £14 million and change: would he confirm to the House that is in fact more than the estimated revenue repayments of £10 million in the Estimates Book?

**Hon. Chief Minister:** Yes, Mr Speaker, it is a 50% surplus over that amount. In fact, instead of £10 million we have paid £14,400,000 to date. That means, Mr Speaker, that the £10 million which would have been the largest amount ever paid in tax rebates in any financial year has been exceeded half again, Mr Speaker. An excellent record to be proud of in paying back to people and exceeding, Mr Speaker, the amount ever paid by any Government in the past in any financial year.

**Hon. R M Clinton:** Well, Mr Speaker, I would be the first to congratulate him on behalf of the taxpayer, if only we knew how much more remains to be paid. As soon as we have that information, I will be the first one to congratulate the Government for repaying what taxpayers are due.

But I have no further question for him.

**Hon. Chief Minister:** Well, Mr Speaker, in that case, I will look forward to receiving his congratulations, but hopefully not caveated in any way, because this is the largest amount ever paid. If he wants to compare that to the amounts that may be outstanding, he might want to compare that to the amounts outstanding as a ratio of the amounts outstanding at the time that the party that he represents was in office because, Mr Speaker, I think even that is important.

I think the demonstration and commitment of the Government in repaying to taxpayers is now more evident than ever, and as I said during the course of the last Appropriation debate and will demonstrate during the course of the coming Appropriation debate, to which I am very much looking forward.

#### Q313-320/2018

#### PAYE, Social Insurance, Rates, Corporate and Personal Tax arrears – Details as at 31st December 2017

**Clerk:** Question 313, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for PAYE tax arrears as at 31st December 2017, without disclosing the names of those debtors.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 314 to 320.

**Clerk:** Question 314, the Hon. R M Clinton.

945

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for Social Insurance arrears as at 31st December 2017, without disclosing the names of those debtors?

950

**Clerk:** Question 315, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for Rates arrears as at 31st December 2017, without disclosing the names of those debtors?

955

**Clerk:** Question 316, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for Corporate Tax arrears as at 31st December 2017, without disclosing the names of those debtors?

960

**Clerk:** Question 317, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for Personal Tax arrears as at 31st December 2017, without disclosing the names of those debtors?

965

**Clerk:** Question 318, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government state whether any individual or company listed in the lists of arrears provided for PAYE, Social Insurance, Rates, Corporate and Personal Tax as at 31st December 2017, appears in more than one list and how many do so?

970

**Clerk:** Question 319, the Hon. R M Clinton.

975

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for electricity arrears as at 31st December 2017, without disclosing the names of those debtors?

980

**Clerk:** Question 320, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for rent arrears as at 31st December 2017, without disclosing the names of those debtors?

985

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand over a schedule with the information requested.

990



**Mr Speaker:** Whilst the hon. Member studies the schedules and therefore he can come back and ask supplementaries, we will move on to the last two questions from the Hon. Lawrence Llamas.

ANSWER TO QUESTION 313

Top 30 amounts  
outstanding for PAYE

Outstanding
£535,020.83
£364,113.32
£352,613.02
£217,118.40
£206,717.72
£192,575.15
£142,525.54
£139,500.47
£132,866.71
£119,186.99
£107,156.72
£96,861.60
£94,411.90
£82,860.18
£80,865.64
£75,777.16
£75,425.23
£72,805.18
£70,874.64
£67,394.77
£66,978.45
£65,527.55
£60,118.94
£58,889.35
£57,745.68
£57,671.65
£57,396.90
£57,058.55
£55,088.00
£54,635.64

ANSWER TO QUESTION 314

Top 30 amounts  
outstanding for Social  
Insurance

Outstanding
£316,998.09
£216,186.51
£142,602.19
£118,915.55
£95,011.23
£93,660.21
£90,737.36
£88,736.70
£78,673.49
£77,668.27
£75,024.87
£66,388.30
£65,728.97
£65,255.91
£59,054.27
£58,633.38
£57,972.33
£56,467.56
£55,900.25
£53,879.20
£50,555.65
£49,160.52
£48,664.10
£47,946.01
£46,783.89
£46,491.02
£45,643.23
£44,252.23
£43,419.75
£41,330.69

ANSWER TO QUESTION 315

Top 30  
amounts  
outstanding for  
Rates

Outstanding
£646,252.56
£284,335.05
£211,733.50
£191,381.75
£172,900.00
£120,263.23
£105,826.51
£99,112.00
£95,096.67
£85,468.93
£78,707.97
£77,195.60
£68,174.63
£65,842.92
£63,904.20
£59,786.65
£56,919.37
£53,897.52
£52,032.20
£50,630.15
£43,109.64
£41,915.56
£39,293.20
£39,271.26
£38,849.05
£37,508.10
£37,503.77
£36,434.06
£34,818.83
£34,276.98

**ANSWER TO QUESTION 316**

Top 30 amounts outstanding  
for Corporate tax

Outstanding
£325,532.97
£127,952.27
£121,172.11
£86,263.72
£75,813.18
£69,097.04
£67,788.50
£67,401.90
£64,320.74
£60,681.23
£53,689.25
£52,347.07
£41,443.05
£38,919.37
£38,616.06
£37,123.86
£35,365.00
£33,249.00
£30,952.62
£30,548.13
£29,117.56
£28,835.94
£26,814.74
£24,014.32
£23,731.65
£23,697.09
£23,213.70
£23,046.80
£22,648.16
£22,461.00

**ANSWER TO QUESTION 317**

Top 30 amounts outstanding  
for Personal tax

Outstanding
£320,978.48
£231,430.52
£108,886.78
£90,077.79
£80,789.54
£76,025.08
£71,650.00
£63,878.00
£63,503.48
£62,050.74
£61,369.57
£59,099.24
£58,131.34
£54,624.87
£50,884.84
£49,442.07
£47,892.57
£47,833.76
£46,809.92
£46,800.53
£46,328.77
£44,948.53
£43,956.00
£43,560.00
£42,794.40
£40,439.59
£39,492.50
£39,291.10
£38,673.46
£38,551.26

**ANSWER TO QUESTION 318**

Companies appearing on more than one list

PAYE	Social	Personal Tax	Corporate	Rates
£364,113.32	£316,998.09			
£192,575.15	£216,186.51		£24,014.32	£95,096.67
£139,500.47	£118,915.55			
£57,058.55	£142,602.19			
£96,861.60	£90,737.36			
£107,156.72	£55,900.25			
£80,865.64	£75,024.87			
	£93,660.21			£52,032.20
	£95,011.23		£52,347.07	

£75,777.16	£65,255.91			
£57,745.68	£65,728.97			
£58,889.35	£59,054.27			
£70,874.64			£38,616.06	
£57,671.65	£48,664.10			
			£67,401.90	£34,818.83
	£49,160.52		£41,443.05	

**ANSWER TO QUESTION 319**

Top 30 amounts  
outstanding for  
Electricity

<b>Outstanding</b>
£21,603.35
£19,295.08
£36,357.13
£18,251.77
£17,631.18
£17,436.21
£16,877.57
£16,030.46
£15,450.48
£24,468.50
£14,782.06
£14,708.89
£14,739.82
£14,662.00
£14,491.31
£14,511.53
£14,132.79
£14,040.99
£13,795.07
£14,025.44
£13,410.64
£13,181.68
£13,238.45
£13,158.65
£12,727.66
£12,536.62
£12,480.48
£12,479.19
£12,384.33
£12,324.23

**ANSWER TO QUESTION 320**

Top 30 amounts  
outstanding for  
Rent

<b>Outstanding</b>
£20,793.65
£20,356.17
£19,954.05
£19,723.35
£19,420.42
£19,064.81
£18,591.82
£18,493.63
£18,011.43
£17,484.26
£17,294.73
£17,141.91
£16,928.24
£16,926.13
£16,763.91
£16,424.11
£16,224.58
£16,194.31
£16,173.94
£16,037.95
£16,020.29
£15,824.64
£15,542.00
£15,491.09
£15,371.05
£15,329.19
£15,236.65
£15,069.64
£14,843.25
£14,806.54

**Q321/2018**  
**Former Rooke site –**  
**Costs of demolition and works; reasons**

995 **Clerk:** Question 321, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government disclose the cost of demolition and any works it may envisage carrying out at the former Rooke site together with its reasons for carrying out these works.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the reply to Question 399/2017 set out the cost of the demolition and the reasons for it. The information requested has therefore been in the public domain for nine months.

1005

**Q322/2018**  
**Disability Allowance –**  
**Concerns**

**Clerk:** Question 322, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide an updated position with regards to Question 94/2018?

1010

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the position in respect of Disability Allowance remains as set out in answer to Question 94/2018. I am looking forward to meeting with the Disability Society tomorrow, in order to better understand their concerns in this respect.

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**Hon. L F Llamas:** Mr Speaker, the question is that people from the Disability Society and Members in general have been under the impression, since the Chief Minister made an address during his initial Budget upon winning his first election, that the Disability Allowance benefit – not the taxable allowance received, the actual benefit – would increase in line with the cost of living. And given that the Chief Minister announced a 2.7% increase in cost of living, that is the percentage that they are seeking to receive.

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In the past, the Government has issued press releases when they have increased the benefit. In one particular year I believe the cost of living only went up 0.4% and the Government actually topped it up and went up to 1.7% and they made a press statement. But given that they have actually been writing to No. 6 asking questions, not just for clarification in the public domain, but they have actually taken the initiative to try and push this agenda forward but have been unable to get any answers; and the fact that the commitment has been there and has been practised throughout the years, it suddenly seems to have stopped. Does the Government have a reasoning for why the Disability benefit has actually not increased in this financial year?

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**Hon. Chief Minister:** Mr Speaker, Question 94/2018, which is the one which is referenced in the question I am dealing with today, deals exclusively with Disability Allowance, Mr Speaker. It does not deal with anything else. But as I have said to the hon. Gentleman, I am going to see the

1035 Disability Society tomorrow, so I will be providing answers to any questions that they put to me tomorrow, directly.

**Q313-320/2018**

**PAYE, Social Insurance, Rates, Corporate and Personal Tax arrears –  
Supplementary questions**

**Mr Speaker:** Are there any supplementaries arising from those schedules?

1040 **Hon. R M Clinton:** Yes, Mr Speaker. Just on a cursory review of the schedules and we may come back with more specific questions, if I can direct the Chief Minister to his answer to Question 314, top 30 amounts outstanding for Social Insurance, and the amount there is £316,998.09. Looking at the corresponding schedule that was handed to us in October 2016, it is in fact the same identical number.

1045 Can the Chief Minister advise or at least confirm that we are talking about the same debtor and if so, why is it in the space of time that has elapsed, that number has not changed?

1050 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, it is the same debtor. The amounts accrued in 2001, 2003 and 2009 and the company is in liquidation – that is why the figures have not changed.

**Hon. R M Clinton:** I am grateful to the Chief Minister for that answer. Can he advise, if he has the information with him, which of the other entities relate to companies that are in liquidation?

1055 **Hon. Chief Minister:** In that schedule, Mr Speaker, in Social Insurance there are none other in liquidation, but there are a number in the legal process and I do not know whether that legal process is winding-up proceedings or not, because I do not have that information.

1060 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for that. Would I be correct in presuming – and I presume that would be the correct assumption – that in his answer to Question 318 where the Social Insurance amounts of £316,998.09 appears, that the PAYE debtor is in relation obviously to the same debtor and is also therefore, the same entity in liquidation? And if I could ask whether the line down, the next one down, also relates to the company in liquidation.

1065 **Hon. Chief Minister:** So, Mr Speaker, he said in 318, so the first line of 318 is the one that he referred me to which has in respect of the column for Social Insurance the same figure, £316,998.09, then the figure for PAYE £364,113.32 is of course, because that is how it is set out, owed by the same debtor, Mr Speaker.

I did not catch the second limb of what he asked me.

1070 **Hon. R M Clinton:** Yes, I am grateful to the Chief Minister. I was just asking if the next line down of that same schedule in answer to 318 would relate to an entity in liquidation?

1075 **Hon. Chief Minister:** Mr Speaker, the note I have says ‘pending liquidation’. So I assume that is at some part of the process of the winding-up procedure of the court.

**Hon. D A Feetham:** Mr Speaker, what about the second number on the schedule for PAYE £364,113.32 and also the numbers as well on personal tax, which is – (*Interjection*) sorry? Yes,

1080 well, which is exactly the same as the number that was given to us in October 2016. That is the second one on the schedule on PAYE.

1085 **Hon. Chief Minister:** That is exactly the question that I answered to the hon. Gentleman, Mr Speaker. That entity is the one that is – (*Interjection*) No, no but he also asked me to relate it to the number in respect of PAYE that appeared in the answer at 318, I believe, Mr Speaker. So if the hon. Gentleman looks at 318, that is the number that I gave the hon. Gentleman, you see, so it is the same entity, Mr Speaker, and it is in liquidation.

**Hon. D A Feetham:** Mr Speaker, I am grateful for that.  
1090 What about personal tax? What we have on personal tax in October 2016, the top number was £320,978.48 and the second highest debtor on personal tax in October 2016 was £231,432.52 which are identical to the figures in the schedule that he has provided in answer to my hon. Friend today.

1095 **Hon. Chief Minister:** Yes, Mr Speaker, so they are in liquidation, but obviously in human terms that means bankruptcy. (*Interjection*) So these are two individuals in bankruptcy.

**Mr Speaker:** Any other supplementaries?  
That is the end of question time then.

#### PROCEDURAL

#### Estimates of Expenditure – Agreed to be circulated on Wednesday, 2nd May

1100 **Mr Speaker:** Before we move on, there is a matter that I want to clarify. Members will recall that we agreed that the Estimates of Expenditure, that the Constitution would be met, the requirements of the Constitution, if the Estimates of Expenditure were circulated not later than 30th April.

Now, 30th April is a public holiday in Gibraltar, Monday is the public holiday and Tuesday, 1st May is also a public holiday. Therefore, basing ourselves on the Interpretation and General  
1105 Clauses act, the requirement would be met if the Estimates are circulated on Wednesday, 2nd May. Is that agreed?

Thank you very much.

#### Q186-188/2018 Government workers – Question held over to this session

1110 **Hon. D A Feetham:** Mr Speaker, I have one matter, before the Hon. Chief Minister moves to something else.

**Chief Minister (Hon. F R Picardo):** All I am going to do is table the Written Questions. Does he want to say it before or after I table the Written Questions?

1115 **Hon. D A Feetham:** Before, I would appreciate it. Maybe it is a point that is badly made, because it may well be that the answer is in the Written Questions.

1120 But, Mr Speaker, you may recall that at the last session of Parliament I had one question, which was a question about the supply workers from recruitment consultants across the public service and the hon. Gentleman, Minister Bossano, I think he indicated that in the time available it had not been possible to compile the information in order to provide an answer.

At that stage I referred Mr Speaker to Standing Orders and I asked for my question to be left over to this session of Parliament, whether it is orally or in writing. And in fact, my recollection was that that is where we left it – we left it at that stage.

1125 Now, I would like to know where we are with that question because of course, Mr Speaker, what I could have done and I am not going to get technical about this, what we could have done would have been if the Hon. Minister had said, 'No, no my answer is I do not have the information therefore that is my answer and that is it, because the time to compile it has been too short,' I would have asked for the indulgence of Mr Speaker and I would have said to Mr Speaker, 'Can I repeat the question next time round?'

1130 So in fairness to me and in fairness to ... not that the hon. Gentlemen are going to be too fair to me, but in fairness I would say, I would just like to know where we stand with that question. Because now we have got Easter so there is another month that is going to be lost and if the hon. Gentleman intends to answer my question, well look, I will sit down and shut up.

1135 But the indication that has been given to me is that the hon. Gentleman now believes that he answered my question and that is the end of the matter, which I think is terribly unfair and I appeal to the hon. Gentleman's sense of fairness.

**Hon. Chief Minister:** Well, Mr Speaker, I do not know what makes the hon. Gentleman think – (*Laughter*) if I manage to get the words out through my mirth! I do not know what makes the hon. Gentleman think that we would be anything other than entirely generous to him, Mr Speaker.

If only he had allowed me, Mr Speaker, to lay on the table the Written Answers to the Written Questions, I have the answer to his question here, Mr Speaker.

1145 **Hon. D A Feetham:** A full answer or ... ?

**Hon. Chief Minister:** They always are, Mr Speaker! (*Laughter*) – to table for the hon. Gentleman also ... Well, not to table but at least to pass to the Clerk to pass to him that answer, because our understanding is that they are questions that are then dealt with as written at the next occasion and here we are, Mr Speaker.

#### QUESTIONS FOR WRITTEN ANSWER

**Chief Minister (Hon. F R Picardo):** So I therefore have the honour, Mr Speaker, to table the answers to Written Questions numbers W12 to W22/2018 inclusive and to pass over also, Mr Speaker, the answer to the hon. Gentleman's question which was left unanswered at the last session. And I hope, Mr Speaker, of course, that he enjoys the answer, as we always wish that he does.

And, Mr Speaker, I think that might be a convenient moment –

1160 **Mr Speaker:** Before we go –

**Hon. Chief Minister:** Oh, perhaps not, Mr Speaker!



**Clarification by Mr Speaker  
of Rule 16(2) re unanswered questions**

**Mr Speaker:** Not by way of making any ruling on this matter, but I had an opportunity this afternoon earlier when I spoke to the hon. Member, to have a look at Rule 16(2) which says:

If any question remains unanswered when the Parliament adjourns on the last day of a meeting a written answer shall be sent to the Member who put the question:

Provided that where the question has been set down for oral answer the Member who put the question may within three days, exclusive of Saturdays, Sundays and public holidays, next after the adjournment of the Parliament require in writing that the question be postponed to a day at the next meeting of the Parliament.

1165 So, the position therefore, is this. If a question is on the agenda and for some reason or  
another the question is not asked, it is not answered because it is not asked, and it might not be  
asked because the hon. questioner is not present and has agreed with his colleagues that it  
should not be dealt with. If that happens, then unless he gives an indication within three days  
1170 that he wishes to take the matter forward, a written answer is given – and only in those  
circumstances.

When the other day he rose and he had the exchange with the Hon. Mr Bossano, in good  
faith, I took the answer that Mr Bossano had given in good faith, I thought the question had not  
been answered.

1175 But no, if a question is put and the answer is ‘I am not able to answer it, I do not have the  
information here because I require more time’, as far as the proceedings of Parliament that day  
are concerned, the question has been answered, and the answer is that I cannot give you the  
information that you require.

1180 That would not set off, in my view, Rule 16(2). Rule 16(2) I think only comes into operation if  
the question has not been asked and if it has not been asked, it has not been answered. That is  
the way that I understand over the years that that particular rule has been applied – certainly,  
when I was a Member and I would imagine in between.

**Hon. D A Feetham:** Mr Speaker, I do not want to sound controversial. I thoroughly disagree  
with the interpretation that Mr Speaker has placed on this particular clause and indeed, I would  
1185 wager my professional reputation – (*Interjections*) I go as far as to say that I would wager my  
professional reputation that Mr Speaker is wrong in relation to that.

1190 Because you see, if I ask a question ... What Mr Speaker is saying is that this particular clause  
in Standing Orders is there only in a situation where the question does not get asked. That  
cannot be right. This is there to cover that situation, I agree, but it is also there to cover a  
situation where the Government says, ‘Well look, I do not have the information here now, but I  
am going to have it next time round.’ Well, instead of asking the question again next time round,  
what then happens is that the same question can be left over for next time round and then the  
answer is provided. That must be the purposive, common-sense interpretation to this particular  
clause.

1195 But as always, Mr Speaker, you are the final voice and the final arbiter and my professional  
reputation is irrelevant – it is neither here nor there. But I have to say that I could not stay sitting  
down without expressing my view in relation to this, because in fairness I just do not agree with  
it.

1200 **Mr Speaker:** I respect what the hon. Member is saying entirely. Fortunately, I do not have  
any professional reputation at stake (*Laughter*) on this matter, but as I say it is my recollection  
that that is the manner in which, in practical terms, that particular rule has been applied over  
the years and I do not think that there has been any exception to that until just now.

1205 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may, on behalf of the Government, the Government will not just abide by your ruling but agree with it respectfully, Mr Speaker, because there are, and this is what the hon. Gentleman understood when he was in Government but does not like to understand when he is in Opposition.

1210 There are rules as to questions and then rules as to answers. The rules as to answers are procedural, they deal with when answers are provided and how answers are provided. They cannot deal with the substance of answers and once a question is asked, such answer as may be provided as long as it is in keeping with the rules, Mr Speaker, is an answer.

1215 And therefore, Mr Speaker, I think it is very clear that it would be ungenerous of the Government to seek to invoke the rule that you cannot ask the same question within six months, where a Minister has given such an answer. And there Mr Speaker has discretion and would say, 'Well look, if what the Minister said at the last session was that he did not have the information, then I am going to allow the question to be put again, even though six months have not passed.'

1220 But that does not get the hon. Gentleman off the hook he has created for himself again on his professional reputation (*Laughter*) and Rule 16(2), which I am afraid, Mr Speaker, leaves the House with the abiding view that once again his professional reputation lies in tatters around him. (*Laughter*)

1225 And, Mr Speaker, as much for him as for all the rest of us, I think that may be a convenient moment for us to recess for him to collect his reputation and for the rest of us to have a comfort break for 15 minutes.

**Mr Speaker:** Very well, we shall now have a short recess.

*The House recessed for 15 minutes.*

## Order of the Day

### PRIVATE MEMBERS' MOTIONS

#### Environment – Gibraltar's air quality and renewable energy – Amended motion carried

**Clerk:** Government business has now terminated.

We now move to Private Members' Motions – the Hon. Ms M D Hassan Nahon.

1230 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*'THIS HOUSE:*

*NOTES that the content of this motion represents the views and desires of a considerable number of constituents who have taken part in the debate and elaboration of the motion via the civil platform "Together Gibraltar".*

*BELIEVES that it is the responsibility of our current administration, and our elected representatives in Parliament to deliver on commitments to shape our future.*

*UNDERSTANDS that poor air quality in Gibraltar is not a new phenomenon.*

*ACCEPTS that we must demonstrate adherence to EU targets on air quality.*

*AKNOWLEDGES that we must relocate / add new air quality monitors to locations so as to better reflect the air quality in dense urban environments.*

*RECOGNISES that vehicular emissions are the second largest contributor to air pollution in Gibraltar.*

*COMMITTS to meeting EU targets on recyclable waste.*

*RECOMMENDS an independent analysis of renewable energy sources and potential for Gibraltar.*

*WELCOMES the Bill to amend the Gibraltar Electricity Authority Act 2003 in order to support feed-in arrangements, however, expresses concern that this Bill does not propose a framework that provides some form of investment protection through guaranteed feed-in tariffs or others, and relies exclusively on discretion by the Gibraltar Electricity Authority.*

*DECLARES the need for the creation of a cross party platform. There is a need for an independent, executive body to oversee the actions above, such that the election cycle and varying manifesto commitments will not de-prioritise the environmental agenda, and only a broad parliamentary consensus can guarantee the level of commitment this issue requires.'*

**Mr Speaker:** I now propose the question in the terms of the motion moved by the hon. Lady.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, as many of you probably know, I, together with a  
1235 group of socially aware and active constituents, have organised a civic platform designed to promote participation and help bring positive change in Gibraltar. This platform is called 'Together Gibraltar' and I would like this platform to be a useful tool in bringing the voice of the people we represent closer to us; the legislators and decision-makers of this community also.

1240 It is intended to be a pragmatic, non-partisan vehicle of expression and I hereby encourage the Members of this House to put aside their differences and their cynicism and take full advantage now and in the future of this direct line of communication with the electorate.

1245 After several meetings with these constituents, it was determined that we should commence by approaching a subject capable of generating great consensus. The subject of the environment, its current state and how we are dealing with the great challenges that await us in the future, was the key to our first step.

At this stage, it is important to state that it is a responsibility of our current administration and our elected representatives in Parliament to deliver on commitments to shape our future. These measures must be practicable and measurable and not fall into empty declarations of principle like has so often been the case in the past.

1250 They require urgent and effective legislative changes, substantial investment and a pedagogical effort aimed at educating and empowering the public at large. All this in a way that is financially as well as environmentally sustainable.

1255 We seek a holistic approach with a wide consensus on measures and targets to be established with veritable evidence of adherence towards these targets and a long-term plan binding both present and future Governments.

In that vein, let me start addressing the real substance of this proposal. It transpired from the meeting that one of the most important issues for our constituents is pollution and air quality. Air quality is not only an environmental concern but also one that impacts on the health and quality of life of our constituents. So much so, that Gibraltar has a higher rate of respiratory disease than anywhere else in Europe, 2.5 the amount of times than that of the EU mean in 2013. And there is anecdotal concern about other diseases often linked with pollutants: cancer and dementia for example.

1260 This concern is not a new phenomenon, not in Gibraltar and definitely not in this House. In fact, in July 2010 following the failure to meet European limits on PM10 and Nitrogen Dioxide particles, the Air Quality Action Plan was prepared.  
1265

Subsequently, a TEN – Time Extension Notification – was submitted for ongoing, non-conformity breaches to levels of pollutants. The TEN included a number of actions deemed outstanding in 2011, many of which remain outstanding six years later.

1270 These include park and ride scheme for border walks and tourists, a city centre low emission zone, emphasis on low emission vehicles/public transport, to remove 2-stroke engine mopeds off the road and launch of the new power plant.

1275 In order to achieve these aims, we must demonstrate adherence to EU targets, also in a post Brexit scenario on air quality for arsenic, benzene, cadmium, carbon monoxide, lead, nickel, nitrogen dioxide, NO<sub>2</sub>, ozone, particulate matter PM10 and PM2.5, Polycyclic Aromatic Hydrocarbons (PAH) and sulphur dioxide.

1280 These efforts require a planned scientific approach and an adequate monitoring infrastructure. It is impossible to verify the implementation of this plan without relocating and adding new air quality monitors to certain locations so as to better reflect the air quality in dense urban environments, particularly in the north and west part of town, for example, Waterport Terraces. Until we can offer an accurate diagnosis of the problem we will not be able to provide an effective solution.

1285 As part of this holistic approach, we must take into account the environmental impact of our traffic plan and ensure that it does not disrupt our environmental objectives. Vehicular emissions are the second largest contributor to air pollution in Gibraltar. Furthermore, congestion, noise and energy dependency issues worsen while the number of cars on the roads increase.

1290 Between 30,000 and 40,000 vehicles on the road and the figure increasing, the matter must be addressed. It is therefore proposed that a target of 10% electric vehicles by 2020 be adhered to; a year on year decrease of the number of non-electric vehicles on the road; a service level agreement of 99% operational availability of air quality monitors be implemented; and implement a road tax to deter car ownership as well as implement a congestion charge zone to reduce congestion and pollution on our clogged streets. A feasibility study of a Zipcar-style car-sharing scheme also; transparency on the progress towards a fleet of electric taxis; and hybrid low emission fleet of buses.

1295 Another fundamental aspect of a sustainable environmental agenda is the issue of waste disposal. We must therefore firmly commit to meeting EU targets on recyclable waste, 60% paper, 60% glass, 50% metals, 23% plastic, 15% wood.

1300 An adequate plan to address this issue should include investment in grass roots education and distribution of household bins; recycling bins in every private and public estate, Government office and Corporate office; implementation of a new tax to non-recyclable waste beyond a certain amount. Legislation ensuring businesses on Main Street separate their recycling for collection; legislation to phase out by 2020 all single use plastic bags, with no import duty and tax benefit on paper bags and alternatives.

1305 Partly due to successive Governments' failure to create awareness of the environmental agenda, our energy consumption per capita is in the global top ten worst offenders list. This means we have come to expect a lifestyle that is high in energy consumption. This can only continue if we implement a comprehensive renewable energy plan, capable of maximising the many sources of renewable energy at our disposal.

1310 In order to efficiently approach this, I propose an independent expert analysis of renewable energy sources and potential for Gibraltar. This must include a plan for renewables to generate no less than 15% of Gibraltar electricity demands by 2020, as well as the incorporation of zero emission standards to all future building projects.

1315 With permission, Mr Speaker, I shall leave out the section on the Gibraltar Electricity Authority Act 2003 where I have outlined some concerns to the Minister for the Environment and Climate Change, because he has kindly agreed to postpone that Bill in order to discuss my concerns, so I shall leave that out of the motion at the moment.

1320 In general, Mr Speaker, I therefore look to the Government to consider the potential of the renewable energy economy and establish a multi-sector, independent body, capable of identifying where businesses could contribute in allowing us to address our environmental challenges for a win/win outcome, with the regulator talking to the regulated. If approached in a fragmented manner, we risk having incomplete or even incorrect solutions.

1325 Finally, Mr Speaker, I end by stressing yet again, that environmental sustainability and fighting climate change is not a partisan issue, Mr Speaker. In this battle we win together or we lose together. I therefore propose the creation of a cross-party platform capable of ensuring these measures are implemented irrespective of party political or other agendas.

1330 Mr Speaker, there is a need for an independent executive body to oversee the aforementioned actions, such that the election cycle and varying manifesto commitments will not deprioritise the environmental agenda and only a broad parliamentary consensus can guarantee the level of commitment this issue requires.

1335 We need the 20 to 30-year vision with ambitious targets and governance structures in place such that it remains a priority irrespective of who is in Government. The people of Gibraltar wish it so, Mr Speaker, and it is our obligation to make their wishes a reality.

Thank you, Mr Speaker.

1335 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. Marlene Hassan Nahon.

The Hon. Dr John Cortes.

1340 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I want to sincerely thank the hon. Lady for her motion and for bringing it to this House. I have long said that the environment is such a vital matter that it in fact transcends party politics and there is no better sign of progress in politics than when opposite sides of the House agree on matters for the wider benefit of the community that this Parliament serves.

1345 Having said this and precisely working in the interest of community improvement and benefit for present and future generations, I will address the hon. Lady's points in turn.

1350 Mr Speaker, I am very much aware of the views of our community when it comes to the environment. I have taken great pride my whole life in the fact that I have worked with and through our community to improve the environment. Indeed, it is only by working together with all sectors and ages of our community that we can deliver real environmental sustainability.

1355 Mr Speaker, I agree with the philosophy expressed in the motion that it is the responsibility of the administration and all elected representatives to deliver on commitments that shape our future.

1360 The Government's track record during the past six years is clear evidence of this. Gibraltar saw its first pioneering pieces of environmental legislation under the stewardship of my hon. Colleague, the then Chief Minister, Sir Joe Bossano with whom I worked closely in the late 1980s to set the foundations of what we have today.

1365 More recently, my hon. Friend and colleague Paul Balban is spearheading the most environmental and forward-thinking Transport Plan Gibraltar has ever seen. Similarly, my colleague, Steven Linares, to just mention a few, is leading with initiatives in his own areas which will have great environmental benefits.

The Government recognises the importance of the environment and despite the view of some that Gibraltar is too small to make a difference, we believe that Gibraltar can punch above its weight – to use that phrase used so often – in environment, as it does in so many other areas.

1365 We are now, Mr Speaker, working on putting the finishing touches to our long-term environmental strategy, which I am sure the hon. Lady will love listening to the things that she has been saying, which will do us proud and will safeguard our environment for current and future generations.

1370 Mr Speaker, there is one point on which I want to just correct the hon. Lady and that is on the question of air quality, only in respect that we have made very big progress in the last few years. If we focus on the science, we will see that the facts of our performance on air quality, despite the need, which I acknowledge, to do more, is improving all the time. The environmental statistics from 2015 and 2016, both of which are online – we are awaiting the final 2017 data – show clearly that there is a continuing trend over those periods of improvement in air quality, including our first ever attaining European Union standards in 2016.

1375 Of course, air quality could be better and we have to remember that we do live in an urban area. Despite this, Mr Speaker, Government has worked successfully since our very first few days in office to improve and tackle air quality issues. We have closed the two highly Polluting South District power stations and when we commission the new gas generators later this year, we will slash pollution levels, leaving of course traffic as the major source of problems for air quality  
1380 which will also be tackled with the Sustainable Traffic, Transport and Parking Plan (STTPP) and the promotion of hybrid and electric vehicles.

The issue of nitrogen oxide exceedances is largely due to our old and ageing power stations and the lack of foresight of the last administration to deal with this issue when they could. Once again, Mr Speaker, one of the first issues tackled by this administration in 2011 was indeed  
1385 power generation in Gibraltar, on which the Chief Minister himself led.

We have already adopted a cleaner form of diesel. Indeed, Mr Speaker, I can announce now that of this year and for the time that we will still be using diesel, we are in fact already using fuel which includes biodiesel for the first time, which counts towards our renewable targets. We are moving to gas whilst delivery renewables in public buildings, with much more to come.

1390 Mr Speaker, we agree with the sentiment on EU targets, I have already in the last two Budget speeches committed to meeting existing EU targets on the environment and more importantly, committed to the future adoption of EU targets or better, so as to ensure that our environmental standards are not diminished.

1395 Mr Speaker, as Brexit approaches, the EU can be reassured that we will be a beacon of good environmental practice, at which no-one will be able to point an accusing finger.

On air quality monitors, Mr Speaker, I have already committed to a monitor in the North District in the past.

1400 Mr Speaker, in the field of waste management, I would like to remind Members that one of the first policies adopted by this administration within our first fortnight in office was to increase recycling to include paper and cardboard, in addition to increasing new cycling streams and recycling points throughout Gibraltar.

We thrust recycling into the 21st century when Gibraltar was seriously trailing behind all other European countries. Our recycling figures continue to increase and will continue to do so. We are now once again reviewing our waste management strategy to ensure that we are as self-sufficient and clean as possible in this strategy.  
1405

1410 Mr Speaker, renewable energy was non-existent in Gibraltar until 2012. This is a fact. It was not even in the vocabulary of the then Government and I know this from my own personal experience. Increasingly panels are going up on our roofs and the solar projects at the hospital and GSLA pool are examples. We have not advanced at the pace that I would have liked but then again, we must remember that we started from below zero because the mindset within the public and private sectors was not there when it should have been, back in 2011.

Analyses of the opportunity for renewable energy have been carried out and continue to be done so by independent bodies, and a number of initiatives will be coming to fruition in the coming months.

1415 I acknowledge that the hon. Lady has been in touch with me with some suggestions on amending the Bill for the Gibraltar Electricity Authority amendment and therefore, I too will refer to that when we come to debate that at the next sitting of Parliament.

Mr Speaker, I agree in principle with a concept that guarantees that environmental governance transcends the nuances of the adversarial political system. The environment is such

1420 an important issue, as more and more people are discovering. The effects of man-induced climate change, including sea level rise and severe weather effects, the effects of plastic on the life of our oceans and on our health, are there for all to see and will impact each and every one of us. There is no 'Planet B.'

1425 So I agree with the sentiment and I welcome the hon. Member's contribution and ask her to feel free to approach me and to meet with me to discuss the ideas that she has, and her group has, and wants to bring forward. I think that she will be, Mr Speaker, very pleased with the plans that we are preparing as indeed will be anyone who cares about the environment, about the planet and the community in which we live.

1430 We are working very hard to ensure that the environment is safeguarded now and in the future, not least, Mr Speaker, against possible future administrations which may not be as bold and pioneering in their environmental strategies as we are and have been.

1435 However, Mr Speaker, I cannot have confidence in a cross-party platform that reflects the current composition of the House. While I associate most comfortably with the hon. Lady's sentiments and I appreciate the Hon. Mr Llamas' love of animals – and indeed the Hon. Mr Hammond's latter-day interest in bird photography, including those of a very high standard – (*Interjection and laughter*) I cannot forget the horrendous environmental legacy of the GSD.

1440 The Official Opposition is the party that stood for election just over two years ago, falsely feeding fear on our plans for power production – (**Several Members:** Hear, Hear!) (*Banging on desks*) attempting to manipulate information, data and reports for political gain all of which, flew in the face of environmental science. (*Interjection*) It is the party that wanted to place a dirty diesel plant in the heart of natural Gibraltar. It is the party that would not contemplate energy efficiency or renewables as an option for the future. It is the party that would not listen to voices – including my own, as I know first-hand – voices calling for better environmental governance – something which frustrated and angered me so much that I was drawn into standing for election. It is that party that I helped defeat that must never again be allowed to have a direct say in how we manage the environment in Gibraltar.

1445 Mr Speaker, however, having said all that, I would extend my invitation to all Members opposite to contact me and meet with me to put forward any matters that they think would benefit the environment and these will be given full attention.

1450 And so, Mr Speaker, I hereby propose the following amendment. In doing so, Mr Speaker, I also commit to continuing to be fully open to approaches by all and to continue to meet and consult regularly with environmental NGOs, as I have been doing for the six years that I have had the privilege and honour to be Minister for the Environment.

Mr Speaker, I propose the following amendment:

*Delete all after THIS HOUSE and add:*

*'NOTES the severe environmental problems being faced by the Earth including the effects of man-induced climate change and of plastic waste within the oceans.*

*RECOGNISES the increased awareness in the community of environmental issues and the desire to improve the environment.*

*BELIEVES that good environmental governance is of the utmost importance in the 21st Century and that Gibraltar must play its part as a responsible nation.*

*BELIEVES that it is the responsibility of Government and Parliament to deliver on its commitments and to lead in shaping our future.*

*UNDERSTANDS that efforts must continue to further improve Gibraltar's air quality.*

*COMMITTS to maintaining the highest environmental standards in all areas, including air quality and that these should be at least to the level of European Union targets.*

*WELCOMES citizen involvement in promoting good environmental governance.*

*WELCOMES the practice of the Government in working closely with environmental NGOs, businesses and others in taking forward environmental improvements for the benefit of our community and beyond.*

*SUPPORTS the Government in continuing its work over the past six years to improve the environment and environmental governance in Gibraltar and commits to providing cross party support in further improving the environmental status of Gibraltar across the board, including air and water quality, energy efficiency, power generation, recycling plastic and other waste management and the protection of nature and biodiversity.'*

1455 Mr Speaker, I have already said enough in my reply to the hon. Lady's most welcome motion and therefore, I simply commend this amendment to the House. *(Banging on desks)*

**Mr Speaker:** So, what is now before the House is the amendment moved by the Hon. Dr John Cortes.

1460 Does anyone wish to speak on the amendment? The Hon. Trevor Hammond.

**Hon. T N Hammond:** Mr Speaker, I will speak. I have only just received the amendment and I am just analysing a little bit.

1465 I do thank the Minister for his comments on my efforts at bird photography and indeed other wildlife photography and would certainly welcome the occasional like from him perhaps on Facebook also in that respect.

Mr Speaker, I also welcome the fact that the hon. Lady – and I join the Minister in this respect – has brought this motion to the House and now the amended motion of course, as it does afford another opportunity to place the environment and the environmental agenda at centre stage.

1470 Now the good lady has invited on environmental issues, I look forward to her continued interest because there remains much to be done in Gibraltar, despite the Minister's comments. And I think the Minister is fully aware that there is a great deal of work to be done in this respect. The Chief Minister driving around in a Tesla and a wave generator that boils the occasional kettle is hardly a fantastic record on the environment and we are sadly very much lagging behind the rest of the world in most respects. *(Interjection)* Perhaps, I don't know, we will see what happens when you get rid of the batteries.

1475 In speaking, I shall endeavour to address the issues that are now present on the motion and which adds something to the environmental debate.

1480 Air quality is a matter of great concern, as both the Hon. Minister and the hon. Lady have stated, to our community and I have also addressed the air quality issue in my previous two Budget speeches. I am delighted that the hon. Lady joins me in recognising the importance of this issue. I do not believe that the statements made about air quality in the original motion that has been tabled add anything new to the discussion, but the opportunity to discuss the issue once more is to be welcomed.

1485 The way we measure and monitor air quality and the confidence that exists in the data produced certainly need to be reviewed. That is not to say that we are in a position to necessarily acknowledge that we must relocate or add air monitors. We have quite a high number at present and the new power station will also be monitoring its emissions. Therefore, I cannot say without a greater analysis whether it is necessary to add further monitors, although the more monitoring there is, the better, one would presume.

1490 The confidence in the data is of greater concern, however. We routinely report that air quality is within acceptable parameters but this certainly goes against the anecdotal information I consistently receive from constituents. Many people find that they can breathe more easily when they are away from Gibraltar, that their eyes itch less, that their allergies affect them less. There is a real belief among many in our community that our air quality is poor and that we are not getting the whole truth about it and that it is affecting our health.

1495 What do we do about this lack of confidence. Well, certainly gathering more data alone would not solve the problem. Perhaps it is time that we did not rely entirely on Government for this information, that we at least ensured that the process involved in gathering the information

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and the output from those processes was independently assessed, whether by audit or by outsourcing the data gathering itself. I strongly believe that we do need to rebuild the confidence in the community that what we are being told about the air quality fits their experiences.

1505 Vehicular emissions are the second largest contributor to air pollution, as has already been stated. I am not sure why the hon. Lady has picked this particular contributor without mentioning all of the others. Power production remains the greatest contributor to air pollution. While this should improve considerably with the advent of the new power station, the Government in choosing the location it has, and without going into the various safety arguments  
1510 about LNG, is very much banking on being able to run that power station exclusively on LNG.

If this, or any future Government is unable to achieve this for any reason, and has to fall back on diesel for fuel, considering the location chosen for the power station, the low level of the stacks and the Government's unwillingness to fit electro static precipitators to remove emissions from diesel combustion, contrary to the Minister's assurances at the outset of the project that  
1515 the best possible technology will be used in controlling emissions, a diesel power station upwind of the most densely populated areas of our community and our people daily breathing its emissions will do nothing to enhance air quality. So we do hope that the LNG supply is certainly assured and regular.

Vehicle emissions do indeed come second in contributing to poor air quality and we do need  
1520 to tackle this. I think we very quickly jump to the fact that there are multiple vehicles per household and too many vehicles on the roads. The problem is rather more complex than this and needs to be carefully examined before implementing measures. The STTPP unfortunately does not provide a great deal of input in this respect.

More vehicles on the roads is obviously bad, but limiting the vehicles coming into the town  
1525 area from across the frontier by providing proper facilities for tourists, such as a decent park and ride service, must be considered. This is something that happens all over the world. But it is not even so simple as saying fewer vehicles on our roads will improve air quality. The type of vehicle is also very important. More electric vehicles will lead to an improvement and greater incentives need to be provided to encourage consumers to go electric. Present measures are clearly not  
1530 enough and there is no noticeable increase in ownership. Even promised incentives such as free charging points and parking in Mid-Town car park have not been delivered by Government. They find themselves in the chicken-and-egg situation of not being willing to give over those promised spaces due to lack of demand, while perhaps if those spaces were available, it might create the demand.

Diesel vehicles are the major contributor when it comes to reducing air quality, particularly  
1535 large commercial and public transport vehicles. They all contribute. Yet diesel prices remain lower than petrol prices, hardly a disincentive for buying diesel. Worse than this, we seem to import or recycle old diesel vehicles rather than getting them off our roads. Many are the times I find myself on our roads behind a vehicle with a brand new number plate, yet can see from its  
1540 condition that it is not a new vehicle, far from it and it is belching out clouds of black soot. How do vehicles like this get onto our roads?

Well, one reason as has already been discovered through questions I have tabled previously, is that we do not consistently check vehicle emissions when conducting MOTs so many are  
1545 passing this test, which is designed and should be removing such polluters from our streets but is failing to do so.

Even when it comes to Government activity, there are issues. We replace the bus fleet with  
vehicles that meet the latest emission standards but then sell off the old buses with much cheapness to a local company so that they remain on our streets. In other words, rather than demanding that operators of public transport vehicles meet the same standards as those  
1550 operated by Government, we allow for a different standard and then encourage this by selling them the buses.

1555 The motion, having ignored for some reason the pollution caused by power production has also ignored number three on the list of contributors to poor air quality, bunkering. Strange smells routinely pervade certain of our districts. No-one really knows where these come from or even what they are. But you can be pretty sure they arise in a light westerly wind and a ship nearby is receiving bunkers. The issues around bunkering and air quality are not that well understood and I would certainly welcome an opportunity to develop a much clearer appreciation of what goes on in our bay and how it impacts on air quality in our community.

1560 There are local hot spots around the dockyard caused by the marine industry which are of course of great concern to residents in those areas and I have highlighted this very recently. It is time to look at the practices of Gibdock and understand that our community has grown and developed. Some of those practices are no longer appropriate. Practices such as the running of ships' diesel engines for power whilst they are in dock, rather than hooking them up to a shore supply which will ensure fewer emissions, particularly as that shore supply will be derived soon from a modern power station.

1565 Dust from construction affects the air we breathe, irritates our eyes and exacerbates respiratory disorders. Now, in most communities this seldom causes a serious problem unless you are a construction worker, but here, the density of construction projects and their duration mean that we must be very much alive to the medium and long-term impacts of construction on our health.

1570 There is a real frustration in the community that we live in an eternal building site. While I recognise the importance to the economy of construction, some consideration must be given to the impact of ceaseless building works, and Planning should be taking into account these factors. It is depressing to have Ministers stand up in this House stating that every available space will be developed. Sometimes a pause for thought and consideration of where we are heading is necessary and I would suggest that the time is ripe to do this now. There appears to be no long-term strategy, just a grab for cash and little consideration of the future.

1575 There are a whole range of other factors that affect air quality. Aviation, Saharan dust, volatile organic compounds. The debate on air quality is a complex one. The motion, other than allowing another opportunity to raise important concerns in this area, contributes little else to the debate.

1580 On recyclable waste, the original motion says that this House commits to meeting EU targets. I do not see how this House can do that as it has no executive authority so it is not possible to support that particular measure as originally phrased, although I believe in the way it is phrased in the amended version of the motion, it is looking likely that it is something that we can support. What we can do in this House is indeed to commit to support measures proposed to it by Government which take us towards achieving those targets.

1585 I will say that this is an area, one of the few as far as the environment goes, where real progress does seem to have been made. We have a long way to go and that has more to do with the need to make the cultural shift towards recycling, rather than the facilities available, which have improved significantly I will say under the Hon. Minister, and I am sure will continue to improve.

1590 On renewable energy, I do not believe the Government has moved fast enough in progressing this and perhaps outsourcing expertise might be useful. It is difficult to see how even the limited targets that have been set for renewables will be achieved at the current rate of progress and there is nothing sufficiently substantial set out in Government publications such as the Environmental Action and Management Plan or the National Energy Efficiency Action Plan, to suggest otherwise.

1600 There are many action plans but not much action. Indeed, we do only produce in the region of ... Less than 0.1% of our energy is currently produced from renewables. It is very difficult to see how a 20% target will be achieved by 2020 and I will be the first to congratulate the Minister, should that be achieved.

1605 So why is renewable energy important? Well, one factor is that reducing our reliance on burning fossil fuels reduces the impact of cost fluctuations in that particular market, making the overall cost of energy production more stable, so there are economic reasons, even in the short-term capital investment is required.

Of course, significantly a reduction in the need to burn fossil fuels for power production, will further reduce the pollutants produced from power generation regardless of that fossil fuel source and therefore have a direct impact on our air quality, something we all strive for.

1610 Likewise, Mr Speaker, as has been the trend so far, I will not address the matters in the motion particularly pertaining to the upcoming Bill but I would welcome the opportunity to participate in any discussions that happen ahead of the publication of that Bill, because it is certainly an important piece of legislation from an environmental perspective but I do believe it can be phrased or amended in particular ways which hopefully will enhance the uptake of the opportunities that that Bill will represent to the community. So I will be more than happy to participate in any conversations that take place in that respect.

1615 Thank you very much.

**Mr Speaker:** Does any other hon. Member wish to contribute? The Hon. Lawrence Llamas.

1620 **Hon. L F Llamas:** Mr Speaker, I shall be supporting this amendment gladly.

I would like to thank the Hon. Minister for the Environment and Climate Change for the opportunity that he is offering today in meeting and exchanging ideas in putting forward initiatives which may be of use for the community in the future, measures such as those mentioned by the hon. Lady, which I think were quite interesting in terms of congestion charges, road tax for more than one vehicle and zip car. I think all these are good ideas which could work in Gibraltar and they must be explored, and, if found to be suitable, then brought into measure.

1625 The only thing I would like to add is that I think we need to emphasise a bit more civic responsibility and promote that sense of pride within us, that we are all in this together and that we must all do our bit in every aspect of society but in so much that we can do for the environment – not think that just one action will not have effect and the fact that, even though Gibraltar is very small, Gibraltar as a whole can make a difference, not so much perhaps in global terms and figures but at least proving to the world that we are serious in what we do.

1630 Thank you, Mr Speaker.

1635 **Mr Speaker:** Does any other hon. Member wish to speak on Dr Cortes' amendment? The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Do you want...?

1640 **Mr Speaker:** Yes, okay, the Hon. the Leader of the Opposition.

**Hon. E J Phillips:** Mr Speaker, thank you to the Minister for the Environment in dealing with those issues. This side of the House, certainly the official Opposition, will be supporting the motion as amended.

1645 I would like to identify with the comments that the Hon. Mr Llamas dealt with in terms of civic pride. I think that is right in terms of civic responsibility. It is a platform that he shared with us at the last election insofar as our commitment to restoring civic pride, responsibility and respect insofar as our natural and urban environment is concerned.

1650 It is right, of course, that the Minister states quite clearly that the environment is an issue that transcends politics. Of course it was the Chief Minister himself who suggested at the last election that we should depoliticise the question of the environment, one with which we entirely agree; but of course there are times in this House that we need to hold the Government to account insofar as its commitment and its policies in respect of the environment is concerned.

1655 Of course this debate goes beyond renewables, it goes beyond air quality and it certainly  
goes beyond plastics in our water. It is about a cultural shift in the way in which each of us  
interacts with our natural and urban environment. It is about the way in which we live our lives  
and work in our community and other interactions with our environment. If we are going to take  
1660 seriously, in a mature way, the way in which we deal with the environment, we need to start at  
base level, at education. I do not think that is something that anyone in this House has  
mentioned yet, but quite clearly we have to start at base level with our children and in respect  
of communicating to our people and our children about our use of land in our community.

1665 The Hon. Mr Hammond dealt with this question of a plan looking towards the future and I  
believe it was Ms Nahon also who suggested that we should have a 20-to-30-year plan moving  
into the future as to how we use our land in the future.

That is the only contribution that I would like to make in more of a general approach, but we  
will be supporting the Government's amended motion.

1670 Oh, there is just one point, Mr Speaker, that I would like to make. The Hon. the Minister may  
want to change the words 'man-induced climate change', given the fact that the Minister for  
Equality has only recently returned from New York, and perhaps maybe change it to 'human-  
induced climate change'.

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

1675 **Hon. Ms M D Hassan Nahon:** Mr Speaker, it is in the interest of constructive politics and as a  
gesture of good faith that I approve the Government's amendment to this motion. I am grateful  
for the goodwill that the Minister for the Environment and Climate Change has shown this  
House by tailoring his amendment to as much of a cross-collaborative paper as he has been able  
to provide us with at this stage. However, this approval is not without a degree of healthy  
1680 scepticism and the hope is that future parliamentary collaboration with Government will be  
even more fruitful than this one.

1685 I am well aware that I am effectively and realistically forced to approve this amendment due  
to parliamentary dynamics which we all understand. As an independent Member of this House,  
and indeed simply as a Member of the Opposition, I must make concessions to the Government  
who, with the majority that they hold, can flatten all proposals made by an Opposition Member  
time and time again.

1690 The original motion that I presented made a number of concrete proposals in relation to  
environmental policies in Gibraltar, many of which have been suppressed and replaced by the  
Government with general statements of goodwill. I do, however, welcome with great hope and  
expectation the point on cross-party support for matters relating to the environment and hope  
to see the Government back this statement with some tangible demonstration of their  
commitment to this issue, such as the establishment of a cross-party commission with the sole  
purpose of exploring an environmental agenda. The environment, one of the most crucial areas  
of policy now and for decades to come, should without a doubt be a concern that transcends  
1695 party lines.

1700 As for the other more concrete proposals in the amendment that have been removed from  
this motion, I will continue to put these forward to Government and to the Gibraltarian public as  
per my commitment to the members of the civil society movement Together Gibraltar, who  
brought me their concerns and fine-tuned these proposals in a series of focus groups. Their hard  
work will not fall by the wayside simply because Government in its amendment to this motion  
has sought to remove any suggestion that there are practical steps by way of more cross-House  
collaboration that could be taken right now which would make Gibraltar healthier, cleaner and  
greener.

1705 In relation to the jibes thrown at me by the hon. Member on my right, I will lead by example  
by refraining from answering the hon. Member's vacuous pot shots and keep things constructive

on such an important issue rather than sink to what has now become the GSD hallmark of pettiness and detracting from real subjects. (**A Member:** Hear, hear.)

1710 The Government would do well to understand that organised civil society can have a very positive effect on the running of our democracy and they will be receiving many more proposals from Together Gibraltar in the future.

I am once again grateful to the Minister for his invitation to the general population to participate and engage with him further on this matter. Meanwhile, I am hopeful that one day these proposals might be accepted for what they are – constructive suggestions for the betterment of Gibraltar's future – without the need to whitewash them into oblivion.

1715 Thank you, Mr Speaker.

**Mr Speaker:** Does anybody else wish to speak on the amendment before I call the hon. mover to reply? The Hon. Roy Clinton.

1720 **Hon. R M Clinton:** Mr Speaker, just a Point of Order. I would just like to understand what your view is on the distribution of amendments to motions. Certainly this side, the official Opposition, only just received the amendment, when it is patently obvious –

**Mr Speaker:** There is no need to circulate the amendment until it has been moved.

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**Hon. R M Clinton:** But, Mr Speaker, it is patently obvious that the Lady had access or had notice of the amendment before the official Opposition did.

1730 **Mr Speaker:** I imagine that is the case because the Government, Dr Cortes, the moment that ... once the hon. Lady had given an indication of her motion, he has discussed the matter with her and they have come to an agreed amendment. (*Interjection*) I do not think there is anything in the Rules that precludes that. But the position as far as Parliament is concerned is that an amendment is circulated once it is moved. Until it is moved it does not have to be circulated if the person putting the amendment does not wish to do so.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may, just on this principle because it is an important one, it is established in the Rules of Procedure of this House, and indeed it is in the Rules of Practice of this House, that notice is required to be given in writing of any amendment moved, but that notice is given on the moving of the amendment unless a Member decides that he wants to give notice earlier. In some instances I recall in this House receiving from Opposition benches or from Government benches notice of amendments that some people have decided they are going to give ahead of the debate, and in some instances we have made amendments together during the course of the debate, or indeed some parties have agreed amendments and when they do they consider what the best moment to circulate is. The hon. Gentleman may recall we recently – I forget on what subject – were discussing the possibility of amendments being taken as a whole House and hon. Members did not like them and therefore they did not support them, and that we were doing literally together as we were trying to reach a consolidated position which might have been a position of the whole House.

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I think on this occasion it is absolutely right and proper that two Members, whatever side they be on – it could be two Members on the Opposition benches or indeed a Member on this side – work together to agree a position which they then put to the House in the form and manner that they see fit, so long as it is in keeping with the rules. The Government is going to insist on that continuing to be the practice and not requiring parties to put notice of a motion earlier. Indeed, Members opposite might tell us that we are trying to stymie their ability to change motions because the Government puts motions and they are able to propose amendments to a motion themselves literally as they get up to propose them, and if we say that we require notice of that they will say that we are trying to in some way hamper their ability to

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amend our motions. So the rules are the rules, Mr Speaker, and I think they are rules for good reason.

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**Mr Speaker:** Yes. If any of the two Members who have not spoken on the amendment – the Hon. Edwin Reyes or the Hon. Mr Daniel Feetham – wanted to have made an amendment to the amendment, there is no need for them to give prior notice. They stand and they propose the amendment. Having proposed it, it is then circulated. It does not have to be circulated beforehand.

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**Hon. R M Clinton:** Sorry, Mr Speaker, my point was that the House as a whole gets notice of the amendment at the same time.

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**Mr Speaker:** It does not have to. There is no requirement for the House as a whole ... and the House gets to know once the amendment is proposed. If it is not proposed, it is not before Parliament.

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**Hon. Chief Minister:** Mr Speaker, perhaps this example might help the hon. Gentleman. We all know where the dividing lines are on different issues. If we were to put a motion on Calpe House then it is possible that, if it dealt with particular aspects of Calpe House, hon. Members of the official Opposition might agree a position with the Government amending a motion that might have come from the hon. Lady and we may give her notice when we move the motion, and then the hon. Lady would get up and make the point that he is making.

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This is politics and this is the way that politics is done on the model of the Westminster Parliament which we have adopted here in our Rules, and this is the way that motions are dealt with.

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**Mr Speaker:** I now call upon the Hon. Minister, Mr Paul Balban.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Thank you, Mr Speaker.

I stand and I hope that I do not start to gain a reputation for being verbose. *(Laughter)* There is too much to say on this matter for me to be able to just sit down and let this one go by.

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Where do I start? There is too much to talk about, but just to make as many succinct points as possible, the reference to the cross-party nature of this motion is extremely important because obviously otherwise what we get is a situation whereby the STTPP is proposing certain things and these things are being criticised by the other side, and in fact the emissions coming from the other side can be destructive in that respect.

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The STTPP, which is purely an environmental document more than a traffic plan itself, is actually dealing exactly in that, in the issues raised in this motion. The issue that we have is that simply Gibraltar cannot sustain the number of vehicles on our roads, and that we are clear about – I think we agree across the floor that that is something which we need to tackle. The STTPP is doing exactly that and what we cannot have is one side or one Member opposite saying that the STTPP does not go far enough and then another part of the same official Opposition, namely the former former Leader of the Opposition, saying that we are being politically brave admitting to us being politically brave in that respect simply because we are following on with the residential parking scheme, which at the end of the day, what it is trying to do, is to encourage people to adopt other forms of transport which are sustainable forms of transport. That is what we are doing at the moment. As I mentioned at great length last time, things need to settle and I think they are starting to settle already. It is just a question of a matter of time, and these things remain fluid.

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One thing which is very important: we talk about car sharing, electric taxis and park and ride and we refer to them as if they are all new ideas. It worries me because I think perhaps we have not read the document. I know the document took time in the making. It is a very thorough

1810 document, a very extensive document, but if you read the document, even if you just read the  
summary of the document, all these ideas are set out within the document. These are things  
that we are doing as a Government over time because what we cannot do is do everything at  
once. Okay, we can rock a few boats and then slowly move on to other parts of the plan. The  
plan is massive and, as we have said before, change is something that people are not  
1815 comfortable with at the beginning. So things have to be done slowly and the key word, as the  
Hon. the Leader of the Opposition said, is education. I agree totally with the word education and  
this is what we are trying to do. It is a slow process. We need to tackle schools and we need to  
get people used to things from not throwing wipes down the loo to things like trying to walk to  
1820 school or trying to cycle to school. I really believe in these things and, just like I tell my children  
and tell them off if I see a wipe going where it should not go, I will also encourage my children to  
cycle just I like to cycle in that respect – the essence being that everything it does is exactly that.  
We are trying to encourage people to use Redibikes as much as possible and we are encouraging  
people to cycle as much as possible. We are looking at park and ride because we agree that we  
need to allow tourists to remain further out of the city. This is also the ethos of the residential  
1825 parking scheme. When all the pieces of that puzzle are finished, then people coming to visit  
Gibraltar will not be able to access those areas and then obviously emissions will come down.

Talking of emissions, this Government, one of the first things they did at the beginning of  
2012 was to lead by example. G1 is a fully electric vehicle and the other fleet vehicles are  
hybrids. In fact, all our car parks are set up with electrical charging points. At Midtown, which  
1830 was referred to recently, all the points are ready to go. There has been no interest and we are  
actually going to press the button because they are all set out, they are all ready to go and it is  
only a question of pressing the button, but there has been no interest. Nobody has stopped and  
said, 'Look, I have got an electric car – where can I charge it?' But the infrastructure is set up, so  
we will get those parking places available quite quickly now; we just need to press the button.  
1835 But, it is also a shame to have 15 to 20 parking spaces in a car park empty because nobody  
wants to use them, so we will press the button and have them working and then we will see, and  
if people say, 'I need a parking space,' we will always leave one or two available at the start and  
move from there on. There are also plans of setting up an electrical charging point on Linewall  
Road as well as part of the pay and display schemes there.

1840 So it is all part of the process. The cultural shift, as the Leader of the Opposition also  
mentioned, is the important thing. People slowly have to adopt the measures. All these things  
will be unpopular, and if we see eye to eye across the House ... and I think we should be  
supportive of these. I am not saying that the residential parking scheme will work as set out; I  
have never said that or alluded to that at all. We have taken the decisions which we think will  
1845 best fit the problem. The thing is malleable, it is totally fluid and we will adapt, but time needs to  
be given for that.

So, coming back to the point, as I said, the environmental plan, the STTPP, is something which  
we are rolling out. Again, if across the floor of the House there is consensus, that is the only way  
that we are going to move ahead. If we start saying no, the residential parking scheme in zone  
1850 two is not working, we need to be patient, give it time and support it in that respect.

As I said, Mr Speaker, that is as far as I will say for the moment, other than obviously I am  
fully supportive, clearly, of the amendment to the motion.

1855 **Mr Speaker:** Any other contributor? The Hon. Dr John Cortes.

**Hon. Dr J E Cortes:** Mr Speaker, I am very gratified and I thank all the contributors to this  
debate. I think there is wide consensus here. I am going to just pick up on one or two points of  
fact in a moment.

1860 I want to reassure the hon. Lady that my amendment was in no way meant to force her into  
doing anything, although I understand what she was referring to. I would also reassure her and

those who have advised her in bringing this motion that I am not brushing aside any one of the points that she has made either in her original motion or in her contribution.

I think that when you consider that in 2011 you could only recycle glass and some types of plastic – you could not recycle paper or cardboard or electronic equipment or oil just over six years ago – it shows you how far behind we were and the progress that we have made.

A number of facts, to answer the Hon. Mr Hammond's comments. The lack of confidence in the analysis of air quality data: I think he may be giving a little bit too much attention to some detractors. He recommended that we should outsource this. This in fact is outsourced to a specialist UK company that independently assesses our data and gives us the reports. Then we publish this data annually and we invite the NGOs to a presentation. So I would reassure him that he should have confidence in those results.

The power station has got the best available technology for the particular machines. It is the intention to run them on gas, I assure him. It is quite humorous to see him urging us now to use gas instead of diesel, considering where he has been in that particular debate in the past, but I think his contribution was generally positive and conciliatory.

I have already referred to the hon. Lady.

On renewables all I am going to say is watch this space. I do recall one of his predecessors, an Opposition spokesman for the environment, who condemned me as being responsible for the loss of the Barbary Partridge, that secretive species in Gibraltar; and now, if you will excuse the term, we have Barbary Partridges even in the soup. (*Laughter and interjections*) Absolutely not. A form of words and nothing else. But seriously, we have seen the success of the reintroduction at very little expense by proper management and with patience, which is what you have to do when you are looking at natural processes. And with renewables I think hon. Members opposite will be very pleased to see the developments that are imminent.

Both Mr Llamas and Mr Phillips refer to civic responsibilities. I totally agree with this. I think the world is changing. I think it is now no longer lone voices that are shouting this. I think it is coming across loud and clear. The international media and social media are really fighting the environmental cause, so I think it is a matter of time. Some of the NGOs here are working so hard and the schools are doing tremendous work – the teachers and pupils and so on.

So I think that all these things will be reflected in a plan that we shall be presenting quite soon and all I can now say is once again to commend the amendment to the House.

**Mr Speaker:** Mr Speaker, I will now put Dr Cortes' amended motion to the vote. Those in favour? (**Members:** Aye.) Those against? Carried.

What is now before the House, therefore, is a motion as amended by Dr Cortes. Dr Cortes cannot speak to this motion, the hon. Lady cannot speak other than when exercising her right to reply at the end, but all other hon. Members may speak to this motion now as amended.

The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, I rise first of all to congratulate the Hon. Dr Cortes and the hon. Lady for being able to come to terms in respect of an area where there is a strongly held view that the environment should not be a party political issue, but where we each have strongly held views and those in the nature of the type of debate that we have on our views become partisan views. I think to be able to surmount the partisan element and reach a conclusion which is in the interests of the community as a whole they both deserve to be congratulated, in particular given the things that the Hon. Mr Clinton has said, because Mr Clinton has said that the official Opposition have just seen the amendment but I think it is to the credit in particular of the Minister and the hon. Lady that the amendment that they have just seen is an amendment that they have just accepted. I think that demonstrates the good faith in which John Cortes has approached this issue and that that has been reciprocated in the work that he has done with the hon. Lady.



1915 The hon. Gentleman will excuse me for saying that when he says that sometimes people feel that they have less itchy eyes when they are out of Gibraltar, I do not join in the view. I may have less itchy eyes when I am out of here and I am not spending hours looking at them, and I am sure the feeling is absolutely mutual – politically, not personally – but certainly not when I am out of Gibraltar. Otherwise, people would rightly be choosing another environment in which to live and I think Gibraltarians are very proud of the environment in which we live, although we all think that there are things that we need to improve in terms of our air quality and the industries that there are in Gibraltar, and the Government will not be found wanting in that respect.

1920 I do not want to delve into the partisan but it is important to set things in their historical context. For example, the hon. Gentleman sometimes asks questions about a particular area which is dedicated to a particular industry, which he mentions by name. Well, the practices in respect of that industry which relate to ship building have changed considerably in the time that we have been in office. Have they changed enough? Well, if you ask us, the answer is probably no, not enough. If you ask people who live around that facility, probably not enough. If you ask him, the answer is probably the same, not enough, so a broad measure of agreement. But it must be true that we have to set that in its historical context. We are talking about the change which we have delivered in respect of that facility and our commitment to continue to deliver change in respect of that facility from a starting point of when we took over and were responsible for making those changes, from 9th December 2011, which is when they were in office. So this is an important issue, because even without wanting to fall out on the subject there is a reality, which is that they had the opportunity to determine what changes to impose until a particular period, they imposed some but not others; we have imposed some already and are looking to impose others and I think that is an important thing to keep in mind, in particular when we say what is it that we are doing.

1930 The hon. Gentleman I assume was politically teasing us when he said that, because I think it is understood that this Government has not done everything that it is possible to do to protect the environment. If that were the only thing one were to do one would go down to GibElec and switch off. We would have cold showers, or as much hot water as could be heated by solar panels; we would stop everyone from using their vehicles, we would stop the importation of petroleum products and we would stop the importation of bottled water in plastic bottles. That is what we would do. We would then have to drink salt water because we would not have the energy required in order to have a reverse osmosis mechanism.

1940 So have we done everything that can be done? Of course we have not. We have balanced what can be done versus what we can do in the context of continuing to have a society that provides those whom we are responsible for with ... I hesitate to say the comforts, because I think they are the necessities of modern life, and try to balance that by trying to ensure that the things that we continue to do are done in a way which creates less damage to the environment. That is a balance which is difficult to strike and you strike it by looking at what is the best available technology.

1945 If I may say so, one of the things that Joe Bossano was responsible for – and I have told the House before – was the insistence that the Government consider the possibility of moving to LNG, away from fossil fuels like diesel etc., as the type of propulsion for the engines of our power station. Well, we took that step, and if I may say so, we took it with considerable political risk, which hon. Members opposite created for us because we were making that choice. So I answer the hon. Gentleman's question about what it is that we are doing: well, we are running the gamut even of the political risk and criticism that they create for us when we are making decisions which we believe are in the best interest of Gibraltar and the environment. To such an extent, although I have not heard the exact terms of what it is that he said today but I will rely on the interpretation given by the Hon. Dr Cortes – which I will of course prefer, whatever it is that he said – that he is now encouraging us to pursue the generation of electricity through the burning of liquefied natural gas rather than other fossil fuels.

1965 So you see we are prepared to take a political risk if it is right to do so, and in that way, I say  
with respect, we demonstrate that our interest is not a partisan one, because if it were we  
would have done the easy thing, which is to continue to burn diesel and not suffer the possibility  
of a general election that might have been determined because hon. Members were creating  
that political issue around the better environmental option, which was to burn LNG. The hon.  
1970 Gentleman might like to have a coffee with me and ask me how many times I wondered whether  
this was the right thing to do in political electoral terms, but it was certainly the right thing to do  
in environmental terms, and that is a demonstration, I think, that we were making the right  
choice for Gibraltar, not just the right choice for us.

1975 And so when hon. Members refer to the fact that I am in a Tesla and that is not enough, well  
that is a first step, because hon. Members cannot seriously be telling us from the benches  
opposite that we will see whether Teslas are the right solution for the future when it comes to  
disposing of our batteries and at the same time tell us that we need more electrical charging  
points for electrical vehicles, all of which will be propelled by those self-same batteries. So he  
will understand, Mr Speaker, if I were to suggest that there might be a hint of hypocrisy at a  
political level if that were the position he has taken. And so I will take him at his best in respect  
1980 of this issue and I will welcome the fact that he is supportive of electric vehicles, which must  
mean that he is supportive therefore of something as emblematic as the vehicle which propels  
the chief elected politician of this community, making a statement politically that we are a  
community that cares for the environment.

1985 We very often are asked what we are going to do about traffic as a source of pollution.  
Absent that issue of batteries, because human ingenuity has not yet found a different  
mechanism other than hydrogen – which is not popular and there are not many vehicles  
available – to propel mechanical vehicles, I think we are demonstrating in the commitment we  
have to try and include hybrid vehicles in our fleet, or fully electrical vehicles in our fleet, that we  
are seeking to do what is possible. That is the realm in which we must be judged. We could have  
1990 easily continued – and again not run the risk of political criticism – to run a very smart, very  
comfortable Jaguar vehicle, but that very smart, very comfortable Jaguar vehicle was the most  
polluting vehicle in its class. That is a debate we had during the lifetime of the Parliament  
previous to this one. So I think it is certainly the right choice to move to a fully electric vehicle.  
We have vehicles like Priuses in our fleet. They are more polluting than the fully electrical Tesla,  
1995 and so there is a statement. Now, why is a statement important here? Hon. Members can simply  
say, ‘Well, it is important because the hon. Gentleman wants to, for party political reasons,  
pretend something to the electorate.’ Well, that would be contrary to the balance that hon.  
Members have told us that they think we should strike, which is that we should act to  
demonstrate by way of example what our commitment is. So we act to demonstrate by way of  
2000 example by going for a fully electric vehicle.

But then again, to go even further, the important thing is not to use that vehicle when it is  
not necessary, and that is why hon. Members will know that, absent rain, I will walk to my office  
every single day from the south district. That is as much driven by the needs of my waistline as it  
is by my commitment to the environment, but it is important that hon. Members factor in that  
2005 those two are entirely linked. They are linked literally at the hip, because those who walk benefit  
from less tight waistbands and lighter waists. It is very comfortable to be conveyed in a vehicle  
from one place to another. The people of Gibraltar do not provide to those of us who have been  
honoured to hold the office of Chief Minister a vehicle to convey us from one place to another in  
order to aggrandise our egos; they do it so that we can continue working whilst we are moving  
2010 from A to B. That is the reality of it; it is not as if it comes for nothing. But sometimes the right  
choice is to say, ‘Well, I am going to propel myself using the legs that I was given when I was  
born, to get myself from A to B.’

It is also true – the Hon. Mr Feetham was mentioning this the other day – that if you live in a  
remote area it is just not feasible to be able to get yourself from A to B, and I fully accept that if  
2015 you have not got a bus service, if you are quite a distance etc., but otherwise the right choice is

to walk. Why do I say that? Because it is the third element of demonstration of the choices that we make. We made the choice on LNG and we ran the gamut of party political opposition, we made the choice on the Tesla and we ran the gamut of party political opposition, and now we just ran the gamut because that is what walking is in the mornings if you are trying to get to school at a particular time etc., but is also the right choice – another demonstration that we do little things which show that we are committed to doing what we can.

It is part of that phrase which perhaps Miss Hassan Nahon or the Hon. Dr Cortes have used already today – I do not know whether they already have because I was trying to deal with another matter as they spoke, but it is part of that mantra which I had drilled into me by the ESG and by GONHS in the days when I was in opposition and has stuck with me: think global, act local. Local means not just in Gibraltar; it means in respect of your autonomous self and the choices that you make.

One of the things that the Hon. Mr Balban said, which I think is important, is that our children need to be taught what it is that those right choices are in the future. He has referred to his cycling and I think one of the only videos I have not seen circulated on WhatsApp is one of Paul Balban on a bicycle. *(Laughter)* They have gone just about for everything else and given him just about every other accent. *(Laughter)* He always takes it in excellent humour and is the first to circulate it on the Ministers' WhatsApp group, Mr Speaker. But it is true that he leads by example in that respect. I hope I have not given ideas to whoever it is that is doing this. It is not me – I wish I had the time!

I think it is also important to reflect the opposite, if I may say so with respect, that our children sometimes teach us. We now perhaps take things for granted and do not see the environmental cost of some of the things that we do. We now have these glass bottles that Minister Cortes brought to the House, a first move in the direction of avoiding glass bottles, but my own children, sometimes even the youngest of them, have ingrained in them by those who teach them – and do such a great job, of course, if I may say so – that there are things that we have to be doing at home as part of our everyday life. I see somebody in the Gallery drinking from a reusable container. It is absolutely right that that should be the case. Our children are the ones who will inherit the Earth from us. They are starting to take an interest, even before they are adults, in the things that we do and in changing our behaviour. That is to be welcomed and is a demonstration that action commences not just with the age of responsibility but even before, and it is right, proper and quite something that we should be embarrassed by our children in this respect.

So, Mr Speaker, I think that is a demonstration of how we act to ensure at a political level that we are doing as much as we can in the context of the balance that the Hon. John Cortes and Paul Balban referred to. If I may say so, Mr Speaker, with respect, I think it is a good day for this House that we are able to have this debate, that we can reach a conclusion which is a common conclusion and that we have got there through the work of two Members seeking to find common ground, because at the end of the day that is all we have got: the Earth, our common ground. Thank you very much. *(Banging on desks)*

**Mr Speaker:** Any other person wishing to speak? The Hon. Trevor Hammond.

**Hon. T N Hammond:** Mr Speaker, I do thank the Chief Minister for his intervention. I would just like to make a very few points also.

I think when my hon. Friend rose to request clarification on the parliamentary procedures – and we do understand the parliamentary procedures – it was more from a sense of ... When we are looking at a motion such as this, when we are trying to find consensus and hoping for consensus on an issue on which the motion itself looks for cross-parliamentary support, it would not have been unreasonable to share the amendment to the motion more widely and attain agreement to that amendment prior to bringing it to the House, simply in order to mitigate any risk of it causing controversy in any way. We could have eliminated that very early on. As it is,

the Opposition saw absolutely nothing in the motion that was particularly controversial and we could accept it, but it would have just been a simple courtesy, bearing in mind what we were striving to achieve in respect of this motion – that cross-party consensus – to perhaps have shared it. Indeed, when the original motion was tabled by the hon. Lady some months ago now, I did very quickly write to the Minister and say, ‘Look, it is a great opportunity – I suspect you will be filing an amendment to the motion and perhaps we could have a conversation about that amendment in order to agree it beforehand.’ The Minister did reply positively, but then unfortunately there were no further communications on the subject. So that is, I think, the only reason why my hon. Friend rose on this particular occasion.

In terms of what has been said on LNG, for the record what I said was particularly the need for it to now run on LNG because of the location that Government has chosen, the low stacks, and frankly, from that location it would be a very bad thing indeed if we had to run it now on diesel because of its position in an urban environment – it would cause problems, the low stacks, a whole range of issues associated with the location of the power station.

But I will move swiftly – (*Interjection*) No, I will not. I will move on swiftly from that point. (**Hon. Chief Minister:** I’ll remember.) I’m sure you will! (*Interjection*) Yes, indeed.

I am indeed very pleased that the Chief Minister has specifically recognised the issues around, as he referred to it, a certain industry around which our community has grown up, and if the Government is serious about addressing some of those issues associated with that industry, I know the residents of that area will be very pleased indeed and I will certainly take that message back to those who have approached me, that the Government is serious about dealing with the environmental problems that emanate from that industry now that our community has grown more closely around it.

As for itchy eyes, well I did say it is an anecdotal issue. I do think, however, people do, my son being an example: the minute he arrives in Gibraltar his allergies begin to play up. That may be down to olive pollen – as I say, it is anecdotal – but it may also be at least partially down to the quality of our air in general, whether that is from pollution from vehicles, from bunkering or indeed the Saharan dust, but it is a reality. However, home is where the heart is and nobody is going to move away from Gibraltar purely because they have itchy eyes, of course. I suspect doing so would cause itchy eyes for entirely different reasons.

I also agree with the Chief Minister that walking, cycling, all these activities are very important and that we need to make them as pleasurable as it is possible to be, because that is one way of encouraging that cultural shift towards those activities. At present ... I know the Minister cycles – he must recognise that the roads in many areas are quite difficult, both because of the traffic and because of the condition of the roads. That could be improved. Walking could be more pleasurable also if there was not so much traffic. Indeed, the last occasion I chose to walk on a rainy day I ended up with a close encounter between a vehicle, a puddle and myself, which was most unpleasant indeed. But such is life, these things happen – perhaps they spotted it was me and decided I needed a soaking! (*Laughter*). But the fact of the matter is that walking around in Gibraltar is often not a particularly pleasurable experience at present and it needs to be made so, it really does need to be made so, and in doing so hopefully we can then encourage that cultural shift that we have all referred to towards a more environmentally friendly Gibraltar. Whether that be because we are healthier because of the physical activity we are undertaking, whether that is because we are recycling more or whether that is because we are conserving more energy, all those things and many more are essential to the progress on environmental issues in our community.

Indeed, now and in the future this will always be a work in progress. I am sure the Hon. Minister would agree with me that when he finishes in office, whenever that day arrives, there will still be work to do on the environment. I am sure he will still be inputting towards that work and agitating for improvements in all sorts of areas and I hope we all continue to do the same. Whether in office or in opposition or indeed playing an active role in our community in any other way, there will always be work to do to improve the environment. It will never be perfect, it will

2120 always take time, and perhaps one day we will reach that utopia but I suspect it will not be in my lifetime.

Thank you, Mr Speaker.

**Mr Speaker:** If there is no other Member wishing to contribute, I will –

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**Hon. Dr J E Cortes:** Mr Speaker, I know I do not have a right to reply and I am not going to, but can I just ... I meant, when I made my earlier contribution – and I do not know how procedurally we can do it – to accept the change from ‘man-’ to ‘human-’ induced. It is a very minor change. I am not sure whether there is ... In the second line, ‘the effects of human-induced ...’.

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**Mr Speaker:** I will make a very simple suggestion for the Hon. Neil Costa and anybody else to stand up now and move an amendment substituting for the word ‘manmade’, ‘human-induced’.

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**Hon. N F Costa:** Mr Speaker, I therefore propose that we substitute the word ‘man-’ in the first paragraph of the motion to ‘human-’ induced climate change.

**Mr Speaker:** Do all hon. Members agree with that amendment?

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**Hon. Chief Minister:** Mr Speaker, I would like to speak on that.

**Mr Speaker:** You want to speak? Very well. *(Laughter and interjections)*

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**Hon. Chief Minister:** Mr Speaker, dealing with the amendment moved by the Hon. Mr Costa, I would like to raise an issue that arises for all humans.

**Mr Speaker:** You can only speak about whether it should be ‘human’ other than ‘man’. You cannot speak on anything else.

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**Hon. Chief Minister:** Well, it is an issue that relates to all humans, Mr Speaker, *(Laughter)* whether they are man or woman or, as the hon. Lady, if she were here, would tell me, the other 26 variants of humanity that we now must respect – absolutely rightly – and that is whether humans think, especially those who are sitting on the other side or whether it might just be men, that the change of location of the power station was not also a very positive thing, because otherwise we would have had the larger stacks that the hon. Gentleman is referring to burning diesel, and all in an area which is where the green corridor to the Upper Rock is for the Barbary Partridge, within sight of the Upper Rock, making it impossible to see any views from the area known as Jews’ Gate, because all the people would have seen from there would have been the stacks of the GSD power station spewing out smoke. And therefore, Mr Speaker, I commend the amendment to the House.

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**Mr Speaker:** I now put the amendment that the word ‘human’ should be substituted for ‘man’. Those in favour? **(Members: Aye.)** Agreed.

I now call upon the hon. Lady to close the debate.

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, I recognise the great strides, I have to say firstly, that this Government has made since they took over as Government *(Banging on desks)* where environment is concerned, and I think it would be ungenerous for any Member of this House not to.

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My original motion was about uniting us on such an important issue, not dividing us or even using the platform for one MP to get mileage over anyone else, because this subject is so much

bigger than any of us. Therefore, I want to thank the House and the Hon. Minister for meeting me some way in the middle on this imperative topic and I am therefore pleased that my original motion has served at least in some way to continue to keep this matter in the limelight, where it should be.

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For my part and that of the civil society group that I represent, we shall continue to bring important topics like this one to the House in order to reflect and promote participation across the community, because in my humble view that is the best way to get positive results looking forward, together. Thank you. *(Banging on desks)*

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**Mr Speaker:** I will now put the motion to the House. Those in favour? **(Members: Aye.)** Those against? Carried.

**Finance Bill –  
Reintroduction of presenting with Appropriation Bill –  
Motion not carried**

**Clerk:** We now move to the second Private Member's Motion. The Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

*THIS HOUSE*

*NOTES that the last Finance Bill presented to this House was in March 1987 by an AACR Government more than 30 years ago and that the practice of presenting a Bill specifically for tax altering measures was discontinued by the 1988 GSLP Government.*

*FURTHER NOTES the reason given by the Hon. Sir Joe Bossano in April 1988 for the change in practice was to introduce a 'more flexible fiscal system where tariffs, duties or whatever charges are made are capable of quick adjustments rather than a requirement to come to the House and change the law' end quote, and that not presenting a Finance Bill has been the continued practice of successive Governments since.*

*NOTES that there are recent examples of Bills to amend tax legislation that require backdating in order to give effect to Budget measures announced in previous years and that this is unsatisfactory.*

*RESOLVES that for the sake of improving financial administration, parliamentary debate and legal certainty to taxpayers that either:*

*the practice of presenting a Finance Bill at Budget time together with the Appropriation Bill be reintroduced with immediate effect; or*

*to preserve any desired fiscal flexibility that the House consider and pass individual resolutions on any measure requiring legislative change at the time it considers the Appropriation Bill and that all such measures requiring legislative change that are so approved by resolution be encompassed in a Finance Bill to be presented to the House within three months of the passage of the Appropriation Bill.*

Mr Speaker, taxation goes to the heart of Government and indeed it is the very reason why we are in this Chamber. Resistance to unjust taxation led to the signing of Magna Carta in 1215 and the resulting embryonic Parliament. Charles I eventually lost his head to Parliament over his need to raise taxation in 1649. The Stamp Act of 1765 led to the revolutionary slogan 'No taxation without representation' in the American War of Independence in 1776 and it is even argued that the heavy taxation of peasants led to the French Revolution in 1789. And yet we do

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not debate or even vote on taxation in this Chamber, and we have not done so for 30 years.  
(*Interjection and laughter*)

2195 **Hon. D A Feetham:** That was rude! (*Interjections and laughter*)

**Hon. R M Clinton:**... And yet Mr Speaker, it is quite incredible that we, as parliamentarians, have abdicated our rights to vote on a Government's taxation policy, and frankly we should be ashamed of ourselves.

2200 My motion is not, contrary to what Members opposite may think, partisan in nature, but merely seeks to re-establish the right of this Parliament to vote on tax measures. I hope, I suspect in vain, to convince Members that it is in the interests of good governance that we vote on tax measures. I will set out the merits for my motion beginning with the origin for the suspension of the Finance Bill and ending with the practical and political problems that arise with its absence.

2205 Every year in this place we have the greatest show on Earth in the form of the Budget debate. The Chief Minister and Finance Minister rises and gives his grand State of the Nation address together with what his intended Budget measures will be for the forthcoming tax year, as well as estimated expenditure. It is understandable that it is the tax measures that receive the greatest attention from the public and business alike. For more than 30 years, at the conclusion of that great show we in this House have then voted not on the tax measures proposed but on the Appropriation Bill for public expenditure as set out in the Estimates Book. The tax measures that the Chief Minister announces technically have no legal effect, since they have neither been voted on by this House nor passed by a resolution, or even regulation at that point.

2210 It was normal practice until 1988 for two Bills to be presented to this House by the then Financial Development Secretary, namely a Finance Bill dealing with changes to taxation and then an Appropriation Bill to provide the estimated future departmental expenditure. The *Hansard* record of the 1987 Budget debate on the Finance Bill records extremely healthy disagreements on the tax measures then proposed by the AACR with the GSLP, then led by the Hon. Sir Joe Bossano, on more than occasion voting against individual tax measures, as indeed was their right as an Opposition. But a debate was had on each measure and a vote recorded.

2215 In the 1988 Budget, held on 29th April 1988, the Development Secretary announced that he would only be presenting an Appropriation Bill and there would be no Finance Bill. The Hon. Sir Joe Bossano as Chief Minister explained the reasoning behind this move as follows:

We believe that we need a more flexible fiscal system, Mr Speaker, where tariffs, duties or whatever charges are made are capable of quick adjustments, rather than a requirement to come to the House and change the law. What we would want would be that the law should lay down the framework, for whether you pay 5p stamp duty or 10p stamp duty should not require full blown debate in the House.

2225 The underlying motivation was, to use Sir Joe Bossano's own words:

That kind of quick response I think would give us a competitive advantage and is one of the beauties of the smallness of Gibraltar, that we can respond to market demands if we are able to get the machinery of Government organised in a way that responds quickly and efficiently and if we create the legal structure to allow for a flexible fiscal system so that we can be ahead of our competitors by providing a quicker service to the customers we want to attract to Gibraltar.

Those were noble sentiments indeed but included two big ifs, namely: (1) *if* we are able to get the machinery of Government to respond quickly and efficiently; and (2) *if* we create a legal structure for a flexible fiscal system.

2230 There is no doubt that successive Governments have responded quickly to maintain and protect Gibraltar's competitive position in accordance with market demand, and indeed all Government Departments have risen to that challenge.

2235 It is perhaps in the second 'if' that our taxation process has fallen short. Some areas of taxation and indirect taxation are perhaps too flexible, such as increases in Social Insurance announced outside Budget time, while others still require primary legislation that sometimes gets forgotten. Flexibility in taxation has also been given more importance in parliamentary debate than scrutiny of the taxation measures themselves. I do not see that we have created a flexible fiscal system, let alone one that retains the need for Parliament's approval and scrutiny.

2240 Instead of the legal certainty given when we had a Finance Bill, we have ended up with a less than desirable system for the introduction of taxation measures. In answer to Question 827/2016 on 24th November 2016, I asked the Government the following question: can the Government please advise the process and timing for the enactment of Budget measures into Gibraltar's tax legislation? I will read the answer and the supplementaries from *Hansard* in order to refresh Members' memories as follows. This is the Chief Minister, the Hon. F R Picardo, from *Hansard*:

Mr Speaker, the process for the enactment of budget measures into Gibraltar tax legislation is a two-stage process. First, the measures are administratively implemented with immediate effect as per the date announced in the Budget. Secondly, the legislative amendments involve close liaison with law drafters from the Gibraltar Law Offices, experts from other Government Departments and relevant interested stakeholders. The timing of the legislating of such measures is dependent on the complexities of the subject matter.

2245 My supplementary question to the Chief Minister was as follows:

I wonder if the Chief Minister could advise at what stage and which year we are up to in terms of actual enactment into tax legislation?

and the Chief Minister's answer was:

I think we are complete up to 2014; and in respect of 2015 and 2016, budget measures are in their final stages of drafting and will be published shortly.

2250 Mr Speaker, I am frankly at a loss to understand as to how measures can be implemented administratively, unless of course by regulation. They will have no legal effect until such time as the relevant amendment was brought to this House. And therein lies the rub and the root of the problem.

2255 It is an oft-told tale in Main Street that Chief Ministers, when deciding on Budget measures, go into semi-seclusion at No. 6 consulting the Delphic oracles, to emerge from their trance with measures that they have dreamt up and which the Income Tax Office only get to hear about on the radio at the same time as the general public. (*Interjection*) This, I accept, may be in the realms of pure fiction, but let us for a moment imagine a future Chief Minister or Finance Minister who, in the interests of the environment, decided that the taxation of personal air consumption was a good idea as it would reduce CO<sub>2</sub> emissions if only the taxpayer is encouraged to breathe and perhaps talk less. Members of this Parliament, Mr Speaker will be delighted to know, would of course be exempt from such a measure. So he or she stands up in this House and makes such a pronouncement with immediate effect. What happens next? Is it to be automatically administratively implemented? If so, how, without the sanction of Parliament, who I imagine would find it somewhat ludicrous, let alone an unworkable measure? When will the debate be had and the vote taken? Are the experts of other Government Departments and relevant interested stakeholders then consulted before Parliament?

2260 Mr Speaker, we need to be able to vote and debate the measures as soon as they are announced, and legislation introduced in months and not years after the Budget. Only then will Parliament fulfil its proper role of scrutiny and give legal certainty to measures.

2270 Let me give a real example from *Hansard* in the debate on the Income Tax (Amendment and Miscellaneous Provisions) Act 2008. I will again quote from *Hansard*. The Chief Minister, the Hon. Sir Peter Caruana, introduced the Bill and stated:



Clause 4, is the second purpose of the Bill and that is to give by primary legislation retrospective effect to the amendments introduced last year, following my Budget address last year, to the Category 2, Category 3 and Category 4 Individual rules that were introduced, to give effect to the announcements that I made in the Budget. Some of those rules had the effect, because they were not published until after 1st July but were retrospective to 1st July, some of those rules, therefore, theoretically had a notional, no, not a notional, had a retrospective, albeit by not very long, taxing for some people, tax increasing I should say effect. Under the applicable legislation, taxation cannot be introduced retrospectively, except by primary legislation. It cannot be introduced retrospectively by subsidiary regulations and, therefore, this Bill gives retrospective effect just to the start of the financial year of 1st July in which we announced during the Budget, to the Categories 2, 3 and 4 which the hon Members will remember we abolished, had to do before we increased the tax of Category 3 and things of that sort. I commend the Bill to the House.

The current Chief Minister, the Hon. Fabian Picardo, replied as follows:

On the point simply, at this stage, of the retrospectivity that we are seeing in clause 4, I understand why the Chief Minister has explained that we are making these rules. He will recall

– and this is an important point, Mr Speaker –

that last year, meaning the financial year 2007/2008, the Government introduced a measure to lower stamp duty. That measure was first announced in the Chief Minister's speech in, I think, late June or early July last year, the Budget was late, but the legislative changes were only brought in, in the calendar year 2008. There, the retrospectivity given to those rules was much shorter. I seem to recall that it was actually from the moment that the Bill was published that the new stamp duty rules took effect.

That illustrates the problems that can occur. The Hon. Fabian Picardo then continued:

A lot of people who had bought property after the Chief Minister's speech but before the legislation, believed that they would be covered by the new rules rather than the rules as they were existing at the time. Now, remember, I brought this matter up in the House and the Chief Minister, and I think rightly as a matter of law said, the law is the law as it is until it is changed.

2275 Mr Speaker, I am told it is unusual to find two QCs agreeing with each other, but on this it seems they agree, namely that taxation law is taxation law until it is changed by this House.

In the examples I have just given, taxpayers were disadvantaged because of the lack of a proper process in the form of a Finance Bill. It was debated and promptly passed as tax measures announced at Budget time.

2280 If Members think that this is a thing of the past, let me point out that there is a Bill on our current agenda, B019/2017, entitled 'A Bill to amend the Public Health Act', published on 12th October 2017. The explanatory memorandum reads as follows:

This Bill amends the Public Health Act so as to introduce a discount scheme of 25% for early payment of General Rates for the second year of trading (the discount in the first year of trading being 50% pursuant to budget measures in 2013, but subsequently amended to 65% pursuant to 2014 budget measures) of all new companies starting up business in Gibraltar.

This Bill amends the Public Health Act to reflect the appropriate level of discounts to rates.

2285 We are now amending amendments to tax measures retrospectively in respect of budgets announced while I was not even a Member of this House. I have it on good authority that tracking unlegislated tax measures has got so complicated that a working group, with the assistance of the Gibraltar Society of Accountants, was in fact set up to try and rectify and update our tax legislation.

2290 Whereas I can understand the Hon. Sir Joe Bossano's logic in wanting to have a more flexible tax system 30 years ago, we can no longer afford to do without a Finance Bill or motion in 21st-century budget time. Not only do we create legal uncertainty, but we look, frankly, sadly, amateur. A Finance Bill would also allow all amendments to legislation to be tracked to the relevant originating Budget in one source.

In the 17th June 2010 Budget debate I note that the Hon. Sir Joe Bossano remarked, perhaps with a sense of nostalgia of his fierce debates with the AACR on their Finance Bills, as follows:

The Bill that we are being commended to vote on is of course the one that votes the expenditure not the revenue and consequently all the measures that have just been announced, which many years ago used to be put in a Finance Bill and be voted separately, will not require a vote from us.

2295 Mr Speaker, apart from the practical problems that the lack of a Finance Bill creates, it also denies Parliament the tool for Opposition to debate the political merits of tax measures, and that frankly is to be regretted.

We have a problem and the solution is simple and well within our power. In my motion I propose two solutions, which are as follows: either (a) the practice of presenting a Finance Bill at Budget time together with the Appropriation Bill be reintroduced with immediate effect; or (b) to preserve any desired fiscal flexibility, that the House consider and pass individual resolutions on any measure requiring legislative change at the time it considers the Appropriation Bill and that such measures requiring legislative change are so approved by resolution be encompassed in a Finance Bill to be presented to the House within three months of the passage of the Appropriation Bill.

2305 The House has two choices, or at least I am presenting two solutions to what I perceive to be a problem. Either method would serve to achieve the desired outcome, although perhaps the colonial book-keeper within me would of course prefer option (a) and the reintroduction of the Finance Bill.

2310 Perhaps I have gone on long enough. I hope I have convinced Members of the merits of my motion, which can only serve taxpayers better and ensure good governance and oversight by this Parliament.

Mr Speaker, I commend my motion to the House. (*Banging on desks*)

2315 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on this motion?  
The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, let me start by thanking all hon. Members opposite for banging their tables, which served to relieve some of the soporific effect that the hon. Gentleman's speech has had on all of us on this side of the House, and no doubt a number of them on that side of the House. If I may say so, the hon. Gentleman's soporific qualities are without rival in this place.

2320 It is 30 years since a Gibraltarian Chief Minister got up for the first time to deliver a Budget address on behalf of the people of Gibraltar, holding the reins of the public finances of Gibraltar, and I will have a lot to say about that during the course of the Budget debate, during the course of the Appropriation Bill, but it is in my view one of the most important moments in the political history of this community's ... *one* of the moments of political emancipation of our nation. That was Sir Joe Bossano who in that way was given way to by the Financial Secretary, who I think under the Rules of the House will be able to tell us more about that when he replies also. In fact, you will recall better than I do, Mr Speaker ... I think *had* to move at that time the Finance Bill, (**Hon. Sir J J Bossano:** Yes.) and so the First Reading and the Second Reading had to be introduced by the Financial Secretary, (**Hon. Sir J J Bossano:** Yes.) then an appointed individual (**Hon. Sir J J Bossano:** Correct.) who sat in this House, unelected ex-officio. (**Hon. Sir J J Bossano:** Yes.) And there were responses in the past from Members and I recall reading to the House during the course of this year's Appropriation your own view of the response that Joe Bossano gave to the speech of a Financial Secretary in 1973 when he first responded to the Finance Bill, to the Budget, from the Opposition benches. You said, Mr Speaker, and it will be in the record of *Hansard*, for then and for now – because I read your remarks – that it was quite something to

2340 see a Gibraltar elected Member be able to deal with the issues involving the finances from the Opposition benches.

He became Chief Minister, Mr Speaker, and in 1988 he delivered the first Budget speech of a Chief Minister of Gibraltar. He said then not just a Budget speech, a State of the Nation address. In fact, if anybody bothers to go back to read that debate – and there are probably few in this House who have done so, but I commend it to all of them – in that presentation the then  
2345 Financial Secretary said, ‘I now give way to Bwana,’ which was a way of reflecting how colonialism was changing in that specific moment in that Budget debate.

In that Budget debate, where Joe Bossano set out the two essential facilities that we have in Gibraltar and what we have to make better use of and more efficient use of, our land and our people, he set out also the golden rules of GSLP economics which we follow to this day, and one  
2350 of the things that he did was introduce this policy. I am grateful for the hon. Gentleman having at least framed this debate in the correct context politically of the introduction by Joe Bossano – Sir Joe Bossano now, then Joe Bossano – of this change.

So that was our policy in 1988, it is our policy now also, so it is a brave man indeed that gets up in this House to persuade those of us who repeatedly say that we are leopards whose spots do not wash off with bleach that we should change a policy which we introduced in 1988 and  
2355 which we have stuck to in the time that we have been elected again after 1988. So, from 1988 to 1996 where we have our responsibility for the presentation of the Estimates in the Budget debate, that is the policy we pursued. From 2012 to date it is the policy we pursue. So it is brave indeed to get up to try and persuade us that that which we introduced as a matter of policy we  
2360 should change, and he does it, as he usually does, without calling us first and saying, ‘Look, I think there is a value in doing this.’ He pretends to be able to persuade us from opposite us that that which we have done, rationalised, explained and stuck our political colours to is wrong – in the context of a speech at ten to seven in the evening.

It is very difficult to understand how far he thought he was going to get. You see, if one is  
2365 genuine about the view that these changes are in the interests of Gibraltar, then instead of trying to persuade us to change that which is our stated policy and which we have been pursuing, you would have thought there would have been an offline communication to say, ‘Look, I’m going to do this and these are the reasons, let us try and do it together.’ But no, he simply gets up to tell us, ‘That which has been your policy you must change because it is wrong.’  
2370 Well, it was our policy in 1988. Indeed, the former-former Leader of the Opposition – if he has a moment – has said repeatedly, and I can fully understand why, it is no mystery, that the Bossano Government of 1988 to 1992, I think he said – I do not know whether he said to 1996, but 1988 to 1992 – is one of the best Governments Gibraltar has had in its history. I think he is on the record of *Hansard* as having said that on one of the occasions when he calls himself a follower of  
2375 Bossano doctrines and not on others.

**Hon. D A Feetham:** I thought there was going to be a sting to it.

**Hon. Chief Minister:** No, there is no sting – not to you, anyway! There is obviously a very  
2380 good reason why he would want to say that, Mr Speaker, and there is a very good reason why I would want to agree.

Of course it remains the view of us on this side of the House that the policies introduced at the time by a person who is a member of the Executive Committee of the party and a member of the line-up of the party and a member of the Cabinet represented here is still good law. In  
2385 other words, it is good policy. How does he think he is going to persuade us to change from that position? Of course it is still our position.

But what I just find impossible to fathom is that he should find it possible to persuade Members opposite, because every single one of them is elected to this House under the banner of the Gibraltar Social Democrats and what was good for 1988-96 and 2012-18 was also good  
2390 from 1997 to 2011. And so what he is saying ... and I am not suggesting that he has hidden from

2395 this. He has understood that in the way that he has presented it, but what he is saying is in effect that the policies of the party, the initials of which they all defended at the General Election in respect of this crucial aspect of policymaking – indeed, he has gone back, rightly, to Magna Carta and the principle of political representation in his analysis for a non-lawyer was correct. It is difficult to understand how he thinks that he can persuade the GSD that this fundamental GSD policy was wrong.

2400 I assume that the hon. Lady has a way out, because not just the one that the hon. the former-former Leader of the Opposition gave her that she has seceded and she has said she will stand, an advantage she does not allow the hon. Gentleman Mr Llamas, but given the things I hear, they may not be long for independence. But she of course has the ability to say, ‘Well, actually, Roy Clinton is defending the record of a Chief Minister with whom I have a close relationship,’ and indeed, if I may say so, a record that is in respect of the period when you were a member of the Government. She has that relationship with the practice that you are defending. But you do not, is the answer to the hon. Gentleman opposite. In fact, as far as I understand it, the hon. Gentleman was a member of the Executive Committee of the Gibraltar Social Democrats at some stage until he walked out because, shamefully, people in the GSD did not want to read *The New People*. But, Mr Speaker – (*Interjection*) No, the practice today is not to yield to Members opposite. That is the practice today. You ought to... He is his right to determine whether it was the right practice or not. I do not know whether he was on the Executive Committee of the party or not; he may say that he was not. Well, certainly one of the things that he used to say during the course of his leadership campaign, such as it was, was that he had been a member since it was formed. Well, this is what the party that he has defended did for the 16 years that it held the reins of authority, and it was not an issue that we took with them because it was an issue on which we were agreed because there they had adopted GSP policy and made it GSD policy. The incredible thing is that the GSD should now seek to change the GSD’s policy in respect of this matter without at least trying to agree it with us for the reasons that he has said are so important, if he were right.

2415 It is entirely wrong that we do not debate matters of taxation, whether those are duties or direct or indirect taxation of another form. Of course we do. In some instances the changes necessary are done by way of regulation, so they do not come to this House but they are advertised in the context of a Budget debate. In other words, we have a Budget debate where the Chief Minister gets up and says, ‘As from midnight tonight ...’ without holding a whisky in his hand as they do in another place, and makes the announcements. The debate then continues and hon. Members have absolutely the right to get up and say, ‘You haven’t put up the duty on this enough, you are not going to put up the duty on this enough, you have put it up too much on this, you are wrong with your policy on taxation on that.’ But in respect of taxation where direct prime legislation is required, of course they also have the right when the prime legislation comes.

2425 His point, which is a good one, is that the prime legislation does not come quick enough. That is a good point, it is a point that has to be pursued, it is a point on which we are agreed, but the solution to that point is not to bring a Finance Bill.

2430 The hon. Gentleman has to understand that when I was first elected I was still having to catch up with *their* taxation matters which had to come to this House, but only matters which required primary change, because one thing he may not be aware of – and I think will never be aware of, but it is not a matter for me, it is a matter for the people – is that when a Chief Minister ends the debate on the Budget, when the Budget is voted on and passed – in other words, when the Committee Stage and Third Reading are complete – we get into the battery-powered vehicle and we are driven back to No. 6 Convent Place to be presented with a stack of measures to sign, which are the regulations which are required to give effect to the measures in taxation which do not require primary legislation and which are then changed. That is how duty changes. So taxation on tobacco etc. is then suspended from let’s say the Monday morning when the Chief

Minister presents the Budget Bill until the Thursday when we sit down, the House has approved and the regulations are signed making the changes to the duties. That is how it works.

2445 Now, you can spend your Budget debate simply saying, 'I don't agree with the Government on this, I don't agree with the Government on that, the debt is too high, the debt is too low, I am going to vote against the Budget or I am going to vote in favour of the Budget, Civil Service pay is too high ...' – the sort of things the hon. Gentleman says all the time – or you can say also, in addition to all that other stuff that hon. Members say during the course of the Budget debate on the Appropriation, 'By the way, the detail of what you are saying should change in this way or should change in another.' That is the debate: 'The duty on this particular commodity is going up too much or it is not going up enough, the rates are going up too much or they are not going up enough, the announcement in respect of stamp duty is not good enough or it goes too far.' That is what you can do in that debate.

2455 Will you persuade us? Well, it is very unlikely you will persuade us because it is not true that Budgets are prepared like the hon. Member says. It is particularly open to them this year to vote against any Budget measure that might come as a need for a change to the primary legislation, whenever it comes in respect of the financial year 2017-18. Why? Well, for a simple reason, Mr Speaker: they voted against the Act; they voted against the Appropriation Bill.

2460 In most instances – in every other instance, in fact, in the history of this Parliament on the basis of the analysis I did in my response to their presentations, their speeches on the Appropriation Bill this year – the Budget has passed with the support of every Member of the House. (A Member: Appropriation Bill.) The Appropriation Bill has passed with the support of every Member of the House, and therefore it would have been very difficult indeed to see how somebody could vote in favour of a Budget, which is an appropriation financed in a particular way, and then vote against the measures. That is not an encumbrance that hon. Members have, because they voted against the whole thing. Hon. Members voted against the Appropriation Bill, which is of course generated estimating a revenue which is based on measures included in the context of that debate.

2470 He is shaking his head because obviously he knows better. Having been Chief Minister and Minister for Finance for a hundred years before me, Mr Speaker, he knows a lot better, of course, like he knows better about everything; in fact, like he knows better about how a Budget is created, because of course he believes everything he is told in Main Street and he has told us that the oft-told story in Main Street is that the Chief Minister hides himself in his office and that the Commissioner of Income Tax hears of the changes he is making to Income Tax when he gets up here.

2475 Well, it is certainly not the case that that is the position under this Chief Minister. Neither was it the case, I am sure, under the former Chief Minister who is sitting next to me, who introduced the measure that he is talking about. From the tales I hear from the inside, not from Main Street, it was not always the case in relation to my predecessor as Chief Minister, the Hon. Sir Peter Caruana. Right! Why? Why is that not the case? Well, because it would be foolish indeed – and I note that we are in the presence of another former Chief Minister, Mr Speaker, but it would be foolish indeed for a Chief Minister to announce a Budget measure without knowing the potential effect or consequence of that measure in cash terms.

2485 Confecting a Budget for this community involves a Commissioner of Income Tax who is involved for weeks telling you, 'If you change this it will likely cost so much because we have so many taxpayers in that category, if you move it in this way it costs so much and if you move it in that way it costs so much. This is my estimate. It could be this. There could be others that are not in this band but when you move the band it could mean that.' You have broad estimates of what a measure costs to the Exchequer or will produce for the Exchequer. The cleverest Chief Minister in our history – and who he is will be judged by history; it will not be me, that is for sure, but when it comes to economics it might be the person sitting to my left – would not be able to do that analysis because you do not know the number of taxpayers who are in a particular bracket and therefore you cannot do the calculation unless you have that number.

2495 So, Mr Speaker, the next time he is on Main Street – and as a retiree he is oft in Main Street – he should put right those who tell him the story about the Commissioner of Income Tax hearing about the measures on the radio at lunchtime. That might start to change the way that he perceives the things he has said.

2500 It is also true that alongside the Commissioner of Income Tax the Collector of Customs ... Of course, Mr Speaker, if we take a step back the words 'Commissioner of Income Taxes' and 'Collector of Customs' actually mean the same thing; they are just responsible for different types of taxation occurring in different ways. The Collector of Customs is also a hugely important part of the planning of a Budget. A Collector of Customs would not hear the measures on radio for the first time. He will have been involved for a considerable number of weeks, if not months. In fact, both the Commissioner and the Collector will be preparing everything that is not primary legislation with the law draftsmen in order to be ready to have those relevant regulations signed once the Budget Bill passes. When the Appropriation Bill becomes an Appropriation Act the regulations are ready when you arrive at No. 6 Convent Place to sign them, not because they heard them on the radio but because they have been preparing them. And of course in the whole structure of what is going on the person with responsibility for rates at Land Property Services will also be involved, because a rate is in effect also a duty; it is a tax, in effect. So the Commissioner of Income Tax, the Collector of Customs, the person with responsibility for rates, all of them are involved and preparing relevant regulations.

2510 And how does that happen, Mr Speaker? Does it happen locked in a room for five minutes? No, this is a considerable period of preparation. And alongside the Minister for Finance of course will be throughout that period a Financial Secretary, who will be running ... And I know that that is the job he has always really wanted, Mr Speaker. It was colonial book-keeper or Financial Secretary, obviously. A Financial Secretary will be involved in the detail of the planning of a Budget, working in conjunction with all of those that I have indicated and with the Chief Minister. It could not be otherwise; it would not work otherwise. So the myth on which he has based all of his speech, which he heard down Main Street, is no better than some of the rumours that are brought here during Question Time. It is just completely untrue. It is untrue.

2520 The Cabinet will be feeding in measures to the Chief Minister's Office throughout the year, actually. Different measures may come to the attention of Members at different times that will be fed in throughout the year. What the Office of the Chief Minister will always do in this respect is say, 'Thank you very much for the input, but nothing can be confirmed to those who have suggested that this is an important measure to you until the Chief Minister gets up in the Parliament.' That is the position. They are the ones who do not find out until the Chief Minister announces it in Parliament – not the Ministers, they will know in co-operation with the Chief Minister; not the Commissioner or the Collector responsible for rates etc., but those who have made representations, 'I think it is a good idea to a, b, c ...' You cannot tell them what is going to happen, otherwise they might stock up on the thing that the duty is going to go up or down on. Well, it would be foolish to stock up on things that are going to do down in duty – on the things that are going to go up. Those are the people who rightly find out when the Chief Minister is on his feet making the announcement and Members opposite find out when the Chief Minister makes the announcement.

2535 But Main Street is right about one thing. If there is a Delphic oracle available then you make sure the Delphic oracle is involved, and luckily in our Government we have got one, especially on these matters.

2540 Therefore a lot of what he has told us is just based on a rumour that has absolutely no basis in fact. Although I accept that it is necessary to try and be more up to date in respect of these measures, he has to understand that none of the reasons why he has pointed to so far are going to persuade us.

2545 It is also true that all the accountancy practices in Gibraltar and some of the law firms immediately publish, with a speed that sometimes surprises me, on the day of the Budget a summary of the measures so that everyone is aware of them and everyone knows – this is

important – that they have the benefit of the measure from the date of announcement as well as suffer the obligations that may be imposed, because it is quite something to get up and say, ‘Oh, poor taxpayers who are subjected to the measures’ ... Well there have been precious little increases in cost to taxpayers in Gibraltar in any of the years that I have been responsible for delivering the measures. In fact, it is quite something different isn’t it: it is taxpayers saying, ‘Ah-ha, as from x date of the Budget I am entitled to the lower rate.’ That is not what the fight that led to Magna Carta was about and of course the Government absolutely rightly honours from the date of announcement the reductions. That is the reality, Mr Speaker, and for that, as much as for revenue-raising measures, legal cover is required, and if it comes later it is retrospective legal cover. There is provision for retrospective legal cover for a revenue-raising measure, as was demonstrated by them when they were in office, and there was debate about that and it is in *Hansard*, although it is anathema to think that that exists, and that is where we must do better and we must bring those measures sooner, absolutely, but that is not a good argument for what he is presenting to the House today as the alleged only solution, because the words ‘retrospective legal cover’ were uttered in this House for the first time by the man referred to on a number of occasions as the greatest Gibraltarian of all time (*Interjection by Hon. D A Feetham*) by the former-former ... Mr Speaker, he can now admit it. He has got nothing to lose. She is not going to join him again. She can now admit it.

2565 **Hon. D A Feetham:** Oh, you are saying it for her!

**Hon. Chief Minister:** No, *you* are saying it for her. Mr Speaker, let’s be very clear. I have never said that Sir Peter Caruana was the greatest Gibraltarian of all time. Neither would it pass my lips. The hon. Gentleman, even Sir Peter, would not be surprised that I should say that. But he said it and now he is trying to distance himself from it at the time that the hon. Lady was in the party. I wonder whether he still harbours views that she might one day be lobotomised enough in order to go back, but I do not see her as somebody who is capable of reprogramming. She seems to me to be pretty fixed in her direction of travel, as he said when he was giving us his best interpretation of Eminem in the hilarious last session of the House.

2575 Retrospective legal cover is what the Silk, the Queen’s Counsel, the QC told us was possible, and he was right, Mr Speaker. Unfortunately it is not something that we should have to rely on but we have to rely on it and we should do better and we should catch up, but the answer is not to bring a separate Finance Bill.

I do not think that there were fierce debates in this House at the time that the GSLP and its predecessors entitled the GDM and at the time that Joe Bossano was here as a member of the Integrationist Party countered the politics of the AACR. I must say I think the fierce debates arose after 1991 when Sir Peter was elected to this House. The ferocity of debate changes and if hon. Members look at the *Hansards* there are debates of principle before then and then there are deeply personalised debates after that. It is a position I have expressed on a number of occasions to Sir Peter when he was here. So I do not think that the hon. Gentleman is able to reinvent the history of this place, because *Hansard* speaks for itself as to the ferocity of the debates and how they were handled in that time.

2590 So, having dealt with all of the issues, the mechanisms there are for debating the tax measures that require primary legislation, the mechanisms that there are for debating the measures that require regulations, which they do not take up, although this year they could have because they were not going to vote for the Budget, and having dealt with the fact that there is a need to catch up with measures which require primary legislation but that the answer is not the position that the hon. Gentleman has set out, I have little more to say in respect of this motion other than it will not enjoy the support of Members on this side of the House.

2595 I will repeat, Mr Speaker, that if hon. Members wish to bring motions which should enjoy the benefit of support from this side of the House – and politics is about simple mathematics, democracy is about simple mathematics; you get one more than the other guy and you win,

whether it is the election or a motion, but if they genuinely believe that there are measures where they can bring something to the House which will improve Gibraltar and they are genuine about that, then they need to have an offline conversation with us to persuade us of that. That is the way that it works in every Parliament. If you see a motion go down on the Order Paper at Westminster and it carries the signatures of Members from opposite sides of the House, then you know that there is an issue which is going to garner more support than simply a motion on the Order Paper which garners support only from Members on one side of the House. And a motion need not stand in one name only; a number of Members can bring a motion and lay it before the Parliament. So, instead of the method of amendment that we have dealt with today, if a motion were presented by John Cortes and Marlene Hassan Nahon, then hon. Members are given an indication that it enjoys cross-party support. If it is also endorsed by Trevor Hammond, if there is a motion that has three names on it when it is submitted, then hon. Members know that that motion is definitely going to pass with the support of the Government and the official Opposition and the vote of an independent Member. If a motion comes on an issue which is as obviously controversial as this one, because the hon. Gentleman is taking head-on a policy introduced by the GSLP, then it is obviously a motion designed to garner political headlines, soporific though they might be, but not an attempt to make a genuine change to the position as set out in the motion, because it is obviously not going to have a fair wind.

If the hon. Gentleman had brought something which is completely new, which is not recognised in the way that we do things, which does not go to the core of something that we have been doing, perhaps he could say, 'Well, look, this was just something new.' I would still commend to him the fact that he should try with a parliamentary colleague to deal with it by way of consensus, and if there is no consensus then bring it on his own, but consensus should be the first position that we take to try and agree things. But if you are going to take on the stated policy of the party in the founding Budget, in effect in the 10 commandments, and you do not talk to us about it first, then look, it is one of our 10 commandments, we are not going to shift from that and nothing that the hon. Gentleman has said on his feet today has persuaded me, or indeed, I am sure, any other Member on the Government benches. For that reason, I am afraid that the hon. Gentleman is going to see us not support his motion. He is therefore not going to persuade us to change the practice.

I very much look forward to what will happen during the course of this year's Appropriation Bill. Many people claim credit for having ended the political career of the Hon. former-former Leader of the Opposition. I have always thought that nothing will end the political career of the Hon. the former-former Leader of the Opposition because nothing will persuade him to leave politics, even himself, but in the context of that process it has been put to me that his political career was ended by the references to the fact that he might or might not have done something in the names of others on a particular social media site – the bane of my existence during the course of that Budget debate. Then it was put to me that it was just too much for him and that he had said in the course of his departure from politics why he was leaving, although then he did not depart politics; and others have said it was the departure of the Hon. Mr Llamas that led him to decide that enough was enough, two defections again in this debate. That defection, Mr Llamas explained, was about the vote against the Appropriation Bill, a seminal moment in our Parliament's history, because Mr Llamas said, 'I cannot vote against this Appropriation Bill.'

I wonder what will happen this year, Mr Speaker: whether under new leadership outside this House the GSD Opposition will still vote against an Appropriation Bill in this House, (**Hon. Sir J J Bossano:** As he said.) as they said they would continue to do, or whether in fact more sensible heads will prevail and they will vote in favour of the Appropriation Bill, although they might express their disagreement with parts of it, and their views ... as has traditionally been the case in respect of the public finances of Gibraltar. A lot will turn, in my view, on what they do; a lot will turn on what they do. If they vote against again then I believe they will be sealing their fate for good, if they have not done so already. If they vote in favour, then it will mean one magnificent *volte face* for a number of them, and that I think is the live issue going to



2650 the next Appropriation Bill. I very much look forward to seeing what the result of that vote will be. Hon. Members can expect that I will call a division.

I say all that in the context of the hon. Member because I really believe that in the final analysis, as he likes to say, and in the context of the factual matrix, another thing that he likes to say, when history makes the judgement it will be seen that it was neither the hon. Lady nor the  
2655 hon. Gentleman, nor indeed me, and I have been trying to do so for so long because that is the nature of adversarial politics; it was the vote against the Budget that the Hon. Mr Clinton persuaded all hon. Members opposite in the Official Opposition to do that was the end of one leader. He did not prevail in his leadership, and if they carry on down that course it may even be the end of another one or two leaders, because I think now of course there is the one outside  
2660 and the one inside – they might both fall at the same hurdle. But neither voting against an Appropriation Bill nor changing the practices in respect of how we deal with matters in taxation is going to be something that is going to persuade those of us on this side of the House: we are not going to agree to the principles set out in the motion.

2665 **Mr Speaker:** Is there any other contribution from the Opposition benches? The Hon. Daniel Feetham.

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

I have to say – perhaps it is the fact that I have been absent from sitting to my right for less  
2670 than a year and he no longer has the fire in his belly that he used to have – that I found his speech today one of the least unpersuasive that I have ever heard him deliver before this House.

He seems absolutely obsessed, Mr Speaker. Rather than looking at the substance of the motion and considering the merits of the motion, he seems ... It is just a recurring theme and I do not know whether it is because that lack of fire in his belly is also matched by an appreciation  
2675 in the paranoia that the hon. Gentleman feels nowadays that he just seems obsessed by the Hon. Mr Llamas to my right and the hon. Lady and what they might do in the future.

Let me restate the position. I know that he does not really like to hear this because I know that it does not serve his own political fortunes the way that he would ... If the Hon. Mr Llamas wants to come back to the GSD he is going to find me not opposing it. If the hon. Lady wants to  
2680 come back to the GSD (*Laughter*) I am not going to be somebody who is going to oppose it. It is not going to be me that is going to be opposing it. It is not going to be me and it is certainly not going to be people on this side, from Mr Hammond (*Interjections*) all the way to Mr Reyes, that are going to perpetuate any divisions within the Opposition; (*Interjection*) not us, Mr Speaker. But I know, of course, why the hon. Gentleman is obsessed with this particular topic: because he wants to perpetuate divisions which have not been caused by the GSD ourselves.

The hon. Gentleman says politics is about simple mathematics. Well, look, there I was, simple me, thinking that politics was about principle, that politics was about attempting to improve the lives of people, that politics was attempting to improve the way that things are done. That is  
2690 what lies at the heart of this particular motion in what the hon. Gentleman is doing, because really when you strip away all his barbed comments about me and the former-former Leader of the Opposition or about the independents and all the other barbed comments that he is apt to make in debates of this nature, this is about how we can attempt to improve the procedures of this House, and indeed in this particular case how measures are given effect to as quickly as possible.

2695 He spent about half his speech – it was quite incredible – saying, ‘Well, because these are the 10 commandments and the GSLP has always done things like this ... we introduced it and he is now going against the GSD because the GSD also did it.’ Well, look, what does that have to do with it? If you can improve a procedure, the fact that you did things differently in the past should not be an impediment to change. The issue is can we or can we not do it better. That is  
2700 the issue, not whether Mr Bossano was the first to introduce it and therefore, because

Mr Bossano is an economic guru and the father of the GSLP, it has got to be done like this for evermore. That does not make sense; that is not constructive politics.

2705 The issue here is Mr Clinton has raised important issues in relation to the practice and criticisms of the practice at the present moment in time, and I have not heard anything from the Chief Minister as to how he intends to improve those criticisms, those defects that have been correctly identified by Mr Clinton. Because the Chief Minister has accepted that we have a situation here that we have Budget measures, taxation ... yes, you can give effect to taxation measures announced in the Budget through subsidiary legislation that then does not require coming to this House and it can be done by the Minister by way of regulation, but there are  
2710 measures that do require bringing legislation to this House and he has also admitted that it sometimes takes years for those measures to come to this House, and what he is proposing is, 'Well, actually, let's bring to this House a Finance Bill in order to deal with the implementation of those measures in a timely way.' That seems to me, as somebody who is perhaps not as *au fait* with some of these issues as the hon. Gentleman or Sir Joe Bossano, a perfectly reasonable  
2715 approach, but there is nothing that he has come up with, nothing that he has said to this House today, other than it was the economic guru of the GSLP, Joe Bossano, who was the architect of this policy and we have done it for eight years and you have done it for 16 ... Other than that, he has not really come to this House with a reason as to why this House should not vote in favour of this motion that is presented by Mr Clinton. Therefore, I think the Government is not taking the  
2720 motion with the seriousness that it deserves.

Let me say this: I think that Mr Clinton would be the first person to stand up and if he heard an argument from the Chief Minister, or if he heard an argument from the Father of the House, Minister Bossano, 'Yes, we accept that we should be bringing these measures earlier and we are going to do it in this particular way, but we do not want to do it through a Finance Bill, we are  
2725 going to do it through this particular way,' well I think that Mr Clinton would say, 'Well, look, I have come up with a proposal as to the way that we can do it but we will support the Government in the proposal that the Government makes.' But the speech by the Hon. the Chief Minister is a scorched-earth speech. It is destructive, it is not constructive; it is negative, it is not positive. It is about the politics of the past, not about the politics of the future, Mr Speaker, and that is what this motion by Mr Clinton represents, and therefore I certainly will be voting in  
2730 favour of the motion. (*Banging on desks*)

**Mr Speaker:** Any other contributor to the debate? (*Interjections*) The Hon. Sir Joe Bossano.

2735 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I accept that the Hon. Mr Clinton does not have a clue what he is talking about because he is only limiting himself to what he has read in *Hansard*, which happened a very long time ago, and his interpretation of what happened. But I would expect the hon. Member opposite to know more – and it is not about understanding numbers.

2740 Let me say that, as the Chief Minister has said, the first time a native questioned a Financial Secretary was in 1973 because under the 1968 Constitution it was the Financial Secretary who determined how money was going to be raised and in effect he made the Budget speech setting out how the money was going to be raised, and it was only the first time that there was somebody in the Opposition that was the Shadow of the Financial Secretary, because I was not  
2745 the Finance Minister.

Indeed, if he looks at some of the debates where there was great controversy over tax measures, I can remember one particular Financial Secretary who arrived here at the time that we had achieved parity, who in fact only found out about parity when he stepped off the plane, had left a huge deficit where he had come from in the Caribbean, and when he started attacking  
2750 us in the GSLP who had been involved in the fight for parity I reminded him that the Caribbean's gain was our loss, given his performance in the previous jurisdiction. And there was another Financial Secretary, who increased the tax for everybody in Gibraltar and at the same time

2755 lowered the tax for the expatriates, which included himself. So there were very controversial issues but there was not a controversial issue between the AACR and us, because ultimately the nature of the constitutional relationship that we seemed to have with the UK was that they controlled the purse strings, less so here than in other colonies but still more than they do today and more than they have done since the Constitution removed the appointed Members from this Chamber and made it a less colonial Chamber because we are all now elected.

2760 **Mr Speaker:** The hon. Member if I may remind him of the occasion when all the elected Members voted against the Budget measure and resigned, but of course (**Hon. Sir J J Bossano:** Yes, of course.) sitting here was not a Gibraltarian Speaker but the Governor.

**Hon. Sir J J Bossano:** Absolutely. That was even earlier!

2765 In that progress of emancipation of our people, initially it was started by the GSLP on the basis that it was lucky that I had sufficient knowledge to question the legitimacy of the arguments used by the Financial Secretary, which other people felt they could not, independent of the fact that we could only question the accuracy and the legitimacy of his deductions rather than his right to do it because his right was the way the Constitution was interpreted. In 1988, with the same Constitution, our view was, 'Well, look, at the end of the day, if you are going to raise the taxes, we are the guys that are going to lose the votes, so we want to take that responsibility.'

2770 The Finance Bill was a Bill to increase taxation. We were not in the business of wanting to increase taxation; we were in the business of adjusting measures in order to create, in what was a very critical time in our history when we had to diversify the economy away from its MOD dependence into adjusting measures so that if people said, 'Well, I don't come to Gibraltar because of this and this,' we would be able to react in a way which invariably meant lowering things, not raising them ... So to say that the Magna Carta, the Boston Tea Party or the French Revolution were not about people's taxes being lowered ... It was about taxes being raised, right? Well, we were not in the business of raising taxation. The kind of economy we were developing was not about raising taxation; it was about diversifying from an MOD-based economy to a private sector economy and ensuring that we were able to be competitive in the incentives that we provided.

2780 That cornerstone meant that we came to the House with an Appropriation Bill, which is what still happens, which is the instrument that gives permission to the Government to withdraw money from the Consolidated Fund – the Constitution says we cannot take money out of the Consolidated Fund without the consent of Parliament – and the taxation measures that in the Finance Bill were the measures where we raised the money that went into the Consolidated Fund. But the invention of doing this and then introducing retrospective legal cover was not a GSLP ... one of the 10 commandments; it was one of the GSD 10 commandments – not one of ours, one of theirs, opposed by me.

2795 Therefore, if he is talking about good governance, well, look, if there is good governance, then what they introduced, which was not the absence of a Finance Bill, it was the absence of any kind of legislation to justify taxation, and not just taxation because the hon. Member opposite has included Social Insurance as if Social Insurance was a tax. Social Insurance is not a tax. Social Insurance was never included in the Finance Bill. Social Insurance always was and still today is increased by a motion in this House. What the GSD did, which I claimed was illegal, was to raise insurance and deduct it from workers' pay packets, in my view in breach of the Truck Act, which says you cannot remove from a person's pay packet anything other than that which is provided in the law, and there was no law saying that Social Insurance shall be 10% higher than it was at the end of June on 1st July. What the GSD did was they raised insurance rates without bringing a motion to the House and then gave it what the then Chief Minister, the greatest living Gibraltarian, called retrospective legal cover, for which he got a QC – for inventing this concept (*Laughter*) – and of course the hon. Member opposite was part of a Government that was doing

2805 this retrospective legal cover. When I actually stood up in the House and told ... Without  
pretending to be a lawyer, which is not one of the things I ever want to be ... without pretending  
to be one I said to him, 'Well, look, my interpretation of the law is that what you are doing is  
illegal because every week people get money taken away for the Social Insurance and the  
2810 amount that you are taking away is 10% higher than the amount specified in the legislation, so I  
think this could be challenged,' and the greatest living Gibraltarian said, 'Well, if it is, I will come  
to the House and retrospectively change the Truck Act.' So much for good governance. I do not  
know what the hon. Member would have done if he had been in the GSLP in those days with the  
GSD on this side.

2815 So the truth of the matter is that his criticism of a practice which in fact was defended by the  
GSD Government as being in keeping with the way they do it in the UK ... He did not agree with  
my criticism. He said even if I was right he would simply change the law and make it right, but in  
any event he said, 'When the Chancellor in the UK stands up in Parliament and says what the  
changes are going to be, they are not legislated there and then.' I have not checked whether he  
2820 was telling the truth, but that is a statement made in Parliament and he said that therefore the  
concept of retrospectively giving legal cover to what had already been implemented  
immediately ... and of course one of the things why the measures in the Finance Bill, when there  
was a Finance Bill, or the measures in the Budget speech afterwards – not in our time because  
we introduced very few measures, but certainly in the time of the GSD – had to be brought in  
2825 immediately for the reason that the Chief Minister has said, because if the Minister for Finance  
or the Financial Secretary were to stand up in the middle of the Budget debate and say, 'And we  
are going to introduce legislation in six weeks' time after we have given six weeks' notice to raise  
the duty on a particular product' everybody would spend six weeks buying that product before  
the law was changed. So, in effect, once it is announced in Parliament it is introduced and then  
2830 retrospectively put right, and it can be six weeks or it can be, in some cases, two years – and I do  
not see why it should take two years to do it but you do not need to a Finance Bill to do that.  
The fact you have a Finance Bill is not what is wrong. What is wrong is that things should be  
increased before the law is changed that provides for that increase, and that is what I objected  
to on that side. But that is not what we did in 1988. That is what was done after 1996. So that  
can be changed; that is not sacred. *(Laughter)* **(Hon. Chief Minister:** What a conundrum!)

2835 Therefore, given the fact that there were two Members on the opposite benches who  
thought it was quite all right and it was not a lack of good governance – they were there all the  
time when it was happening – it seems to me that one of the things that one finds in the present  
political system is that Members behave as if they were independent; that is as if they had stood  
as independents, not as if they had stood in a party. Because we go to an election with a party  
2840 policy and certainly if we thought there was a huge democratic deficit and a lack of good  
governance and the equivalent of the absence of the Magna Carta and the possibility of a French  
Revolution repeating itself in Gibraltar, we would have put it in our manifesto if it was that  
important. *(Laughter)* It would not have been an afterthought when one year you decide you do  
not approve of spending and the next year you decide you do not approve of the raising of the  
2845 revenue. Well, the raising of the revenue and the spending of the revenue are the fundamental  
reason why parliaments exist.

The way that it was done on the initiative of the party to which the hon. Member belongs  
was to do it first and legalise it afterwards, a practice that has continued since 2011 but was  
introduced by them. It is all very well for the Hon. Mr Feetham to say, 'Well, look, if you find a  
2850 better way to do things, what does it matter if we did it wrong for 15 years?'  
**(Hon. D A Feetham:** What?) Well, except that this is not how party politics works. This is how  
collections of individuals in the Isle of Man or Jersey or Guernsey govern themselves. So  
tomorrow Mr Clinton, walking up and down Main Street with nothing better to do, thinks of  
something new, comes here and it now becomes party policy. I do not know if the leader of the  
2855 party who also was part of the Government that introduced this aberration –

**Hon. Chief Minister:** And fought elections against it afterwards.

2860 **Hon. Sir J J Bossano:** Yes, of course, and defended it when I criticised it. I do not know whether the leader of the party is as generous as the former-former leader of the party in being willing to accept changes just like that.

Presumably the Leader of the Opposition agrees that the GSD was wrong. Two Members who were in the GSD in Government agree that what they were doing was wrong. A former Minister who is the leader of the party now – (*Interjections and laughter*) I am afraid there is a party whip on this. (*Laughter and banging on desks*)

2865 So the answer is that if there is something that is necessary or something that is better, then of course there is no reason why we should not look at it and then make up our minds whether we want to do it or not.

2870 Certainly it seems to me that from the moment that he started explaining the reasons for doing it he does not seem to understand that the thing that is really wrong is not what happened in 1988 but the thing introduced by the GSD. He seems to have convinced the two Members of the GSD. I do not know whether he needs to convince the greatest living Gibraltarian whose idea it was that his party is now accusing him of lack of good governance and lack of transparency. (*Interjection*) Yes, Mr Speaker, and you, because you are saying that it is a good idea to change something although it must have been a bad idea to introduce it.

2875

**Hon. D A Feetham:** No, no, no. That is why I wanted you to give way.

**Hon. Chief Minister:** No, he is not going to give way.

2880

**Hon. Sir J J Bossano:** Okay. So the answer is, Mr Speaker, that if they do it it is a good idea, (**Hon. D A Feetham:** No.) if we carry on doing what they started then it is a bad idea and it is lack of transparency, and if tomorrow Mr Clinton is no longer a member of the party and somebody else has a different idea then that becomes party policy at least for the bit of the party that is in the House – the bit of the party that is outside the House we do not know whether they would agree. (*Interjection*)

2885 So we have to make clear that, as the Chief Minister said, we are persuaded – and we did not need to be persuaded but we are persuaded – that there is every good reason and no good reason for delaying the time between the introduction of a measure and its legislative introduction. Indeed, in my view it should not be after the event, it should be before, but I was persuaded by the then Chief Minister that my view was wrong and that this is standard practice and that what we were doing was the way they did it in the UK Parliament and nobody suggested that the UK Parliament needed reform. Maybe he should have tried to reform them when he went there with me recently on that mission to the Public Accounts Committee, if it is indeed the case that they do it differently.

2890 I am not giving way, no. He has got the right of reply, Mr Speaker; he can answer me then.

2895 So the position is that ... Let me make clear that on the question of the Social Insurance increases it has always been done by bringing a motion to the House and it was never done in the Finance Bill. Social Insurance is, in effect, money that is not available to the Government and is not money that is in the Consolidated Fund. So it is not money that is appropriated by Parliament; it is in fact a premium for an insurance policy for either employment or accident or old age. That is what it is.

2900 I do not see why it should be introduced first and the regulation changed afterwards and I felt very strongly that it was wrong that people should have the rate of insurance deducted from their pay packet without the legislation being changed. I think we should look at whether in fact we can make sure that the gap between the introduction of the new rate and the resolution that approves it and changes the rates in the House should be brought to the bare minimum, because in principle it seems to be wrong to me that people should be paying more insurance

2905

2910 and the law says that the insurance rate is not what is actually being deducted. I am not sure that the argument that the GSD put at the time was the correct one.

I think in terms of the Finance Bill the truth of the matter is that there would be an argument if we were in the business of fundamentally having to introduce big changes in tax increases, which fortunately we still do not have to do and hopefully we will still not have to do after Brexit, but certainly if that were the situation then I think we would have to review the way things get done if we were doing that. But when you are talking about the bulk of the changes being that you are reducing things, what is the great issue about not doing it? We are not actually providing the money that is going to be spent. In the majority of cases the things that are announced in the Budget are things that are benefits being given in the Budget and not things that are being increased in the Budget. If the hon. Member looks at all the recent Budgets, the things that have gone up have been very few compared to the ones that have come down and the Finance Bill was primarily a situation of covering deficits.

2920 In 1988 we were still in a situation where we were either having to raise taxation to cover recurrent deficits or borrow money to cover recurrent deficits. There is where the importance of the Finance Bill and the importance of the Financial Secretary came in, given that the United Kingdom felt that they needed their own guy to stop the locals from paying themselves too much or spending too much money, which might be a contingent liability on them. So the real role there was to keep the books balanced by introducing things that might have been unpopular. The tax on the razor blade was the historic one that brought the rebellion from all the elected Members when the Governor insisted on doing it.

2930 So I think for the reasons that I have put and the arguments that are put by my colleague the Chief Minister, the position is that we cannot support the Bill, but I certainly think that we should take a look at the Social Insurance side, which is the one I felt very strongly about. *(Banging on desks)*

2935 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I rise to say that I am going to vote for the motion, not necessarily because I agree with all of Mr Clinton's points but because I agree with the practice that prevailed before 1988 by whom I consider the greatest Gibraltarian of all time – our time and any time, Mr Speaker – as opposed to the practice that commenced in 1996 for reasons that by now I think are probably quite obvious to us all.

2940 So, unlike the GSD's response to my motion today which in part has tried to denigrate the value of my intervention, I am happy to set aside useless party agendas and vote for what I genuinely believe to be the best move on the whole.

2945 Thank you, Mr Speaker.

**Mr Speaker:** The Hon. Lawrence Llamas.

2950 **Hon. L F Llamas:** Mr Speaker, I do believe that we have ample time and opportunity to scrutinise the Government during the Budget debate on the measures that they introduce during that debate. However, it would make sense, let alone provide good practice, for changes requiring amendments to legislation to be made in tandem with the Appropriation Bill, or at least in a timely manner, as has been suggested by my hon. Member on the left. Whether this is through a Finance Bill or it is done as part of a schedule within the Appropriation Bill, I think whatever way could be decided, which obviously is not going to happen given the policy of the Members opposite ... I do believe that either way would satisfy efficiency and good governance.

I shall therefore be supporting this motion.

2960 **Mr Speaker:** Is there any other contributor to the debate? No, then I will call upon the mover to reply – that is the Hon. Roy Clinton.

**Hon. R M Clinton:** Mr Speaker, it is in fact gratifying to see the Chief Minister taking such an interest in a subject which he finds so boring, because taxation is hardly boring to the taxpayer for the very definition that they are the ones who have to bear the taxes that are introduced and signed off by him. *(Interjection by Hon. Chief Minister)* Oh, I see, yes.

2965 Well, Mr Speaker, turning to boring, there was actually nothing in his response to –  
*(Interjection)* Yes, well ... Mr Speaker, there was nothing in his response to my speech that  
actually convinces me that my arguments are wrong. In fact, he has said nothing at all, other  
than harping on for a good half an hour about how he goes up dreaming his Budget measures as  
to how this Parliament actually votes on these measures. He admits that the Budget debate is on  
2970 the Appropriation and certainly not on the Budget measures. So, whereas we can have a  
debate – if we wanted to, as he says – about the Appropriation and then the Budget measures  
themselves since, as he says, they go hand in hand, the fact of the matter is that we have no  
vote on them in this House other than the case when there is primary legislation. And he himself  
admits that it is really quite something to be behind on implementation of Budget measures into  
2975 primary legislation. He admits that on coming into office he found what I guess was a stack of  
measures that had not yet been introduced – and there is still a stack of measures that need to  
be introduced. As I said, there is one that has yet to come before the House.

I think that if anything comes out of this debate – and it is lamentable that I do not have the  
support of Members opposite – it is that we really need to do better. We need to do better  
2980 because we really cannot afford to have legislation playing catch-up with taxation. It is unfair to  
the taxpayer and it is frankly shoddy practice. As to whose shoddy practice it is I really do not  
care, Mr Speaker. I note the Hon. Father of the House being aghast at somebody having the  
temerity to basically suggest that perhaps the way things have been done in the past, regardless  
of party, is not necessarily the right way of doing things, and I certainly, for one, although of  
2985 course being a Member of the GSD for 30 years ... and, for the record, I only joined the executive  
in 2015 and the Hon. Mr Feetham will attest to that, so perhaps the Chief Minister will make a  
note of that to avoid any more confusion in the future.

The idea of offline communication – in fact the majority of his speech almost had a hurt  
feeling to it that I had not sent him an email, which he probably would not see anyway, or  
2990 written him a letter that he refuses to respond to in any case, or that I had not given him a call to  
say, ‘Look Fabian, Hon. Chief Minister, I have this fantastic idea – what do you think about it?’  
Mr Speaker, the reality of it is that as much as the Chief Minister opposite may encourage us to  
engage with him, the fact of the matter is that he does not want to engage with us. And even if I  
had engaged with him, I do not work for him, regardless of siren calls to become Financial  
2995 Secretary, which increase by the day –

**Hon. D A Feetham:** Yes, I thought that was a bit of a sneaky sort of offer there... calling for  
resignation.

3000 **Hon. R M Clinton:** Siren calls, Mr Speaker –

**Hon. Chief Minister:** It was no more than an invitation to choose.

**Hon. R M Clinton:** – [Laughter] Siren calls, Mr Speaker, to perhaps tender for the job, or even  
3005 perhaps more attractively cross the floor.

**Hon. D A Feetham:** Yes, exactly!

**Hon. R M Clinton:** I shudder, Mr Speaker! Now you know why they are called siren calls!  
3010 There is absolutely nothing in what he said in response that actually went to the heart of  
what I was saying in that we can and we should be doing things better, and a Finance Bill was a  
proposed solution to do that.

3015 But I will grant that he does accept that things should be better. We should not be playing  
catch-up. And, whether he agrees with me or not whether to do that via a separate Finance Bill,  
it is for him in Government to explain to the taxpayer why measures are being delayed. He  
himself brought the example to this House where taxpayers suffered loss because they assumed  
that tax measures had been passed into law and, as he and Sir Peter Caruana agreed, the law is  
the law until it is changed, regardless of how retrospective it is. And of course if you do not make  
it retrospective enough there will be a gap, as there was in the case the Chief Minister referred  
3020 to.

And so, Mr Speaker, I still have not heard a good reason from the Chief Minister as to why  
this is such a bad idea. In fact, we are only doing what was done in the past, and in fact this is  
still the practice today in Westminster. In answer to the Hon. the Father of the House as to how  
Westminster does this, it is not that the Chancellor gets up, makes a speech and that is it. The  
3025 House actually then passes a temporary resolution on the Budget measures as of ... They will  
take effect from midnight that night. So the Parliament actually votes on it and then the detailed  
legislation comes later. So there is actually a process whereby Parliament approves the  
measures and then they are debated later. In fact, the Parliament then has the right even to  
defeat specific measures if they do not like them.

3030 So, Mr Speaker, I am not trying to invent something that is unworkable, nor am I trying to  
invent something by way of criticism of the GSLP, the GSLP Alliance, the GSD or anybody else. All  
I am saying is that if we want, in a modern political system, to manage our tax affairs in a way  
that is recognisable outside this House, we really should have a measure such as the Finance Bill.

I would perhaps even accept, if the Hon. Father of the House was amenable to it, to put an  
3035 amendment in, if he so wished, to say that in cases where taxation is raised a Finance Bill is  
brought to this House. I accept lowering tax is not as offensive as raising tax and certainly would  
not raise blood pressure as much, but again the principle is the same: any alteration of tax  
should come before this House for debate. If you look in the Constitution, no one can bring a  
motion or a Bill to this House that has the effect of raising taxes other than with the agreement  
3040 of the Minister for Finance. And why, Mr Speaker? Because it is a very important matter; it is not  
something to be taken lightly.

Turning to the Father of the House, our Delphic oracle in person – long may he continue – he  
goes back to the origins of his encounters with the Financial Development Secretary and the  
neo-colonial setup that we had then and the question of emancipation of a people. And yes,  
3045 these are very emotive words, Mr Speaker, but the fact remains that the Finance Bill had  
nothing to do with our emancipation. Yes, they may have used it to raise taxes to cover deficits,  
but that is merely the methodology and does not necessarily make it a bad thing in itself. No, the  
problem is that by removing the Finance Bill ... and again I accept that he wanted to do it to  
retain flexibility and be swift on his feet, but it has removed the ability of this Parliament to  
directly vote on the tax measures. Again, I will repeat, we only vote on appropriation measures.  
3050 The Hon. Father of the House has said – and I quoted from *Hansard* – that we do not vote on the  
revenue-raising measures, we only vote on the expenditure. So even in the context of the  
Budget speech this House does not actually get to vote on the Budget in terms of the revenue-  
raising measures or any tax changing measures, we only vote on the appropriation of  
expenditure from the Consolidated Fund and even when the Chief Minister goes back to No. 6 in  
his nice shiny Tesla G1 and signs off all those regulations, fine, he has stood up in this House and  
made a pronouncement but we certainly have not passed those tax measures into law until  
sometime in the future. It almost seems like some time in the past, but then I would be talking  
about *Star Wars* and we do not want to go there. Sometime in the future someone may decide,  
3055 ‘Oh, look, we forgot to pass this primary legislation on the rates.’

I agree with the Hon. Father of the House in terms of retrospective measures. You cannot tax  
people without a law. Again, it goes back to the whole reason why we are here. There has to be  
legal certainty.  
3060



3065 As regards the 10 commandments, Mr Speaker, I do not think it is in the GSLP manifesto – but I am sure it will be next time – as to whether it is deemed a holy grail of the GSLP mantra not to have a Finance Bill. I frankly would be surprised to see that there, but no doubt it will be there next time round.

3070 I do not see how it detracts from the business of this House to have a Finance Bill, Mr Speaker. It can only make things better, and in fact the Father of the House himself just said it is the fundamental reason why parliaments exist – it is about taxation, the raising of revenues and the spending of money; that is what we are here to do. At the moment, we only seem to be doing half of that – we are looking at the spending of the money but we are not looking at the tax measures and I think that should be redressed. It is in fact sad that the Father of the House feels that he has to obey the party whip and not be free.

3075 And so I detect there are grudging areas of agreement on both sides of the House in that I think that – (*Interjection by Hon. Chief Minister*) Well, look, if the Chief Minister wants to go to sleep he can feel free to do so. I certainly will not miss his contribution to this debate because he might as well not have been here.

3080 Mr Speaker, what I think I am detecting across the House is there is a grudging acknowledgement (**Hon. Chief Minister:** No.) that things could be better – it could be better – and the fact is that they, for whatever party mantra reason – this is the way it has always been done, how dare you suggest we do anything different – will refuse to accept this motion on its merits. It is sad that in this Parliament we feel we have to obey 30-year-old dogmas just because that is what is written in the GSLP 10 commandments – or not, as the case may be.

3085 We in this Parliament are here to legislate for the people of Gibraltar in taxation matters and other matters and I think we are not doing our duty if, certainly on the measures on taxation and their variations, we do not bring a Bill to this House and debate the measures in this place.

And so, Mr Speaker, I commend my motion to the House.

3090 **Mr Speaker:** I now put the question in the terms of the motion moved by the Hon. Roy Clinton. Those in favour? (**Members:** Aye.) I take it the seven Members on the Opposition benches are voting in favour. Those against? (**Members:** Aye.) There are nine Members of the Opposition, one Member is absent, the motion is defeated.

#### **Congratulations to the Gibraltar Football Association**

3095 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I want to be generous in my repost before I adjourn, and I congratulate the Hon. Member in wiping the House clear of anyone who might have been in the Gallery to listen, and congratulate him for having been able to join a party 30 years ago that was formed 28 years ago.

3100 But anyway, before we end, on a more convivial note I am sure the whole House will want to join me in congratulating the GFA for its great victory yesterday at Victoria Stadium, when they won their first match as members of FIFA, 1-0. (*Banging on desks*)

#### **Good wishes to Team Gibraltar at Commonwealth Games**

**Chief Minister (Hon. F R Picardo):** Second, Mr Speaker, before I round up, I saw that today Team Gibraltar is on its way to the Commonwealth Games in the Gold Coast. They go, of course, with the wish of the best of Gibraltarian luck from no doubt all Members of this House. I was invited to attend, but given the recent birth of my young daughter I will be ably represented by

3105 the Deputy Chief Minister in the Gold Coast and I am sure that all of us will want to see Team Gibraltar come back with as many medals as possible.

I end adjourning the House *sine die*, wishing all Members on both sides of the House a very happy Easter and one in particular a very happy Passover and also all other members of her community.

3110 Mr Speaker, I now move that the House should adjourn *sine die* and that the force should be with all of us. (*Laughter*)

**Mr Speaker:** The House will now adjourn *sine die*.

*The House adjourned at 8.27 p.m.*