



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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

**Gibraltar, Monday, 29th January 2018**

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# The Gibraltar Parliament

*The Parliament met at 2.36 p.m.*

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

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

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

**Clerk:** Suspension of Standing Orders. The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):**  
5 Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with the laying of reports on the table.

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

## **PAPERS TO BE LAID**

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

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

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**Mr Speaker:** Ordered to lie.

# Questions for Oral Answer

## **TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT**

**Q44/2018**

**Visitor arrivals –**

**Figures for July to December 2017**

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

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

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

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

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

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

**Q45/2018**

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

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

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

45

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

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the post was filled by Lieutenant Colonel Ivor Lopez, the Ex-Commanding Officer of the Royal Gibraltar Regiment. He took up his duties on 7th September 2017.

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

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

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

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**Q46/2018**  
**Tourism Instagram page –**  
**Lack of activity**

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

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

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

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

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

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

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

**HEALTH, CARE AND JUSTICE**

**Q53/2018**  
**Parole system –**  
**Aspects for reform**

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

95

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

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

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

105

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

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

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

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

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

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

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

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

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

150 I think that the fact that we have a Supreme Court Judge, the Stipendiary Magistrate and other senior members of the community and the fact that we are asking for evidence from professionals like the Parole Board and the Probation Services and HM Prison, shows the seriousness with which we are embarking on this very serious endeavour. Therefore, the hon. Gentleman can rest assured that we will take our deliberations and the evidence as put to us extremely seriously. But to assuage any concern that the hon. Gentleman may have, we are in 155 no way, even before having heard any evidence and even before entering into the minutiae of the deliberations, thinking of diluting any part of the Prisons Act.

**Q54/2018**

**Escalators outside Hospital –  
Repairs**

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

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

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

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

**Q55/2018**

**Gibraltar Health Authority –  
PricewaterhouseCoopers review**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**Q56/2018**  
**Obesity in Gibraltar –**  
**Under-17s**

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

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

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

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

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

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

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

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

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

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

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

**Q57/2018**

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

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

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

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

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

**Q58/2018**

**Stem cell therapy –  
GHA position**

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

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

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

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

**Q59/2018**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

425

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

430

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

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

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

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

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

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

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

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

450

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

455

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

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

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**Q64/2018**  
**Gibraltar Health Authority –**  
**Complaints from service users**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**Mr Speaker:** Next question.

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

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

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**Q69/2018**

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

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

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

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the Ministry for Health is entirely committed to provide all the necessary home equipment for children with long-term medical conditions once an assessment has been carried out by the Paediatric Multi-Disciplinary Team.  
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**Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Health give us an indication of how long this process can take from start to finish?  
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**Hon. N F Costa:** Mr Speaker, I am advised that the average times are one week for the assessment and up to four weeks for procurement of the bed under normal circumstances; in an emergency a bed could be made available sooner.  
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**Hon. Ms M D Hassan Nahon:** Mr Speaker, I ask because I have discussed one particular issue with the Minister in the past of a child who has been waiting for a much longer time than has been quoted to me just now. So I ask the Minister if he would be willing to reassess the process and its timing so that children do not suffer, effectively, by this delay.  
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**Hon. N F Costa:** Mr Speaker, I am perfectly aware of the case that the hon. Lady raises. In fact, I have personally attended the premises and the Hon. the Chief Minister also attended the premises, so we are *au fait* with the facts of this particular case. I agree with you that the bed should have been provided much sooner to this parent in question. She knows me well enough to know that my reaction was not the coolest when I found out the time that it had taken –  
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**Chief Minister (Hon. F R Picardo):** Far from temperate.

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

**Q87/2018**

**Credit Finance Company Ltd –  
Financial information**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Hon. Chief Minister:** Mr Speaker, it is really quite remarkable that we are being told that all we are going to file is not enough because it is the bare minimum, and yet that is what the law requires; and it requires it not just of the Government but of every company that passes a particular threshold. Mr Speaker, the bare minimum. It is the bare minimum, and that is the description that the hon. Gentleman has given, that they failed to file in respect of the

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730 Government companies. It is the law that they failed to comply with in respect of the Government companies.

Mr Speaker, this Government will comply with the law. We will reconstruct the accounts and we will file, as required by law, the accounts for all the Government companies. They cannot get off the hook that they made for themselves. They said in 1996 that they would file the accounts of Government companies. They started to do so when they were required by law to do so, because that came in under their time. Then they stopped doing so. They failed to comply with the bare minimum, they failed to comply with the law and now they say how dare we comply with the bare minimum – you could not make it up. (*Banging on desks*)

740 **Hon. R M Clinton:** Mr Speaker, would the Chief Minister agree with me that any Government-owned companies are of public interest and therefore maximum disclosure is desirable?

745 **Hon. Chief Minister:** Absolutely right, Mr Speaker, and that is why we are going to comply with the maximum disclosure required by law, which they failed to comply with.

**Mr Speaker:** On to the next question please. We are getting unnecessary repetition. The same question is being asked and the Government, the Chief Minister, is giving the same answer. I have heard it three times. So unless you have something fresh to provide ... If you are going to ask the same question as your colleague has been asking, I am going to rule it out.

750 **Hon. D A Feetham:** Mr Speaker, I think that you have given pretty much a lot of indulgence to the Chief Minister in the way that he is answering the questions.

If I may be allowed to ask my own supplementary but also prefix this, as is the custom, (**Mr Speaker:** Short.) with two *very* short ... No, very short. I certainly was not a Member of this party in the 1990s when the practice first started, but of course I note that he was not a Member of the GSLP either, he was a Member of another party, and indeed – (*Interjection by Hon. Chief Minister*) Absolutely, and indeed I do carry on my person, actually – I am very attached to it – a membership form of a Government Minister for the GSD, so obviously he was on this side, there was a Member on that side and there was a Member on this side too.

760 In relation to the *Sunborn*, Mr Speaker, never did I suggest in the exchanges that I had with the hon. Member – and I ask him to ferret out the position if it were otherwise – that the loan was going to cause the ruin of Gibraltar or the *Sunborn*. No, what I castigated the Hon. the Chief Minister about was that when I asked has the Government directly or indirectly provided any loans to the owners of the *Sunborn* he said no, and my point was that a Government-owned company is the Government indirectly providing loans. That was the point.

765 But, Mr Speaker, at the centre of our exchanges on Credit Finance has been my assertion, going back to 2013, that the Government had not been transparent and the Government's assertion for most of that time that in fact it was providing a lot of information certainly in these tables, CF1 and CF2, on the Government website. My question is: what has prompted the Government to change tack and go from that position, telling me just barely a year ago, 'We are providing all this information in CF1 and CF2' and now not publishing that information throughout 2017, and to date it has not been provided? Unless, of course, it is an oversight, and if it is an oversight that is the answer; but if it is being done on purpose, can the Government please explain the change of policy and the reason why it is now not providing that information, given that it underpinned the Government's arguments that it was providing all this information and therefore was being totally transparent with the people of Gibraltar?

770 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman must think that gambling is a very good thing and a sure bet, because in respect of Credit Finance and the public finances, and in particular in respect of Credit Finance and the *Sunborn*, he used to say, when he was the much

missed then Leader of the Opposition, that we were gambling with Gibraltar's public finances because we were lending to the *Sunborn*. If that is not to say that we were taking an unnecessary risk by lending to the *Sunborn*, then I do not know –

785 **Mr Speaker:** May I tell the Chief Minister that if I hear the word *Sunborn* again I will move on to the next question.

**Hon. Chief Minister:** The *Sunborn*, Mr Speaker. *(Laughter)*

790 **Mr Speaker:** It is no longer necessary to bring the *Sunborn* Hotel into the ambit of the answers to the questions that are being asked.

**Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman was saying that the lending to the vessel that is a hotel and casino which is moored at the area of the Ocean Village was a gamble and therefore a bad thing. Now that it has been seen publicly that we have been fully repaid, that Credit Finance has been fully repaid, I would have thought he would either wish to say that the gamble paid off and that we were right or, at least to acknowledge that perhaps it was not such a gamble after all.

800 In respect of the filing of the balance sheet, as I would have called it, all I am saying is we are about to file the audited accounts and that means I am advised it is better to proceed now with the audited accounts, and that is what we are going to do.

But, Mr Speaker, given your decision to move on to another question if I ever mention the word *Sunborn* again – *Sunborn*, Mr Speaker! *(Laughter)*

#### Q88/2018

#### South Jumpers Bastion site – Gibraltar Broadcasting Corporation relocation

805 **Clerk:** Question 88. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government provide a copy of a lease or licence agreement entered into in respect of the South Jumpers Bastion site for the relocation of GBC together with the option to purchase agreement?

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

**Chief Minister (Hon. F R Picardo):** I am almost tempted to start by saying the name of a hotel in the north district, Mr Speaker.

815 The commercial documentation entered into with the developer landlord for the new purpose-built premises at South Jumpers Bastion is commercially sensitive and is not a public document.

820 The key commercial terms were included in our press release, which is Press Release 745/2017, and are summarised as follows: the completion date is the end of 2019, the rental is £300,000 per annum and the option to purchase is at £7.5 million. I expect that this is normal in such circumstances. The lease will be entered into once the redevelopment is complete. Once we enter into the lease it will be registered with the Land Registry within the statutory period required for registration, as set out in Gibraltar law.

At this stage, the hon. Gentleman can seek a copy himself from the Land Registry at Land Property Services, as the terms of the lease will be entirely public and fully transparent.

825 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Chief Minister's response. I would be grateful if the Chief Minister could explain the Government's reasoning for, on the one hand, tendering for the redevelopment of South Jumpers Bastion, awarding the tender for a total of £300,0000, entering into a licence agreement with the developer for that same £300,000  
830 aforementioned and then an annual licence payment or licence fee of £100 a year – to go from that to an agreement which is, in his words, commercially sensitive, requiring a rent of £300,000 a year and an option to purchase for £7.5 million. And I would also be interested to hear how the sum of £7.5 million has been arrived at.

**Hon. Chief Minister:** Well, I would have thought it was obvious for a man of commerce. What  
835 he does not tell you there, Mr Speaker, in the context of the way that he has put it, is when that expression of interest or tender was granted. It was granted some years ago, and in fact the developers were developing that on their own account as an office building. They were developing it originally as their office building and then they decided to sell that office building. They had a number of parties interested. They approached the Government, we had to relocate  
840 GBC and therefore we considered the possibility of that being the new home for GBC. At the same time, we were going out to expressions of interest in respect of another site. We waited for a little whilst we explored further with this particular development company the opportunities that they presented for us. We then decided that we nonetheless wanted to see what came out in terms of expressions of interest for GBC to be relocated to the site at Queen's  
845 Hotel and Queen's Cinema. What came back we did not find more commercially attractive, so we decided that this was the more commercially attractive route to pursue.

It is a site that was granted to a third party, it will be developed by a third party and the building will be owned by a third party. We will be tenants in that building. That is the reason for the payment of the rent. It is not an unattractive rent for the size of the property, as the hon.  
850 Gentleman might be able to work out for himself, and the option to purchase is to give an opportunity in the future, should we decide that it is more attractive to own rather than to rent, to have the opportunity to purchase.

That is the reasoning. I cannot imagine that he did not understand that when he set out to ask the question.  
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**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his response. Can he advise the House whether any premium has been paid for that option?

**Hon. Chief Minister:** None, Mr Speaker.  
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**Hon. R M Clinton:** And, Mr Speaker, can the Chief Minister advise as to ... the decision to move into this location was considered in the context of his previous manifesto commitment to include it within the National Theatre complex; and if so, why the change in thinking now?

**Hon. Chief Minister:** Well, Mr Speaker, I have just explained it to him. I have just told him that we looked at the expressions of interest that came in respect of the Queensway and Queen's Cinema site, the Queen's Hotel and Queen's Cinema site, and they were not as commercially attractive as this option was. And this in any event will be completed sooner. GBC has been at its current location for well-nigh-on 30 years. It needs to move quickly and this  
870 development is going to be available sooner than the other development. In consultation with the management and staff at GBC the decision was made that this was the better location for GBC, and given that this is a commitment to GBC and the people at GBC thought it was a better opportunity for them, that is why we pursued it.

**Q89/2018**

**Buses –**

**Replacement of entire fleet using buy-back clause**

**Clerk:** Question 89. The Hon. T N Hammond.

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**Hon. T N Hammond:** Mr Speaker, is it Government's intention to replace the entire bus fleet by exercising the buy-back clause within the original purchase agreement during the life of this Parliament?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is looking at different possible permutations in respect of the buy-back clause.

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**Hon. T N Hammond:** And, Mr Speaker, of those possible permutations, will one of them be exercised within the lifetime of this Parliament?

**Hon. Chief Minister:** They might all be, Mr Speaker.

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**Hon. T N Hammond:** They might, but not definitely then.

**Hon. Chief Minister:** Some might definitely be, some might definitely not be.

**Hon. T N Hammond:** So is it possible that none will be?

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**Hon. Chief Minister:** Anything is possible, Mr Speaker. *(Laughter)* Possibility in every direction, Mr Speaker. *(Banging on desks and laughter)*

**Q90/2018**

**Midtown Parking –**

**Modifications to pedestrian doors**

**Clerk:** Question 90. The Hon. L F Llamas.

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**Hon. L F Llamas:** Mr Speaker, further to the answer given to Question 557/2017, can the Government update this House on the modifications to the pedestrian doors at the Midtown Parking?

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

905

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I understand that the developer and the contractor are about to make their recommendations to Government and we will be in a position to make an informed choice quite soon.

**Q91-93/2018**

**Marriott Hotel, former coach site, Rooke site –  
Status of development plans**

**Clerk:** Question 91. The Hon. L F Llamas.

910

**Hon. L F Llamas:** Mr Speaker, further to question 209/2017, can the Government give reasons why the building of the Marriott Hotel or a second hotel option being discussed by the Government appears to have fallen through or changed?

915

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 92 and 93.

**Clerk:** Question 92. The Hon. L F Llamas.

920

**Hon. L F Llamas:** Mr Speaker, what is the expected cost for the building of the prefabs at the former coach site and until when does the Government expect them to be there?

**Clerk:** Question 93. The Hon. L F Llamas.

925

**Hon. L F Llamas:** Mr Speaker, can the Government reveal with whom they are negotiating for the development of the former Rooke site?

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

930

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Hon member is making assumptions as to the redevelopment of the Rooke site which are not correct. Nonetheless, and as previously stated and suggested by the hon. Members opposite, an appropriate announcement will not be made on these developments until the ink is dry on the agreement.

935

The expected construction cost for the modular – and I must stress *moveable* – buildings being erected at the former coach site is £3,263,097. The entities being relocated from the Waterport site will operate from here until decisions are taken by the Government regarding their permanent future locations. These buildings will, however, have a life beyond their present temporary life at this site. They are easily capable of being dismantled and Government has already earmarked other potential future uses.

940

**Hon. L F Llamas:** Mr Speaker, is the £3 million price paid just for the framework, or does that include the actual foundation fitted by the contractors?

945

**Hon. Chief Minister:** As far as I understand, the whole thing, Mr Speaker.

**Hon. L F Llamas:** Mr Speaker, with regard to the Marriott Hotel or the second hotel option, it is separate to the Rooke? My understanding is that nobody knows what is happening at the Rooke. It is at the Marriott or the second hotel option which seems to have fallen through or changed? I would appreciate it if the Chief Minister could offer some clarity on it. The last time we asked this question was back in March, I believe, and the reason given for not allowing cars to move into the area to have the area ready was to have it ready for use in case a contract was actually awarded. Could the Chief Minister offer some clarification on what is happening at that specific site?

955



960 **Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman is wrong again. It is not true that nobody knows what is happening in respect of the Rooke site. It may be that nobody knows on that side of the House, but on this side of the House, various of us know what is happening in respect of the Rooke site. But hon. Members have elected to vote in the turkey referendum for Christmas and they have told us not to say anything until agreements have been completed, so we will indulge them in their election and we will not say anything until agreements have been completed.

965 In respect of what is known as the Victory Place side of the same plot, it is wrong to assume that there are not continuing discussions in respect of hotels and with different hotel chains.

970 **Hon. L F Llamas:** But is it then, Mr Speaker, that the Marriott Hotel and the second hotel option have moved away from discussions, or are these two potential candidates still in negotiations with the Government?

975 **Hon. Chief Minister:** Mr Speaker, I am not going to make an announcement until the ink is dry on the paper, but the hon. Gentleman is making assumptions and, as the hon. Gentleman knows, to assume makes an 'ass' of 'u' and 'me', to quote the American spelling of donkey.

**Hon. L F Llamas:** Mr Speaker, one final question, although I presume I know the answer: is the Government still negotiating with London and Regional Property as announced in October 2015 for the development of the Rooke?

980 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

985 **Hon. R M Clinton:** Mr Speaker, if I may ask a supplementary of the Chief Minister: how many prefabs are to be constructed on that site? Does £3.26 million just cover the ones now? How many are we talking? How many prefabs is it that that sum covers?

Also if I may ask the Chief Minister: where will we see that expenditure going through in the books of the Government? Will it be the Improvement and Development Fund, or is this being funded through a Government-owned company?

990 **Hon. Chief Minister:** Mr Speaker, I am going to need notice of the question in respect of the number of buildings because I think that there are different ways of looking at those buildings, and they are modular so I cannot remember exactly what the numbers of those buildings were. There are a number of them in different configurations that there are going to be; it is not just one building.

995 Mr Speaker, in terms of the expenditure, I believe this is company expenditure.

**Hon. R M Clinton:** Mr Speaker, I would be grateful if the Chief Minister could advise which entity or company is actually paying for this.

1000 I must say I must admit I find it surprising that the Chief Minister does not know what he is buying for £3.26 million, which is possibly half the cost of buying GBC's building.

1005 **Hon. Chief Minister:** Mr Speaker, that is a complete nonsense. It is not that I do not know what I am buying; it is that he has asked me for a specific number and if I give him a number and I get it wrong then I will be misleading the House, even if I do so inadvertently, and I do not want to mislead the House even inadvertently.

His question does not arise from this because this is a question about cost; he is asking about the number of buildings. I can tell him there is one across, there is one which is

vertical, there is one that is next to the old hut that was there, which is all about the area of St John Ambulance. So I can tell him from memory that it might be three, but if it is four or if there are two that make up one building, he will then accuse me of misleading the House.

1010

If he wants to pretend that I do not know what I am doing, Mr Speaker, but have an argument with the 10,500 people that voted for him – for me, rather, which is almost double the number of people that voted for him ...

1015

**Hon. R M Clinton:** Mr Speaker, I am grateful for the Chief Minister's answers and I am happy to see he is still getting his numbers wrong.

Can he advise how many of these prefabs have been erected to date? And he still has not answered the question as to which Government company is paying for them.

1020

**Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman sometimes tells us that he is not a numbers man – I am not surprised, given the analysis that he has given a number of speeches in this House.

On the opposite side they say that he is their expert on finance and public finances. Well, he has come late to public finances. He seems to understand very little about public finances, and given that I have told him that I am unable to give him an exact number as to the buildings which have been erected, I am not going to be drawn any further. If he wants the number, he can just write to me and I will give it to him, or he can ask me again, but it is very clear that all he wants to do is to try and score political points. I thought he was supposed to be the serious one on that side; that is why I used to call him Mr Beige. He has got a bit of a spark, Mr Speaker, but for all the wrong reasons.

1025

1030

**Hon. R M Clinton:** Mr Speaker, obviously I should have got a law degree from Oxford in order to know something about numbers, but alas I did not, instead of which I am a chartered accountant, and I am sure he is as well.

1035

Mr Speaker, I ask again, for the last time: which Government company is paying for this?

**Hon. Chief Minister:** Mr Speaker, it is not that *I* have said that the hon. Gentleman is not good with numbers; it is that *he* has said, in the course of some of the things he has said in this House, that he is not good with numbers. I am quite happy to get that little “chivatito” – which, by the way, in Spanish means ‘person who tells tales’ – to reflect back to him exactly when it was that he made those remarks, Mr Speaker.

1040

He is, of course, I have no doubt, able to obtain a law degree from Oxford. I do not know what that jibe brings to this debate, but if he needs any references I will be delighted to say that I think he is not a bad bloke but that sometimes he gets things a little bit upside down.

1045

**Hon. R M Clinton:** Mr Speaker, and you may tell me off again, I did say it the last time, but again: which Government company is paying for this?

**Hon. Chief Minister:** Mr Speaker, I need notice of the question. That is what I told him before: I need notice of the question because that is not something that was set out in respect of the question originally put.

1050

**Hon. L F Llamas:** Mr Speaker, just one supplementary: is the Chief Minister able to explain to us what procurement process, if any, has been carried out in constructing these portakabins?

1055

**Hon. Chief Minister:** The work has been undertaken by GJBS, Mr Speaker.

1060 **Hon. L F Llamas:** Mr Speaker, was that through direct allocation or was it through the three-quotes system.

**Hon. Chief Minister:** Mr Speaker, GJBS is owned by the Government, so in effect we are doing it ourselves because it is being done by GJBS.

**Q94/2018**  
**Disability Allowance –**  
**Reason for delay in increase**

1065 **Clerk:** Question 94. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain why there is a delay since August last year in increasing the Disability Allowance in line with the cost of living?

1070 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I can confirm that the Disability Allowance has been increased in line with the cost of living as announced in my Budget speech last year.

1075 **Hon. L F Llamas:** Mr Speaker, the Hon. the Chief Minister would perhaps take note and look into this. I have had representations from various members of the community and they assure me that there has been no increase in cost of living since August. They are promised continuously that this will take effect in December, then in January, and now they are hoping it will happen in February. Will the Chief Minister look into this, please?

1080 **Hon. Chief Minister:** Well, Mr Speaker, I have checked and I am told that the Disability Allowance has been increased as set out in my Budget speech. The hon. Gentleman might want to check again.

## Questions for Written Answer

1085 **Clerk:** We now move to answers to Written Questions, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions W1/2018 to W4/2018 inclusive.

**Mr Speaker:** Ordered to lie.

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

##### **Proceeds of Crime (Amendment No. 2) Bill 2017 – First Reading approved**

**Clerk:** Order of the Day. Bills – First and Second Reading.

1090 A Bill for an Act to amend the Proceeds of Crime Act 2015 and for connected purposes.  
The Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to  
1095 move that a Bill for an Act to amend the Proceeds of Crime Act 2015 and for connected  
purposes be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Proceeds  
of Crime Act 2015 and for connected purposes be read a first time.

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

1100

**Clerk:** The Proceeds of Crime (Amendment No. 2) Act 2017.

##### **Proceeds of Crime (Amendment No. 2) Bill 2017 – Second Reading approved**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to  
move that the Bill be now read a second time.

1105 The Bill expands the definition of ‘unlawful conduct’ within the Proceeds of Crime Act  
2015. Unlawful conduct will also include behaviour outside Gibraltar by a public official  
which constitutes gross human rights abuse, defined as torture or inhuman, cruel or  
degrading treatment of a person on the grounds that they have been obtaining, exercising,  
defending or promoting human rights or have sought to expose gross human rights abuses  
conducted by a public official. As a result, any property obtained through this conduct will  
1110 be subject to the existing civil recovery powers within the Act.

These amendments reflect a similar change made in the UK earlier this year stemming  
from the so called ‘Magnitsky Amendment’, named after the Russian lawyer Sergei  
Magnitsky. Mr Magnitsky was tortured and died in prison in Moscow in 2009 after exposing  
an alleged \$230 million fraud carried out by certain leading Kremlin officials.

1115 Mr Speaker, I will also move amendments to the Bill during Committee Stage. The  
amendments make it a criminal offence for a person to breach the duty not to disclose  
confidential information held or obtained from the GFIU pursuant to section 1L.

An amendment to section 146(6) has also been made to clarify the role of appropriate  
persons such as the AG and police and customs officers in investigations under Part 6.

1120 Finally, an amendment is required to change the year and amendment number cited in  
clause 1 of the Bill. The Act shall now be known as the Proceeds of Crime (Amendment) Act  
2018.

I commend the Bill to the House.

1125 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015 and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1130 **Clerk:** The Proceeds of Crime (Amendment No. 2) Act 2017.

**Proceeds of Crime (Amendment No. 2) Bill 2017 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1135 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes. The Hon. the Minister for Health, Care and Justice.

1140 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes be read a first time.

1145 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Medical (Gibraltar Health Authority) (Amendment No. 2) Act 2017.

**Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –  
Second Reading approved**

1150 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

The Bill amends the Medical (Gibraltar Health Authority) Act 1987 for the purposes of making changes to the regulation of meetings and procedures of the Authority specifically in relation to quorum and allowing for the appointment of a substitute member on occasions where a member is unable to attend a meeting.

1155 **Mr Speaker,** I will also be moving an amendment to the Bill during the Committee Stage. An amendment is required to change the year and amendment number cited in clause 1 of

the Bill. The Act shall now be known as the Medical (Gibraltar Health Authority) (Amendment) Act 2018.

1160 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Roy Clinton.

**Hon. R M Clinton:** Mr Speaker, as the Minister will be aware, I have in the past attended the public meetings of the Gibraltar Health Authority Board. I must express a degree of  
1165 puzzlement at this amendment that has come before the House today and I will explain my reasoning as follows.

The amendment refers specifically to section 3 of the Medical (Gibraltar Health Authority) Act 1987. Section 3(1) lays out the membership of the Health Authority and I will quote:

- 3.(1) There is hereby established a Gibraltar Health Authority, which shall consist of –
- (a) the Minister, as chairman;
  - (b) the Chief Secretary of the Government;
  - (c) the Medical Director;
  - (d) three registered medical practitioners

1170 I will give way.

**Hon. N F Costa:** Mr Speaker, I am grateful to the hon. Gentleman for giving way.

The Bill amends section 5 of the Act and the '3' refers to the members required, not section 3.

1175 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Minister's intervention but I was aware of that; what I am doing is putting this in context. As I said:

- (d) three registered medical practitioners appointed by the Government on the nomination of the Medical Advisory Committee;
- (e) one person appointed by the Government after consultation with the Gibraltar Trades Council; and
- (f) three other persons appointed by the Government not being persons in whole or part-time employment under the Crown in right of its Government of Gibraltar, of whom one shall be a barrister or solicitor of the Supreme Court;
- (g) the Financial Secretary.

1180 Mr Speaker, when you add up those numbers, I make that out to be 11 and I see the Minister nodding in agreement. That is 11 members of the authority, which is why it is relevant to section 5(1), which says at present:

The quorum at all meetings of the Authority shall be five members in addition to the chairman or other person presiding

which means, as it currently stands, of 11 members you would need six members to be present in order to achieve a quorum. I see the Minister nodding in agreement. So, based on simple maths, six of 11 is 54.5% of the GHA board members.

1185 Mr Speaker, the amendment that the Minister is proposing is in section 5.1. Instead of having five plus the Chairman it will be three plus the Chairman – in other words, four members of 11 – and, if my maths is correct, that is 36.36% of the membership of the board, which seems to me remarkably low, and unless the Minister has good reason to have a concern for the attendance at the GHA board I fail to see why the quorum requirements have been dropped so dramatically, especially in what is such an important board and given  
1190 the care that has been taken to ensure that of the 11 members of the board there is representation from various fields and sectors. Certainly in the boards that I have attended I

1195 have noticed that, barring perhaps one or two particular functions, the board is generally fairly well attended, so I would be interested to hear what the Minister's reasoning is for this drop in the quoracy of the board – and it is quite a significant drop in quoracy, in terms of percentage, from 54.5% to 36.36%. I fail to see why the Minister would have difficulty in achieving a quorum.

1200 In addition, the further amendment which the Minister is seeking is to allow substitutes to attend on behalf of members of the board and I would be grateful if the Minister could, in his response, explain to the House whether these substitutes are *de facto* alternates, i.e. although I notice in section 2B that he proposes that the person nominated shall with the leave of the secretary of the Authority be deemed to be a member of the authority, I am not sure whether there is a two-step approach, whether somebody would suggest an alternate and then require approval – I say 'alternate'; I should say 'substitute' here and use his language – to attend the board meeting in the place of the member.

1205 And then, Mr Speaker, there is the additional concern to ensure that whoever it is that is named as a substitute meets the original requirements of the Act in terms of membership of the board – for example, if an individual is registered or appointed as a registered medical practitioner, that his substitute should equally be a registered medical practitioner, or indeed a person 'not being persons in whole or full or part-time employment under the Crown' being [inaudible] etc. I am not sure how the Minister will ensure that is complied with by these amendments and perhaps he may wish to use the word 'alternate' instead of 'substitute' and that alternates are named in pretty much the way they used to be in the boards such as the Financial Services Compensation Board or the Deposit Guarantee Board where you would have a member and a named alternate, which would then satisfy the requirements of the Act.

1215 And so, Mr Speaker, I must admit a degree of puzzlement as to the requirement for this change in primary legislation to the quoracy requirements of the board and indeed the substitute requirements for the board. In fact, if the wording for the substitute requirements were worded in a perhaps tighter form, there perhaps would be no need to amend the quoracy requirements of the board because a member could then just send their alternate and therefore you would not have a quoracy problem or need to reduce it from five to three.

1220 The Minister has provided, in a way, if he is having problems achieving quoracy, two solutions to the one problem, when really all he needs is one of those solutions. In fact, I would say perhaps the second solution would be the more appropriate, provided of course the substitute – or, as I would call it, the alternate – is identified and named accordingly in advance, and therefore he would have no problems in achieving quoracy.

1230 And so, Mr Speaker, I would welcome the Minister's comments on my observations, which again I make purely in good faith in the sense that I do not understand the requirement for these amendments in the way they have been put to the House.

Thank you, Mr Speaker.

**Mr Speaker:** Does any other Member wish to speak on the general principles and merits of the Bill?

1235 I call then on the mover to reply. The Hon. Neil Costa.

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman is of course, as he knows, welcome to the GHA board meetings; I know that he enjoys them and we enjoy having him there.

1240 You really never know what is going to excite the imagination of hon Members opposite. I came prepared to speak more on the Bill that we just debated and I never expected to have such a detailed thought-out process in respect of the minor amendments that we have made to the Gibraltar Health Authority Act.

1245 Although again I welcome his contribution in the House, I do not agree with him that a drop from five to three is either dramatic or significant. His contribution could certainly be characterised as dramatic, but I do not think that the numerical equivalence is such to merit such an adjective, but once again I applaud his zeal.

1250 There was in fact an issue when we last had the GHA board, where because of the month perhaps – I think it may have been December – we were at the brink of not being able to hold a meeting because of the quorum requirement of five, and as a result we held a meeting and decided to reduce the number of the quorum from five to three so that a meeting would be quorate with three members of the board. We do not expect that there will be a dilution or diminution of the attendance of members of the board. It is there only as an ‘in case’ measure that we once again have any particular board where for that particular board we are unable to have a quorate meeting.

1255 I take the point that he makes in respect of ‘substitute’. He prefers the word ‘alternate’. We in fact consider the word substitute to be the same as alternate, so we are considering it in exactly the same way. The issues that he mentions in respect of how is the GHA going to properly police that the alternate or substitute is in fact the right alternate, given the requirements of the Act in section 3, as he eloquently explained, to be of that particular category – well, that is why it says that it would be with the leave of the Secretary or the Authority. And to assuage his concerns, and I hope to his full satisfaction, internally we are of course ... and we have already sought the members – not from all of them but from some of them – to provide already the names and telephone contacts of those alternates that we can call in the event that a particular member is unable to attend.

1265 So I thank the hon. Gentleman for his questions and I hope I have been able to answer them.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Medical (Gibraltar Health Authority) (Amendment No. 2) Act 2017.

**Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –  
Committee Stage and Third Reading to be taken at this sitting**

1275 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

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

1280 **Mr Speaker:** The Hon. Mr Clinton might be interested to know that the required quorum of this Parliament is 35.3%.

**Hon. N F Costa:** I wish I had known that! Thank you, Mr Speaker. Superb! (*Laughter*)



**Legal Aid and Assistance (Amendment) Bill 2017 –  
First Reading approved**

1285 **Clerk:** A Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes. The Hon. the Minister for Health, Care and Justice.

1290 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Legal Aid Assistance (Amendment) Act 2017.

**Legal Aid and Assistance (Amendment) Bill 2017 –  
Second Reading approved**

1295 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

In line with the consultation paper issued last year to reform legal assistance, this Bill amends the Legal Aid and Assistance Act. The Bill makes three minor amendments, which are as follows.

1300 Firstly, the Bill amends section 20(1) by increasing the penalty for making false declarations in support of a claim for legal assistance from a fine of £100 to a fine not exceeding level 4 on the standard scale – in other words a £4,000 fine, which I am sure all hon. Members will agree is surely right to attempt to minimise abuses when expanding the scope of and access to legal assistance.

1305 Secondly and to this end we have taken the opportunity to amend the penalty for making false declarations in support of a claim for legal aid and placed it on a par with legal assistance. Accordingly, the penalty contained in section 7(2) has been increased from four to six months and the fine from £100 to a fine not exceeding level 4 on the standard scale.

1310 Thirdly, we have amended section 13(1) to allow financial eligibility for legal assistance to be calculated by way of a formula if the need arises.

Mr Speaker, as I mentioned at the outset of my remarks, a consultation paper was issued last year and these proposed legal assistance reforms. The Bar Council have now written to me with further representations regarding the consultation paper and my team and I are reviewing these representations with a view to agreeing any changes with the Bar Council.

1315 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? No.

1320 I therefore now put the question, which is that a Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Legal Aid Assistance (Amendment) Act 2017.

**Legal Aid and Assistance (Amendment) Bill 2017 –  
Committee Stage and Third Reading to be taken at this sitting**

1325 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

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

1330 **Mr Speaker:** The Hon. the Chief Minister.

**COMMITTEE STAGE AND THIRD READING**

**Mr Speaker:** The Hon. the Chief Minister.

1335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Proceeds of Crime (Amendment No. 2) Bill 2017, the Legal Aid and Assistance (Amendment) Bill 2017, and the Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017.

*In Committee of the whole Parliament*

**Proceeds of Crime (Amendment No. 2) Bill 2017 –  
Clauses considered and approved**

1340 **Clerk:** A Bill for an Act to amend the Proceeds of Crime Act 2015 and for connected purposes.  
Clause 1 as amended.

1345 **Mr Chairman:** The Hon. the Minister has given notice of a procedural amendment to this one and to the next three Bills, which really just amount to updating them and substituting 2018 for 2017 wherever they occur. Is that agreed? Yes.

**Clerk:** Clause 2.

1350 **Mr Chairman:** So, clause 1 as amended stands part of the Bill and now clause 2 stands part of the Bill.

**Clerk:** Clause 3 as amended.

1355 **Mr Chairman:** Clause 3, again the Minister has –

**Hon. D A Feetham:** Mr Chairman, may I ask a question in relation to this amendment?

**Mr Chairman:** Yes, please do.

1360 **Hon. D A Feetham:** Can the Hon. the Minister just explain this amendment again? I know that he touched upon it during the course of his speech. I am thinking about something and it may well be that I have got it absolutely wrong, but could he just explain the reason for the amendment?

1365 **Minister for Health, Care and Justice (Hon. N F Costa):** Are we talking about 1L?

**Hon. D A Feetham:** It is 3B. Well, they are both connected, in fact.

1370 **Hon. N F Costa:** Mr Chairman, is the Hon. Mr Feetham speaking about what would be the new 1L(1)?

**Hon. D A Feetham:** Yes.

1375 **Hon. N F Costa:** In short, when we considered the amendments in relation to making unlawful conduct include unlawful behaviour which constitutes gross human rights abuses, we started on a longer discussion of the Bill and a discussion arose as to whether breach of section 1L in fact constituted a criminal offence or not. Given that there were three lawyers in the room and none of us could convince the other and we all agreed that we could all be right, we thought it was the safest thing to include sections 1, 2 and 3 for there to be no doubt.

1380 **Hon. D A Feetham:** I have just seen this amendment today. I do not know whether it was provided last time, but I have seen it today. Section 1L is about information that is provided by GFIU, so does this amendment extend to a situation where GFIU phones a bank – I give the hon. Member just an example which I have come across many times during the course of my practice – GFIU tells the bank, ‘Provide us with information or there is an investigation in relation to a particular bank account,’ and what this amendment basically does is if that information is then divulged by the bank to a third party it is a criminal offence, but presumably it does not include the taking of legal advice by the bank. It is in section 5 of the Act.

1390 **Hon. N F Costa:** Yes, Mr Chairman, section 5 would make it clear that it is not an offence to obtain independent legal advice.

1395 **Hon. D A Feetham:** Sufficiently tied in with this amendment?

**Hon. N F Costa:** Yes.

**Mr Chairman:** Is the amendment agreed to? Clause 3 as amended stands part of the Bill.

1400 **Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes.

1405 Clause 1.

**Mr Chairman:** As amended to substitute 2018 from 2017. So, clause 1 as amended stands part of the Bill.

1410 **Clerk:** Clauses 2 to 3.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

1415

**Mr Chairman:** Stands part of the Bill.

**Legal Aid and Assistance (Amendment No. 2) Bill 2017 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes.

Clause 1.

1420

**Mr Chairman:** As amended, 2018 in lieu of 2017, stands part of the Bill.

**Clerk:** Clauses 2 to 3.

1425

**Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Proceeds of Crime (Amendment No. 2) Bill 2017 –  
Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –  
Legal Aid and Assistance (Amendment) Bill 2017 –  
Third Readings approved: Bills passed**

1430 **Mr Chairman:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Proceeds of Crime (Amendment No. 2) Bill 2017, the Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 and the Legal Aid and Assistance (Amendment) Bill 2017 have been considered in Committee and agreed to with amendments and I now move that they be read a third time and passed.

1435

**Mr Chairman:** I now put the question, which is that the Proceeds of Crime (Amendment No. 2) Bill 2018, the Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2018 and the Legal Aid and Assistance (Amendment) Bill 2018 be approved. Those in favour? (**Members:** Aye.) Those against? Carried.

1440

**ADJOURNMENT**

**Hon. Chief Minister:** Mr Speaker, I understand that the motions that are on the Order Paper are to be taken at the next meeting of the House and I therefore now move that the House should adjourn *sine die*.

1445

**Mr Speaker:** I now propose the question, which is that the House should now adjourn *sine die*.

I now put the question, which is that the House now adjourn *sine die*. Those in favour? **(Members: Aye.)** Those against? Carried. The House will now adjourn *sine die*.

1450

*The House adjourned at 4.32 p.m.*