



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.34 p.m. – 6.19 p.m.**

**Gibraltar, Monday, 16th December 2019**

## **Contents**

Prayer .....	3
Confirmation of Minutes .....	3
Communications from the Chair .....	3
Recognition of Hon. K Azopardi as Her Majesty's Leader of the Opposition .....	3
Papers to be laid .....	3
Announcements .....	4
UK General Election result and Brexit – Statement by the Chief Minister .....	4
<b>Questions for Oral Answer .....</b>	<b>11</b>
Housing, Youth and Sport .....	11
Q149/2019 Victoria Stadium floodlights – Responsibility for maintenance .....	11
Q150/2019 Newly built sports facilities – Outstanding remedial works and completion .....	12
Q151/2019 Gibraltar Sports and Leisure Authority – Details of vacant posts .....	12
Q152/2019 GSLA facilities – Cancellations .....	13
Q153/2019 GSLA facilities – Breakdown of fees paid by users in 2018-19 .....	13
Q154/2019 GSLA facilities – Breakdown of fees paid by users in 2017-18 .....	14
Q155/2019 Sports-related grants – Details of payments .....	14
Q156/20019 Albert Risso House – Senior citizen warden facilities .....	16
Q157/2019 Prince Edward's Road – Works to Government rental homes .....	17
Q158/2019 Government rental homes – Complaints received by residents .....	17
Q159/2019 Housing waiting lists – Breakdown of applicants .....	20

Q160/2019 Housing waiting list – Number still on list since 2011 .....	20
Q161-162/2019 Government rental homes – Investigations into unlawful occupation .....	25
Q163/2019 Housing rent arrears – Total owing since 1st January 2019 .....	26
Q164-166/2019 Unallocated.....	27
Q167/2019 Housing policy – Divorced parents without residency orders .....	27
Q168/2019 Bob Peliza Mews and Chatham Views – Date for allocation of flats .....	31
Health and Care .....	33
Q169/2019 Healthcare workers – Numbers classified as frontier/cross-border.....	33
Q170/2019 Mount Alvernia – Number on waiting list.....	34
Q171/2019 Hearing aids – Waiting time.....	36
Q172-73/2019 Autism spectrum disorder – Guidelines for diagnosis; qualifications of diagnosing professionals .....	36
Q174/2019 Type 2 diabetes – Number of children diagnosed .....	38
Q175/2019 Obesity rate – Breakdown by age group.....	38
Q176/2019 Health Matters Report – Date of next publication .....	41
Q177/2019 GHA complaints – Number received in 2019.....	42
Q178/2019 GHA complaints – Out-of-court patient settlements .....	42
Q179/2019 Patient Advice and Liaison Service – Purpose.....	43
<i>The House adjourned at 6.19 p.m.</i> .....	45

# The Gibraltar Parliament

*The Parliament met at 3.34 p.m.*

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

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

## PRAYER

*Mr Speaker*

## CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Monday, 16th December 2019.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 30th and 31st January, 21st February, 14th, 21st and 25th March, 5th and 11th April, 3rd, 9th and 30th May, 10th, 11th, 12th and 13th June, 2nd, 12th, 15th, 19th and 23rd July, 12th August and 3rd September 2019.

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

*Mr Speaker signed the Minutes.*

## COMMUNICATIONS FROM THE CHAIR

### Recognition of Hon. K Azopardi as Her Majesty's Leader of the Opposition

**Clerk:** (iii) Communications from the Chair.

**Mr Speaker:** Following the General Election held on 17th October, the Hon. Keith Azopardi wrote to me confirming that he commands the confidence of the GSD elected Members and has asked to be recognised as Her Majesty's Leader of the Opposition for Gibraltar. Accordingly, I now formally recognise the Hon. Keith Azopardi as Leader of the Opposition and henceforth this Parliament will also do so.

## PAPERS TO BE LAID

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may say so, welcome to Parliament in your first non-ceremonial sitting in your new role.

I have the honour to lay on the table: the facility agreement between Her Majesty's Government of Gibraltar, as borrower, and the Royal Bank of Scotland International Ltd (Trading

as NatWest International) as agent, arranger and original lender, entered into in a £75 million revolving and term facility agreement dated 10th October 2019; the audited accounts of the  
25 Gibraltar Regulatory Authority for the year ended 31st March 2019; and the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2019.

**Mr Speaker:** Ordered to lie.

## ANNOUNCEMENTS

### UK General Election result and Brexit – Statement by the Chief Minister

**Clerk:** (v) Announcements – the Hon. the Chief Minister.

30

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am grateful for your permission to make a Statement to the House.

As, all hon. Members are aware, the result of the General Election last week in the United Kingdom has returned a Conservative government, led by Prime Minister Johnson with an  
35 overall majority. I was in touch with Prime Minister Johnson last week, when I extended the congratulations of the people of Gibraltar to him and to his government. In response, the Prime Minister reiterated directly to me his continued and entirely fulsome support for Gibraltar.

As a result of the election, it appears that the stated intention of Prime Minister Johnson will be to present the Withdrawal Agreement Bill before Christmas at Westminster in order for the  
40 United Kingdom to leave legal membership of the European Union by 31st January next year. The State Opening of Parliament and Her Majesty the Queen's speech thereon is expected later this week.

Although it was not our choice and we continue to see the challenges it presents, we will leave the European Union with the United Kingdom, and as a result of the work that we have  
45 done since the result of the referendum was announced, we will leave also with the benefit of the application of the Withdrawal Agreement to Gibraltar. This means that we will enjoy the benefit of the transitional arrangements applying to Gibraltar also.

Hon. Members may wish to recall that it was initially suggested that Gibraltar would not form part of that Agreement and that we would not enjoy the benefits of the transition. Neither of  
50 those two eventualities has come to pass, and I am very proud of the work we have done to avoid that potentially very difficult situation.

In the circumstances, we will also be publishing a Bill for the implementation of the Withdrawal Agreement in Gibraltar. In order to do so in the most effective manner, we will be presenting the Bill once the United Kingdom Bill has passed its Committee Stage. This is because  
55 our Bill will have to be a fair reflection of the Bill that is passed in the Commons and it makes sense, in the Government's view, therefore to have a more final view of the UK Bill before we start the legislative process in this House. We have to be clear though, Mr Speaker, that our Bill will have to pass through its stages in a shorter period than is usually the case.

As from midnight on 1st February, although nothing will initially change, we will no longer be  
60 members of the European Union. As we look beyond our membership of the EU and the negotiation of the future relationship with the EU, I ask all members of the community to understand that we will need to consider carefully what part of any future UK-EU free trade agreement (FTA) we will want to see apply to Gibraltar.

A lot remains to be negotiated. Depending on what progress has been made in those  
65 negotiations, there is an option for an extension of the transitional period beyond the end of December 2020, but the speculation as to what will or will not be included in the negotiations is

70 already rife. We must not fall into the trap, and I counsel Members of this House in particular not to fall into the trap of thinking that we must be a part of the FTA to be negotiated between the UK and the EU. That new trading relationship may not include anything of interest to us on the benefit side of the equation and many obligations on the liability side of the equation. Such a trading relationship may cover services, or it may not. If it does include services, it may include matters related to financial services, or it may not. So we must be clear in understanding that we will need to be involved from the beginning but ready to walk away in the end if the balance of rights and obligations is bad for Gibraltar businesses and bad for the people of Gibraltar.

75 We must hold our nerve and be ready to do a great deal for Gibraltar, but we must also hold our nerve and be ready to walk away from a bad deal for Gibraltar. In this instance, more than in relation to the withdrawal arrangements, no deal with the EU may be better than a bad deal. Indeed, there are many beyond our shores who are foolishly wringing their hands with glee at talk of vetoes and such like. We will not foolishly fall into the trap of raising the rhetoric or indeed of believing the rhetoric of others. I think we all know and understand that EU member states generally have a veto over the international agreements that the EU enters into with third countries. This has not been an achievement of any particular state in relation to Gibraltar. This is just a reality of the provisions of the EU treaties.

85 And so, Mr Speaker, we have to be clear in our thinking and united in our approach as a people. We have to ensure we are not reactive to what is coming and the many provocations that we will hear over the airwaves. And we have to be clear: we will always want to have strong relations with the EU, our closest neighbour, but everyone beyond Gibraltar needs to understand that we are never going to compromise on matters of sovereignty, with the EU or any one of its member states, in exchange for any trade arrangements or benefits. We are *never* going to sell our birthright for a commercial advantage. I think most people already understand that.

90 Indeed, we have already secured excellent terms to continue our trade in services with the United Kingdom post Brexit. That is our most important market. We will continue to consolidate even further our access to the UK market in different ways. We will also continue to work on the application to Gibraltar of relevant parts of future trade deals the UK is doing with third countries beyond the EU. We have additionally also worked on the inclusion of Gibraltar in the renewal of the trade arrangements with other states as we leave the EU. Most of these, but not all, are already reflected in the Schedule of the European Union Withdrawal (Application of International Agreements) Act 2019.

100 Mr Speaker, so much of the work undertaken by the Government to date will now, perhaps unfortunately, start to bear fruit. Despite the fact that Brexit was not our choice, we are clear that we will make a success of it. Anyone who thinks otherwise is on course to be severely disappointed.

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

**Hon. K Azopardi:** Mr Speaker, I am grateful to the Chief Minister for that Statement on the outcome of the UK elections. Indeed, I reflect that it is an end of an era in many ways because the path has now been opened with certainty that we will leave the European Union, and any doubt that was cast over the last very tortuous three and a half years, where we were hoping against hope that perhaps that outcome would not be delivered, is now being decisively defeated and we have clarity of that outcome. It was certainly, as the Chief Minister indicated, not our choice as remainers in this country of ours, but we have got to accept that political outcome, and accept it we will.

115 I certainly welcome the indication of the Chief Minister of the process and the procedures that the Government intends to take in tabling its approach to what happens next and the legislative time that needs to be dedicated to this issue. One thing that was not clear to me in listening to his Statement and perhaps the Chief Minister might be able to give a bit more clarity

about, although I accept that I am going to ask him a question which himself he may not know.  
120 He did indicate that the Bill needed to be taken in shorter order than necessary, and of course  
we completely understand that from this side of the House, and clearly it needs to be taken  
before the end of January. But as we near Christmas – and there will be an attempt by the UK  
government to pass the legislation ahead of Christmas – is he planning a timetable that  
125 coincides sharply with that, or is this a timetable that will be taken in January? That is a question  
that I had through my mind when listening to him.

Of course we accept entirely that we have got to focus on the next phase, and indeed the  
next phase has, in our view, two dimensions. There is of course not just the issue of the  
legislative time but there are two important dimensions on the horizon. The first one is one that  
he pointed to in his Statement, which is the negotiation of a permanent deal with the EU and his  
130 caution – rightly so, may I say – that we should not simply become cheerleaders of any old deal  
but rather a beneficial one. I always say, and I have been very keen to say in my public  
pronouncements on this issue, that Gibraltar should lobby hard and fight hard for an inclusion in  
a beneficial arrangement, a permanent arrangement with the EU, and by that the judgement call  
of course is for this House and for the Members opposite as the Government of Gibraltar. So I  
135 certainly accept that it should not just be inclusion in any deal but it should be a deal that works  
for Gibraltar.

There is indeed a focus that needs to be kept not just on that but also on the readiness for a  
hard Brexit in case we are not included in a deal or it is not to our liking, or indeed there is no  
extension to the transitional period beyond 31st December 2020 and we find ourselves in that  
140 situation. Even though there has not been explicit mention, although there has been mention of  
work that needs to be done in preparation, I am sure the Government will be alive to the reality  
that there need to also be preparations on that scenario in case the work done on achieving  
inclusion in a beneficial permanent deal with the EU does not come to fruition or indeed there is  
a judgement call at the end of the day that there should not be such inclusion.

We certainly accept that there is a lot to discuss on the shape and content of such a deal, and  
145 we would ask from this side of the House that the Government focus as well – as I am sure will  
be uppermost in their minds – on the unique features of our country and indeed what needs to  
be taken into account when negotiating a permanent deal, because a one-size-fits-all solution  
may not be appropriate for Gibraltar and may not take into account our unique arrangements  
150 that need to be tailored into such a deal.

We certainly accept, and indeed we may disagree on many things but the one thing that we  
will not disagree with the Government on is that there should be no compromise on sovereignty  
at all in any future negotiations or deal done with the EU, and they will have our complete  
support on that issue.

I should also say, as I have done before publicly, that it is entirely a matter for the Members  
155 opposite as to whether they wish to include us properly in those discussions or negotiations, but  
should they wish to do so we consider that such is the seminal nature of the challenge in front of  
us that we are prepared to work with the Members opposite jointly in the national interest of  
Gibraltar should they so deem fit to include us properly. And I say that with emphasis, *properly*,  
160 because selective briefings from time to time without including us properly in the discussions is  
not what I would consider proper participation. But I do not want to become contentious with  
the hon. Member. He has our offer on the table. I have made it to him and I reiterate our  
willingness to work with him in the national interest, if indeed that is the wish that he also brings  
to the table because he deems it appropriate. Perhaps not now, but as we go along, in months  
165 to come, on any particular aspect of the negotiations or indeed on the negotiations themselves  
as a whole, if he comes to a juncture where he feels that it is in the public interest of Gibraltar to  
work collectively with the Opposition, he will find willing partners on this side of the House.  
(*Banging on desks*)

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

**Hon. Chief Minister:** Mr Speaker, I am grateful to the hon. Gentleman for some of what he has said, and I will reply to some of the rest of what he has said.

Can I first congratulate him on being recognised by you as Leader of the Opposition? He is certainly recognised by us as Leader of the Opposition. I think that recognition probably means  
175 more on that side of the House than it does on this side. We will see how that plays out.

Mr Speaker, the hon. Gentleman has talked about the timetable for the publication of the Withdrawal Agreement Bill that we will have to bring. I think he knows us well enough to know that we would not be trying to publish as late as possible; we would want to publish as soon as possible. Certainly one of the things that we will do is we will seek to brief hon. Members in the  
180 Select Committee on Brexit as soon as we are able to, as soon as we have greater clarity on what the Bill is going to contain beyond that which is already published – hon. Members will have seen the UK Bill published for some time – and I will endeavour to provide him personally with as advanced a draft as we are able once we know that it is crystallising into the form that we are likely to see published.

Mr Speaker, the briefings of the Brexit Select Committee will start as soon as the Select Committee is established. I know that the hon. Gentleman talks about selective briefings. Well, I think there is nothing better than the cold light of fact to help us both understand how much briefing we have done, and there is no one better to give the cold light of fact than the Deputy  
185 Chief Minister. The many hundreds of hours and many hundreds of meetings that were held of the Brexit Select Committee I think demonstrated a working together in terms of the work that was done during the lifetime of the last Parliament, which is probably unprecedented in the history of our democracy absent the work that is done on a new Constitution.

But I must say that I was very grateful for the conviction of all the hon. Members opposite who are still in this House and who were members of the last Brexit Select Committee, for the  
195 work that they did and the discussions that we had when I was present and those that were reported to me by the Deputy Chief Minister when he was chairing those meetings. We would not regard that as selective briefing. We would regard that as briefing at the time that there were decisions to be made so hon. Members were informed. He knows that I reached out to him, even though he was not then an elected Member of the Parliament, to also provide  
200 briefings.

Would they have wished that those were fuller briefings more often? Well, perhaps they might have wished that, but there was not much between what they were getting and taking the next step in being in executive office in Gibraltar. The fact is that the choice of who should be in executive office in Gibraltar has been made by the people of Gibraltar, but we will go as far as  
205 possible to continue that very clear and in-depth briefing of hon. Members opposite, if only so that when the time comes that they decide that they want to hit us, they are better informed for the hitting process. But I do take it at first blush what he is saying, as a positive step in the direction of continuing to work together as we start this different process of negotiation of the new trade arrangements with the EU.

Mr Speaker, we have not been cheerleaders for any deal at any time, although I do note that in some instances hon. Members have chosen to describe the work that we have done already in relation to the withdrawal arrangements in that way. Well, Mr Speaker, I was pleased to see during the course of the General Election campaign that they, at the last minute, also became cheerleaders for the arrangements, but he will know, as will all hon. Members opposite, that we  
215 are not going to be persuaded to sign up to anything that is not beneficial to Gibraltar. That is a question of balance. Sometimes when you enter into an agreement and there is another part to it, there tends to be a take for the other side, and what I have wanted to make very clear today, as I have since the referendum and he has joined me in doing, is sending a signal to those beyond this place that of course there are commercial arrangements to be done – that is in the nature of international diplomacy, indeed in particular trade diplomacy – but when it comes to  
220 the fundamental issue of the sovereignty of Gibraltar and the indicia of sovereignty – sovereignty, jurisdiction and control being perhaps a high-level way of describing that, but they

are just the indicia of sovereignty – then there is not going to be any way that the Government of Gibraltar is ever going to agree to anything that is not a beneficial arrangement applying to Gibraltar, certainly whilst the individuals on this side of the House are in government.

Mr Speaker, the Hon. the Deputy Chief Minister shows me a note, just to assist the House, that suggests that the Committee Stage and Third Reading in London is likely to take place on 6th January – I do not know whether that is helpful to the hon. Gentleman. And thanks to the hon. Clerk, who I think was able to get this feeling for those dates when he was in London at the CPA last week with some of the hon. Members of this House.

Mr Speaker, of course what is described loosely as a hard Brexit can still happen, if not when we legally leave the EU certainly at the end of the transitional period, whether that transition ends at the end of December 2020 or whether it goes on for longer, and that hard Brexit may apply only to Gibraltar if we decide that we are not going to form part of those arrangements going forward. We are continuing to plan for those circumstances because on this side of the House we do not have to be told that if you are going to carry out a good negotiation you have to be ready to walk away, as I have indicated already in the course of my address, and you can only walk away if you are ready for the situation that will apply when you have walked away. We would be ready for a hard Brexit today, Mr Speaker, and we will be even more ready for a hard Brexit should it come at the end of December next year, or indeed at any other day, because nobody is going to keep us in a negotiation because we might be afraid of what might happen if we walk away. That is not our negotiating style.

The shape and content of any deal that applies to Gibraltar will have to be unique to Gibraltar – and that is not rocket science, if I may say so to the hon. Gentleman. That was the case in 1972 with the annex in relation to Gibraltar and it was indeed the case in the withdrawal arrangements in respect of the Protocol on Gibraltar. There are nuances of geography and of politics that are relevant to what will be good for Gibraltar, and any deal that we subscribe to will be fashioned either on the whole to be good for Gibraltar or will have particular parts that will fashion the rest of the deal so that it is going to be good for Gibraltar, because of course in our context one size would certainly not fit us, especially given our particularly small size and the absence of any meaningful mechanical industry, for example.

I am very pleased to hear the hon. Gentleman talk about what he now says is the seminal nature of the negotiation to come, because during the course of the General Election campaign at different times he was at pains to say that this was not the seminal thing that the Government was pretending that it was and that anybody could handle these negotiations should a different Government be returned. So I am grateful for that reality check, which comes at the right time.

The question of the degree to which we are able to work together is a difficult and vexed one. It is born out of the types of interpersonal relationships that exist between politicians, it is born out of the nature of the type of documentation that may be shared with us and how much we can share, it is born out of the trust that we will be able to have in each other, and of course it is principally born out of whether we all feel that we are rowing in the same direction or not.

I have to say to the hon. Gentleman that he and I certainly, and others on both sides of the House, enjoy good interpersonal relationships that stand us in good stead now that Gibraltar will need to see us working together, and I hope that we will be able to continue to grow the trust that people will expect us to have in each other and that we will be able to work together in these times that come to ensure that, however seminal the moment, the results for Gibraltar will be good ones. And if I may say so – I think it is a key thing to say in this first meeting in the context of this first Statement – the important thing is that when it comes to working together now we all understand where the people of Gibraltar put us for the lifetime of this Parliament and we all understand that we have to pull together not for party political gain at the next election or to put on one's label what are called in another language as 'little flags', but to deliver the best possible result for Gibraltar.

At the end of that process the people of Gibraltar will see who has done what and who has contributed what. We certainly will not want to pretend, if hon. Members come up with a good



275 idea, that the good idea has been ours and not theirs. We will not want to pretend that they  
have not contributed if they have – as I have in many instances referred to the work the Hon.  
Mr Feetham did with us in the Brexit Select Committee. They can be assured that we will also be  
working with them in good faith, going forward in the national interest but as the Government  
of Gibraltar in executive control of this process.

280

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

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I take this opportunity to echo the Chief Minister's  
sentiments towards you on your maiden session. I wish you every success for the future and I  
285 thank you in advance for what will no doubt be much hard work and patience on your part with  
all of us.

On a point of clarification, I would like to enquire about the Brexit strategy, not just from a  
short-term perspective but from a long-term, cross-party, national project perspective.

290 Boris Johnson won a massive majority with a campaign based on unifying the country to get  
Brexit done. We now know that the withdrawal deal is happening and most probably before the  
end of January. We also know that many more challenges will emerge in what will be a long,  
arduous path towards finalising this dubious project, particularly for Gibraltar with the threat of  
a hostile Spain ready to pounce on every chance to challenge our sovereignty.

295 Trade deals have to be negotiated and potential re-join campaigns anticipated and  
responded to. It is vital for Gibraltar, therefore, for the Government to clarify whether it intends  
to continue to use Brexit to further their partisan agenda, or whether it genuinely intends to  
address this issue as an issue of national interest. Let us not forget that in Gibraltar Mr Picardo's  
party also won a massive majority on the back of getting Brexit done but with a slightly less  
unifying message. It was in fact a profoundly divisive message, particularly for our political class.  
300 'Us or chaos' was the ticket pushed by the GSLP electoral campaign, and that was wrong,  
Mr Speaker. Competing over Brexit is wrong. So, Brexit is a generation-defining event that  
should be completely depoliticised. Its success, regardless of what stage we are in, cannot  
depend on the Government of the day.

305 Mr Speaker, why am I addressing these issues now, you may ask: well, it is because it is just  
the start of the journey and I believe it is important for this Chamber to be having this  
conversation now. And grateful as I am to the Chief Minister for his Statement today, the fact is  
that Brexit will not be over in four years' time and I believe that this entire Parliament should be  
informed, engaged and brought on board with all the plans of this administration. All MPs  
should be fully briefed and available to make their contribution. I accept the Chief Minister's  
310 assurances from moments ago to this effect and I do hope they mean what they say and that  
they fully and genuinely materialise these plans in the lifetime of this Parliament, because if  
another party should win the General Election in four years' time they should be able to hit the  
ground running and deliver on well-prepared plans that are the product of broad political  
consensus. If the handover of Government means that the Brexit process fails, this should not be  
315 considered evidence of the incumbent Government's success but of their failure.

I hereby offer all my help and support on this issue from my humble corner and can  
guarantee that Together Gibraltar will be supportive of the national interest agenda. I also  
pledge not to use this issue to gain political capital and I believe all Members on both sides of  
this House should do the same for the future of our community.

320

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

**Hon. Chief Minister:** Well, Mr Speaker, I want to start by addressing the hon. Lady – it is the first time I do directly – not on a discordant note, as one might describe the way she has addressed me but I will come to that, but by congratulating her on her result at the last General Election. I was right about the rocket chair and I am almost tempted, Mr Speaker, to ask you for permission to refer to her as the leader of the Opposition poll, if nothing else, at least just to spread a little more confusion.

Let me turn to the things that she has said, because I do not think she heard what I said and I think I must put it to her that good though she was in the last four years in understanding the tone of the moment, she has singularly failed to understand the tone of the moment now when she has risen to address my Statement at this seminal moment in our history.

She starts by saying that we should not look at things from the prism of a partisan perspective by asking for a cross-party national perspective, and then goes on to a party political diatribe against the Government about what she says happened during the course of the General Election – a General Election which, if it had not been held in the week in which it was held would have had to be held five weeks later when we were about to leave or would have just left the European Union without a deal. So I do not see how it advances the course of this community at all, or seeks clarification on what I have said, to accuse the Government, in its guise as a political party in a General Election, to have used Brexit to further our partisan agenda by simply explaining to the general public what we had done in the context of the three and a half years and what we would do going forward.

To say that we were divisive by offering ‘us or chaos’ is to try to implant in us the words used in the United Kingdom, which did not age well, in the mouth of another leader of a House, Mr Cameron, who said ‘It’s either us or chaos’ – and look at the chaos we have got despite having got them. I think, Mr Speaker, that that was an attempt to be clever, but of course the cleverest thing was to take the position she took in the General Election campaign, to say that she understood that these things were very complicated and that we would work together and she would send us to negotiate if she won the election. Well, frankly I have seen more comfortable positions taken, but that one is probably the most comfortable I have ever seen.

Whether Brexit will or will not be over in four years’ time is a moot point, Mr Speaker. The consequences of Brexit will affect the European continent, the United Kingdom and Gibraltar forever because it is a schism where there should be more unity, and we all agree with that. But the only one of the political parties, now the only Members of this House who presented a plan at the General Election as to what we would do economically and politically, is the party now in government. I do not think it is divisive to say we have a plan and I do not think it is particularly sharp politics, especially in the context of us all having congratulated each other for having run such a fair campaign, to say ‘We have a plan and you don’t.’ That is not divisive; that is reality.

Mr Speaker I must say that I thought she ended better than she started. I thought that the author of the last paragraph of what she read this House could not be the author of what she read at the beginning, and my knowledge of her suggests to me that she wrote the end, which was very good, very convivial, very positive, very forward looking and very cross party, and I would urge her to stick with that.

**Mr Speaker:** Does any hon. Member wish to make a contribution on the Statement made by the Chief Minister?

## Questions for Oral Answer

### HOUSING, YOUTH AND SPORT

Q149/2019

#### Victoria Stadium floodlights – Responsibility for maintenance

**Clerk:** (vii) Reports of Committees.

(viii) We now move to Answers to Oral Questions. We commence with Question 149/2019 and it is the Hon. E J Phillips on behalf of the Hon. E J Reyes.

370 **Hon. E J Phillips:** Mr Speaker, further to the answer provided to Question 4/2019, can the Minister for Sport indicate if there have been any changes to the agreement whereby the day-to-day maintenance of the floodlights at Victoria Stadium continues to fall under the responsibility of the Gibraltar Sports and Leisure Authority?

375 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, since Question 4/2019, no changes have been made to the agreement on the day-to-day maintenance of the floodlights, which falls under the GSLA's responsibility.

380

**Hon. R M Clinton:** Mr Speaker, I thank the Minister for his answer, but could I ask him if my understanding is correct that the Victoria Stadium has now been transferred to the GFA and is their property? Is that correct?

385

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

**Hon. R M Clinton:** In which case, may I ask why it is that the Government is responsible for the lighting?

390

**Hon. S E Linares:** Mr Speaker, because the Government has signed an MoU with the GFA until they are ready to actually manage the whole of the estate. So the GSLA is actually helping the GFA in managing the whole of the estate, which includes the flood lighting.

395

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for this clarification. Would he be willing to make a copy of that MoU available to the House?

400

**Chief Minister (Hon. F R Picardo):** Mr Speaker, there are two parties to that agreement, so I think before we take a position we would need to talk to the GFA. I do not envisage there should be any difficulty with doing so, but I do not think we are free to simply say okay without checking with them.

**Q150/2019**

**Newly built sports facilities –  
Outstanding remedial works and completion**

**Clerk:** Question 150, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Can the Minister for Sport inform this House what facilities still require remedial works or completion at any time of the newly built sports facilities?

405

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, as it stands, all projects are well on course to be completed early in the New Year. In fact, Europa Point is already in use, albeit partially, with rugby, darts and squash benefiting from world-class sporting facilities. Minor works need to be completed in the cricket oval, with floodlights already erected and being prepared for commissioning and the football facilities to be finalised.

410

As far as the Lathbury Sports Complex is concerned, the athletics track and football field will also be completed soon. The swimming pool is ready and all that is left are the final touches to the plant room. All other facilities have been handed over to the relevant stakeholders and users.

415

**Hon. K Azopardi:** Can the Minister explain, whether in the concept of the remedial works or completion, the definition of that answer he has just given, does the Government include the works that had to be done again after the Island Games finished and certain facilities had to be, in effect, ripped up after the Island Games were completed?

420

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

**Hon. K Azopardi:** Does the Minister or the Government have an idea of the cost of the works that had to be undertaken, in effect twice, as a result of that process?

425

**Hon. S E Linares:** Mr Speaker, there is another question on the Order Paper in relation to this.

**Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: in relation to the Lathbury Barracks swimming pool, can he confirm to the House that the pool has had no structural defects that he is aware of in the form of, for example, leaking?

430

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

**Q151/2019**

**Gibraltar Sports and Leisure Authority –  
Details of vacant posts**

**Clerk:** Question 151, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

435

**Hon. E J Phillips:** Mr Speaker, can the Minister for Sport provide details in respect of any vacant posts within the Gibraltar Sports and Leisure Authority, indicating if these are covered temporarily by a supply worker?

440 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, at present there are no vacant posts at the Gibraltar Sports and Leisure Authority.

**Q152/2019  
GSLA facilities –  
Cancellations**

**Clerk:** Question 152, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

445

**Hon. E J Phillips:** Mr Speaker, can the Government inform this House how many cancellations have been necessary at any of the Gibraltar Sports and Leisure Authority's facilities since 1st September 2019, indicating the location, date and reason for the cancellation?

450

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, there has been one cancellation since 1st September 2019. This was in the Victoria Sports Hall – which is now owned by the GFA but continues to be operated by the GSLA for now – on Friday, 1st November for health and safety reasons due to minor water ingress.

455

**Q153/2019  
GSLA facilities –  
Breakdown of fees paid by users in 2018-19**

**Clerk:** Question 153, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Can the Minister for Sport provide a breakdown with details in respect of all fees paid by the users of any facilities falling under the auspices of the GSLA during the financial year 2018-19, indicating if they were for sporting, cultural or other types of events, together with details of payments pending to be received?

460

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, during the financial year 2018-19 the following payments have been received in respect of fees by the GSLA: community use, £6,565; non-sporting events, £14,572.34; sporting events, £17,911; advertising, £15,000. There are no payments pending to be received.

465

**Hon. K Azopardi:** Mr Speaker, does the Minister have a sort of use breakdown for the community use fees or the non-sporting fees?

470

**Hon. S E Linares:** Yes, sir, it is for the hire of facilities for schools and BCS for fitness groups and instructors.

475

**Hon. E J Phillips:** Just one supplementary in relation to that question: what is meant by 'advertising' in that context?

480 **Hon. S E Linares:** Mr Speaker, the GSLA is now even more trying to get revenue from advertising generally. That means if there are any tournaments they usually combine it with the actual association, because sometimes the association themselves get some advertising for events but the GSLA are now getting advertising money from the private sector. That means that they can put up placards or whatever, advertising things.

**Q154/2019**  
**GSLA facilities –**  
**Breakdown of fees paid by users in 2017-18**

**Clerk:** Question 154, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

485 **Hon. E J Phillips:** Can the Minister for Sport provide a breakdown with details in respect of all fees paid by users of any facilities falling under the auspices of the GSLA during the financial year 2017-18, indicating if they were for sporting, cultural or other types of events?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the breakdown with details in respect of all fees paid by users of any facilities falling under the auspices of the Gibraltar Sports and Leisure Authority during the financial year 2017-18 is as follows: community use, £10,994; non-sporting events, £11,954.41; sporting events, £107,523.50; advertising, £15,000.

**Hon. E J Phillips:** Just insofar as the sporting events figure, Mr Speaker, if the hon. Gentleman could set out a bit more detail – that figure seems to jump out from the paper.

500 **Hon. S E Linares:** Yes, Mr Speaker, that year the darts and snooker tournament attracted a great deal of advertising money. Due to the fact that it was televised, they were able to get a lot of revenue. That is why it is so big.

505 **Hon. D J Bossino:** Mr Speaker, if it is advertising money which accounts for the increase, as the Hon. Minister has explained, why is not it separately under advertising, where we see the same figure for the following year 2018-19?

510 **Hon. S E Linares:** Mr Speaker, because advertising on its own means advertising generally within the complex, whilst advertising with sporting events is specific to the event. Therefore, if it is a darts tournament, it is a sporting event which has attracted money from advertising for that event.

**Q155/2019**  
**Sports-related grants –**  
**Details of payments**

**Clerk:** Question 155, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

515 **Hon. E J Phillips:** Mr Speaker, can the Minister for Sport provide details of all payments made so far during this current financial year in respect of any sports-related grants, together with details of grants committed but still to be paid?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite the details of payments pertaining to sports-related grants as well as the remaining balances, as requested.

**Answer to Q155/2019**

Details of payments pertaining to sports-related grants as well as the remaining balances are as follows:

<b>SPORTS</b>	<b>AMOUNT PAID</b>	<b>AMOUNT PENDING</b>
Athletics	£ 13,287.07	f 9,980.00
Badminton	£ -	£ 7,227.00
Basketball	£ 20,652.89	£ 13,570.00
Billiards & Snooker	£ -	f 3,255.00
Boxing	£ -	£ -
Canoeing	f 540.00	f 4,000.00
Clay Shooting	£ 9,246.81	f 13,810.00
Climbing	£ -	f 5,850.00
Chess	f -	f 6,042.00
Common Wealth	£ -	f 23,500.00
Cricket	f 40,280.14	£ 10,300.00
Cycling	f -	£ 3,742.00
Darts	f 12,333.00	£ 7,620.00
Football	f -	£ 10,400.00
Golf	£ -	f 5,994.00
Gymnastics	f -	f 27,713.80
Hockey	£ 20,508.73	f 20,000.00
Ice Skating	f 8,709.43	£ -
Inline Skating	f 594.43	f 800.00
Karate	f -	£ 1,200.00
Kendo	£ -	£ -
Lifesaving	£ 379.59	£ 4,800.00
Netball	£ 19,065.72	£ 19,879.55
Pistol	£ -	£ 27,931.50
Pool	£ 15,927.45	£ 3,037.50
Rifle	£ 13,470.91	£ 11,280.70
Rowing	f 5,413.73	f 6,955.00
Rugby	£ 17,940.61	£ 38,530.00
Sailing	f -	f 600.00
Sea Angling	£ 11,004.50	£ 7,535.00
Squash	f -	f 5,245.00
Sub Aqua	f 5,061.93	£ -
Swimming	£ -	f 6,460.00

Table Tennis	f	350.00	f	7,250.00
Taekwondo	f	-	f	4,448.00
Tennis	£		£	-
Tenpin Bowling	£	1,452.36	£	12,319.00
Triathlon	f	1,701.50	f	132.50
Volleyball	£	3,931.54	£	9,420.00

**Q156/20019**  
**Albert Risso House –**  
**Senior citizen warden facilities**

**Clerk:** Question 156. The Hon. E J Phillips on behalf of the Hon. E J Reyes.

525 **Hon. E J Phillips:** Mr Speaker, can the Minister for Housing confirm to this House that residents at Albert Risso House now enjoy the same warden facilities as those already provided to residents at other Government rental homes provided exclusively for senior citizens?

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

530

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, this is something HMGoG is currently looking into with the idea of implementing the same warden facilities as already enjoyed by tenants of the other rental homes provided by the Government exclusively for senior citizens.

535

**Hon. E J Phillips:** Mr Speaker, I am grateful for the answer to that question. It is a particular issue that was raised with Members opposite before, and in fact well before, the last General Election.

540 Can the Minister put forward any information as to when the Government will come to a decision or a landing on this question? It does concern many of our senior citizens. They are very concerned by it and some reassurance would be helpful.

545 **Hon. S E Linares:** Yes, Mr Speaker. In fact, I spoke to those senior citizens only three days ago. I had a very extensive meeting with them. They are quite happy – in fact, they are over the moon that this Government will be soon implementing a system in which they will get exactly what they have asked for. The timing will be very soon, but it will definitely not take, like he says, four years.

550 **Hon. K Azopardi:** Given that the senior citizens the Minister has spoken to are ‘over the moon’, to use his terminology, it would make them even more over the moon to be told more precisely when in the course of the next four years this is going to be done, given that there is a longstanding desire from many senior citizens that this matter be addressed decisively by the Government.

555 **Chief Minister (Hon. F R Picardo):** Mr Speaker, given that we do not want anybody’s blood pressure to go too far over the moon, I think what we want to do is ensure that when we do it we do it properly and we do it as soon as possible. Those senior citizens will be very happy to know that the Government has not needed the Opposition to ask us a question to put this on the agenda, and the alacrity with which we are dealing with this issue is going to become evident  
560 very soon indeed.



**Q157/2019**

**Prince Edward's Road –  
Works to Government rental homes**

**Clerk:** Question 157, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Mr Speaker, can the Government provide details to this House in respect of what works are being carried out at the residential block situated at 63 Prince Edward's Road, i.e. at the junction with Wilson's Ramp, indicating when these works commenced and what is their estimated completion date, together with details of the cost of these works?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, according to the Housing records, there is no 63 Prince Edward's Road forming part of the Government's rental housing stock.

**Hon. R M Clinton:** Mr Speaker, if I may assist the Minister, having lived in the area for many years myself, these are commonly referred to as the bedsits at the corner of the junction just before you go up Prince Edward's Road. Does that perhaps help the Minister?

**Hon. S E Linares:** I know exactly where 63 is, but it is not the Government's stock.

I am assuming – and I prepared myself, since the hon. Member got it wrong – that it is 61 Prince Edward's Road. There is an external refurbishment to 61 that took place between June 2018 and November 2019. The scope of works included the refurbishment of balconies and external walls. The total cost of the works was £44,948.74, including the scaffolding. The works to the balcony include the replacement of asbestos balcony panels with new aluminium sandwich panels. The scaffolding is still in place. The contractor has already been instructed to dismantle the scaffolding.

**Q158/2019**

**Government rental homes –  
Complaints received by residents**

**Clerk:** Question 158, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Can the Government provide this House with details in respect of the number of complaints received from residents of Government rental homes in respect of (a) refurbishment works, (b) anti-social behaviour and (c) maintenance of communal areas, from 1st January 2019 to date, together with details of how these complaints were resolved?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, it is difficult to quantify the number of complaints received in relation to points (a) and (c), especially as most are not reported officially or through the proper channels. However, the main contractors in relation to the refurbishments – GJBS, the Housing Works Agency and the Housing Department – have been working tirelessly with tenants and all the relevant estates' tenants' associations to address all concerns immediately in relation to the refurbishment/maintenance works taking place. In fact, I can inform the hon. Member that over 6,600 work orders have been activated

and completed during 2019. This constitutes an average of 18 works a day during the 365 days of the year. Therefore, I would like to take this opportunity to thank the Housing Department and Agency for having undertaken so many works, which obviously have been of a high standard since there have not been any official complaints reported.

In relation to point (b), there are 51 anti-social behaviour complaints logged in our system, all of which appear, to date, to have been resolved promptly, depending on the circumstances of each complaint.

**Hon. E J Phillips:** Mr Speaker, I am grateful for the answer to that question. I take it from what he has suggested that the work orders of six thousand odd in respect of residents of Government homes relate to complaints as the only figure that he has put forward to this House. So if there are work orders of 6,000, there must be a percentage of them that relate to complaints. Work orders are based on a document that is filed. That work order will demonstrate whether it is a complaint or an order for works. Which is it? I am sure the Minister can provide some detail of the level of complaints about maintenance and refurbishment works.

**Hon. S E Linares:** Mr Speaker, I think the hon. Member is completely confused.

**Hon. E J Phillips:** I am not.

**Hon. S E Linares:** Well, you must be because you have asked about how many official complaints, the number of complaints received. The number of complaints I have just stated is difficult to quantify. There are no complaints as such in the formal way of complaints and what I am saying is that we should all be happy at the fact that 6,600 ... not complaints, they are reports of people who have a door handle broken or a door that needs fixing, or a toilet that needs fixing. Those are the things. It is not a complaint; it is a report of things that go wrong in the house.

Therefore, I am very happy and satisfied that the agency and the contractors have actually done so many works during the year: 18 per day. Mr Speaker, it is incredible the amount of work that these people do, and all the hon. Member does is ask for complaints. That is why there are no complaints and there are very many people – in fact, there should be 6,600 people – who are satisfied, because they have never come back to complain about the works that have been done.

**Hon. E J Phillips:** Mr Speaker I think the hon. Gentleman is slightly confused about this whole question, frankly, but let's get on with my supplementary.

Mr Speaker, he talks about 6,000 pieces of work. Fine, they have been done, and of course we should congratulate the individuals who are doing the work on Government estates, but quite clearly ... Is he honestly saying to this House that no one in Gibraltar is complaining in relation to Government housing about refurbishment work and maintenance in communal areas? That is simply not acceptable. No one is going to understand that. People make complaints every day in our community for any sort of matter, particularly in relation to housing, so he cannot honestly come to his House and say there are no complaints in relation to Government rental housing. It is completely implausible.

**Chief Minister (Hon. F R Picardo):** That is not what you said.

**Hon. S E Linares:** Mr Speaker, again the hon. Member is confused. I have not said that nobody has made any complaints. They usually do it on Facebook; they usually do it outside there. They have not made *official* complaints to our offices. That is what I am saying, so there is no confusion here.

Of course people complain – they complain about everything in Gibraltar; we do, by nature, complain about everything – and what I have tried to do here is to highlight the fact that there

655 might be half a dozen people out there complaining on Facebook about what the Housing  
Department does or does not do, but for us there is no complaint in our office but there are  
6,600 works with which people have been satisfied, and that does not come out on Facebook.  
This is what I am saying: we should be happy at the fact that there are lots of people out there  
working hard, the reports are done very quickly, the works are done quickly and they are happy.  
660 If they were not happy, they would have come back to our Department and complained about  
the works, and we have not had that.

**Hon. K Azopardi:** Does the Minister know how many of the 6,600 work orders that have been  
done in 2019 arose as a result of requests from the tenants themselves?

665 **Hon. Chief Minister:** Mr Speaker, I think it is obvious that those work orders will have been  
generated by the tenants themselves. That is the clear issue. But if the hon. Gentleman  
considers what it was that the Hon. Minister said before in detail, his answer was specific: 'it is  
difficult to quantify the number of complaints received in relation to points (a) and (c), especially  
as most are not reported officially or through the proper channels. However, the main  
670 contractors in relation to the refurbishments – GJBS, the Housing Works Agency and the Housing  
Department – have been working tirelessly with tenants and all the relevant estates' tenants'  
associations to address all concerns ...' So we are not saying that there are *no* complaints from  
the tenants; what we are saying is that those tend to be addressed immediately to the person  
on site, who is a GJBS person.

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**Hon. K Azopardi:** Does the Government or the Minister not agree that if the 6,600 work  
orders have come about as a request from tenants because they are concerned, playing on the  
gymnastics of concerns or complaints does nothing to serve the tenant, but the reality is that the  
Government should accept that the 6,600 work orders arose as a result of complaints or  
680 concerns by tenants themselves? (*Interjection*)

**Hon. Chief Minister:** Mr Speaker, 'obviously not' is the answer to that, for a simple reason:  
the 6,600 works orders are tenants saying, 'Something needs to be fixed in my property, just  
outside my property etc.', and what the hon. Gentleman needs to understand – because he has  
685 been on this side of the House – is that this is a greater amount of work being done to rectify  
complaints being brought to our attention as landlord by our tenants than has ever been the  
case before. In other words, if there are 6,600 works orders it is because 6,600 jobs of work have  
been required to be done. The natural thing to expect is that if somebody seeks that that work  
should be done, it should be done expeditiously and efficiently, not left to rot so that it is not  
690 done and when there is an incoming administration, as there was in 2011, we find a huge  
backlog of work.

So, the congratulations I think are not because there should be no reports; it is that the  
reports are being dealt with. Otherwise, what the hon. Gentleman is saying is: do you realise  
that you have a housing stock that is sometimes in need of work? If that is what he wants us to  
695 accept, of course I will accept that. The hon. Gentleman needs to understand this is the largest  
estate in Gibraltar, the estate of the Government of Gibraltar; this is the residential aspect of it  
and things every day will go wrong and need repair, and these are the reports that relate to it.  
The hon. Gentleman, the Minister, is referring him to the amount that we have done to rectify  
those reports that have come in. It is the most natural thing in the world.

700 Hon. Gentlemen opposite seem to want to catch us out on the most obvious, least relevant  
issue that they can – in other words, that there are things that need to be done in Government  
estates and Government homes, and this is the evidence that things are being done to repair  
those things that need to be done.

**Q159/2019**  
**Housing waiting lists –**  
**Breakdown of applicants**

**Clerk:** Question 159, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

705

**Hon. E J Phillips:** Can the Minister for Housing provide this House with updated details as to how many applicants are on the housing waiting lists, providing a breakdown by category, i.e. general, medical and social lists, and by reference to rooms composition of entitlements by applicants?

710

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

715

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, updated details of applicants currently on the housing waiting lists, including a breakdown of those on waiting lists with a medical and social category, are as follows: 1RKB, 625 active applicants, of which 63 have a medical category and 36 have a social category; 2RKB, 75 active applicants of which 16 have a medical category and 14 have a social category; 3RKB, 98 active applicants of which 13 have a medical category and seven have a social category; 4RKB, 71 active applicants of which seven have a medical category; 5RKB, four active applicants of which one has a medical category; 6RKB, one active applicant.

720

**Q160/2019**  
**Housing waiting list –**  
**Number still on list since 2011**

**Clerk:** Question 160, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Can the Minister for Housing inform this House as to how many people who were on the housing waiting list on 8th December 2011 remain on this list?

725

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, there are 108 applicants remaining prior to 8th December 2011, all of whom have either had offers of property or are on the 1RKB list.

730

**Hon. E J Phillips:** I thank the hon. Gentleman for that answer.

This is a serious issue, Mr Speaker. This is a question that has been asked in the last Parliament and indeed has been raised again in this House, and I recall that the previous Housing Minister explained a very similar figure for those 1RKB and those that ...

735

The GSLP administration at the time promised to house people on the one 1RKB list as from 8th December 2011. It is a shame that as we approach the year 2020 the Government has failed in that commitment, Mr Speaker, and I ask the Minister himself to explain how the Government is continuing to not answer the questions of many people on the 1RKB list who have not been housed from 2011, given the representations that have been made to many of us in this House during the campaign as to why they have still not been housed despite these promises.

740

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I do not know whether the hon. Gentleman missed it, but the Government that he is saying has let people down repeatedly is represented

745 by the political parties that thrashed them for a second time at the last General Election. In  
other words, that which they say is a huge disappointment and on which they received so many  
representations did not result in the people of Gibraltar deciding that we should not continue to  
be in administration – perhaps, Mr Speaker, for the reasons behind the number that he is  
referring to. A hundred and eight people on the 1RKB list is all that is left of the list that we  
750 inherited from them of people on the housing waiting list of over 4,000 – indeed, 1,000 on the  
1RKB list.

Instead of talking about the remarkable reduction of over 900 in less than eight years, he is  
talking about why we have not been able to deal with these 108. There is a very simple reason,  
Mr Speaker, and it is in the nature of the 1RKB list. The 1RKB list includes people who do not  
755 want a rental accommodation, who are there looking to purchase. It includes people who are on  
the 1RKB list because of their particular personal circumstances and they actually are on the list  
but they do not want to be housed. It includes people who find themselves in a situation which  
is one of need, requiring very specific circumstances for rehousing, which we have not been able  
to attend to. Ours is the commitment to ensure that they are rehoused when we are able to. But  
760 the hon. Gentleman should listen to what has been said. Some of those people have had offers  
of housing and they have not taken them. Mr Speaker, the Government of Gibraltar – whether it  
is led by the GSD, whether it is led by the GSLP Liberals or by anybody else – when it has a  
Housing Department does not have an estate agency and people need to know that they are  
made three offers as a maximum. But when they are offered a property, if they are in dire need  
765 it is remarkable that they turn it down, a property which is in good nick – I can imagine that  
some people in the past might have been offered properties which were not in good nick; now  
the properties that people are offered are relatively in good nick.

Why do we allow for three offers? Because there may be circumstances which we are not  
aware of – if there is a disability issue etc. we should be aware of it – where we might offer a  
770 property that is not suitable. But it is very often the case – and successive Ministers for Housing  
in my administration can attest to this, as probably can those for the GSD who have held that  
post – that people expect to be able to choose where they are going to live, whether they are  
closer to mum or they are closer to aunty, or they want to live in this catchment area or that  
catchment area, and those people sometimes will find themselves still on the list.

775 Of those 108 that we referred to, I have no doubt that there are people who do not fall into  
the category I have described, who do not want to buy, who are in genuine need and whom we  
have not yet been able to House. We are probably more acutely aware of their need than they  
are and we are probably more acutely wishing to assist them than they ever will be in making  
the political points that they are making.

780 But in the same way as the Hon. Mr Linares has made the point that he has about works  
orders and in the same way as the hon. Gentleman comes ready – *con la escopeta carga*, as they  
say in another language – with a loaded rifle to try and make a political point about 108 people,  
let them accept the political point that we housed everybody else on all the other waiting lists  
and the 900 others who were on that list, the 1RKB list, at the time that they last left  
785 administration.

Have we done everything right? Of course not. Have we tried to do as much as we can to  
house all of these people? Absolutely. And what is the judgement of the people of Gibraltar?  
That for a third consecutive General Election we should form the Government, and they should,  
for the third consecutive election, see their share of the vote reduced.

790

**Hon. E J Phillips:** Mr Speaker, can the Government confirm that, insofar as attempting to  
reduce this number further, it exercises its discretion to provide individuals with points as and  
when they request them?

795 **Hon. Chief Minister:** No, Mr Speaker, that is not the case, not as and when they request it. The Government has a limited discretion to add points in circumstances where there is a good reason to do so.

**Hon. E J Phillips:** A general election campaign?

800

**Hon. Chief Minister:** There is a Housing Allocation Committee. The hon. Gentleman says from a sedentary position 'a general election campaign'. Well, Mr Speaker, if he wants to say that, he should get up and say it. It makes no sense to say it, because if we were doing this in the context of a general election campaign we would have given discretionary points to 108 people. In other words, we would have used that which he pretends that we are misusing in order to garner the most votes. Or does he think that we are foolish enough to give discretionary points to 10 and only take 10 out of 108 potential advantages, if that is what he is going to be, in my view, scurrilously suggesting?

805  
Those discretionary points that are given, Mr Speaker, are always the subject of close consultation between Ministers and officials to ensure that these are the right sorts of cases, where there has been a reason why somebody has a need that has not been recognised either on the medical list or on the social list, or for some other very genuine reason.

810  
The hon. Gentleman needs to know – and the Hon. Mr Azopardi has been in government, and so has Mr Feetham, Mr Speaker – that when he gets up and makes the sorts of points he is making, he is failing to understand, as his colleagues understand, that when you are a Minister and you see people who need your help, you must, and we all do, our best to help them. I am sure that that has nothing to do with which party you are in, because if somebody comes to you in need, you do your best to help. If we have not been able to help, there is a good reason, and if we have been able to help with some discretionary points because in those circumstances it is appropriate, then it has been done.

820  
The maximum number of discretionary points that can be given under our law is 1,000. It is 1,000, Mr Speaker, so that even in those circumstances it is weighted in a particular way. But I will tell the hon. Gentleman that it discloses a lot about him. I guess if he ever holds ministerial office what he will do is look at the housing waiting list before a general election and say, 'Right, how many people are there?' It will be the GSD, so then there will be about 10,000 people on the list, and he will go round to each of them on the list and offer them a thousand discretionary points in order to try and buy their votes. The people of Gibraltar are cleverer than all that, Mr Speaker.

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**Hon. K Azopardi:** Mr Speaker, I can see that the Hon. Chief Minister is getting hot under the collar because of their failure in respect of these 108 people who remain. I want to ask a question about that, but let me first say in the context of that question that I would urge him to be rather more cautious about his assessment of the election and not so bold as to say that because he was re-elected it means that everyone was stunningly happy with the Members opposite, but rather that the disappointment had not reached a level where they were dislodged. He should look at it from that perspective too because there are plenty of people in Gibraltar who are disappointed, including presumably a lot of the people who suffer housing issues. (A Member: Hear, hear.)

835  
Now, on the question itself, given that there are 108 people who remain almost a decade later, eight years later from when they first gave the promise, does the Government or the Minister have statistics as to whether those 108 people have now reached the level where they have been offered housing three times?

840  
**Hon. Chief Minister:** Mr Speaker, the first answer discloses that is the case in *some* of the instances. If the hon. Gentleman wants more detail he will need to ask a specific question so that we can provide it.

845

Let me be very clear, Mr Speaker: I am not going to be too concerned at the thought that disappointment has not yet reached the level when we are going to be ousted, in the context of disappointment in respect of the political party that the hon. Member is now once again a member of and now leads – I should say ‘for now’ leads, Mr Speaker – having reached the lowest point since 1992. It is hugely uncommon for oppositions to be losing support at a faster rate than governments, but he has managed and succeeded – with a little help from the hon. Lady opposite – to deliver a lower share of the vote for his party than what we all thought was the lowest share of the vote that his party would have when it was led by the man who is not of GSD stock. But to be presiding proudly over a slide that my children would be happy to enjoy in the park, in terms of electoral support, and to come to us and say that we need to be more cautious about how we see ourselves... Frankly, Mr Speaker, it takes the proverbial hobnob.

I am going to stay pleased that we have resolved the problem of 900 of the people who we inherited from them on the 1RKB list and concerned that we have not yet resolved the issue for these 108, and committed to continuing to do so, although in some cases the people on that list are actually just treading water and waiting for different opportunities. Some of them are, for example, in their 50s, waiting to go into pensioner housing when they turn 60. Some of them are waiting to buy a particular type of home. Some of them will have been on that list because they were students before 2011 and they are still holding over and still have not been able to buy. This is a demographic analysis of some particular part of Gibraltar and there are not there 108 difficult genuine cases that needed housing and have not yet been housed, although there may be one or two because their circumstances may have got worse, and I am not going to pretend that there are not because the list changes every day.

**Hon. K Azopardi:** Mr Speaker –

**Mr Speaker:** I think, with respect, we now need to move on because we are digressing from the subject.

**Hon. K Azopardi:** Mr Speaker, I do not want to digress; I just wanted to ask the question, which I believe was very clear. In doing so, may I say I hear what the hon. Member says? The heat under his collar seems not to have been diminished by the last intervention and answer, and his maths is now stunningly bad because he says that we are losing support at a faster rate and yet his slide in the polls was about 200%, mathematically, more than ours. But be that as it may, the question that I specifically asked and he did not answer, was – and he asked me to ask a specific question, which I just did – is: does the Government have statistics on how many of the 108 people have had offers three times?

**Hon. Chief Minister:** The hon. Gentleman, Mr Speaker, is veritable rexona to the heat under my collar. He ventilates it greatly, Mr Speaker, so he need not concern himself about that. But I do have an issue with his maths. Given that they are now at just about a quarter of the electorate, I do have an issue with his maths, but never mind.

When I answered the question the first time for myself I referred him to the answer that the Hon. the Minister had given him, which is that there are some who have had offers already and have not accepted that offer, and I told him that if he wanted the detail of that we do not have it today, but if he asks a specific question – and he knows that he need not wait for Parliament; he can write to us and we will try and provide the information as soon as we are able – we will be able to provide it.

I look forward to having tea with him later, Mr Speaker, in the anteroom and getting out our calculators and showing him why I think his slide is bigger than mine. On this occasion, his being bigger than mine is something I am going to be very happy with.

**Hon. D A Feetham:** Mr Speaker, can the GSD Oxo Cube stock ask a question please?

**Mr Speaker:** Ask a question, please.

900

**Hon. D A Feetham:** Mr Speaker, can at least the Government provide any details of how many of these 108 are single parents who have been placed on the one 1RKB list and are still waiting for housing since 2011?

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**Hon. Chief Minister:** Mr Speaker, I think I know what the hon. Gentleman is getting at and I think whether he is Maggi, Oxo or Bovril – more like Marmite, in that you either love him or you hate him, in political terms – there is another question on the Order Paper that deals with that issue.

910

If you were a single parent, you would not be on the 1RKB list. The definition of single parent that I am using, which I do not think is the one he is using, is a parent who, as a result of relationship breakdown, has his or her children with him and not the other parent. That person would not be on the one 1RKB list.

915

I think the types of people that he is referring to are the ones he has referred to in the question he has put, which we will come to in a minute – and if he will agree, we can deal with those issues then – but there would not be any on this list because the 1RKB does not admit on that.

920

**Hon. D A Feetham:** Mr Speaker, I do not think that is, with respect to the hon. Gentleman, correct. There are people, because they come to my surgeries, on this list, on the one bedroom – *(Interjection)* Yes, they are on the 1RKB because they are the non-resident parent in a divorced relationship. *(Interjection)* Absolutely, correct, but that is what I am asking.

I will ask it technically: how many non-resident parents who are divorced are on this list? *(Interjection)* But there are. There are two or three at least that come to mind.

925

**Hon. Chief Minister:** This is the point I am making to the hon. Gentleman. If you are a parent and you have a residence order –

**Hon D A Feetham:** A non-resident parent.

930

**Hon. Chief Minister:** Yes, hang on a minute. If you are a parent and you have a residence order, you cannot be on the one 1RKB list, [**Hon D A Feetham:** No, absolutely!] because you have got the children with you, so you are looking at something else. If you are a parent who does not have a residence order, you are on the 1RKB list because you do not have the children with you. Therefore, it is not that you are a single parent, because the single parent that you are asking about is the parent who has the children residing with them and has therefore – the wrong word is the ‘burden’ – the benefit of having your children living with you, and you could not be on the one 1RKB list.

935

Do we have the statistics of how many of those who are on the 1RKB list are divorced etc? I do not know that we keep marital status of that sort on the lists – we might be able to obtain them by asking all of them – but this is not single parents on the one 1RKB list because the list does not admit on that.

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The other issue that he raises – I am not saying there is anything wrong with the issue that he is raising in his other question – I think falls better to be considered under the other question.

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**Hon. D A Feetham:** Yes, I apologise if I have in fact conflated single parent with non-resident. I meant non-resident parent. So you have children but of course you do not have them residing with you. Normally it is the mother who has the residency order. The legislation provides for joint residency, but normally the people who are affected are fathers and I am asking how many of those form part of these 108.

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**Hon. Chief Minister:** I gave the hon. Gentleman the answer. We do not have the information on the marital status of people who are on the 1RKB list, although it may be possible to obtain it by seeking it from them or going through all of the interview data, but it is not something that is provided as a field in the data management system that we have for here. It is not. I assure him that it is not kept as a field in the data management system that we have.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may ask on a constructive point: if it is not on the data, wouldn't it be a good idea for the Government to start implementing it in their data in order to alleviate issues by single parents or non-resident parents, to have it as a matter of course in order to make the changes needed to alleviate these individuals?

**Hon. Chief Minister:** Mr Speaker, that is an issue that falls to be considered under the other question. It is not a data issue in respect of a supplementary arising from this question, in my view.

**Q161-162/2019**  
**Government rental homes –**  
**Investigations into unlawful occupation**

**Clerk:** Question 161, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Mr Speaker, who would have thought Mr Reyes would have caused so many problems today, when he is 35,000 feet up in the air at the moment?

Can the Government inform the House how many cases of unlawful occupation of Government rental homes are currently being investigated by the relevant authorities?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this together with Question 162.

**Clerk:** Question 162, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Can the Government inform this House how many investigations of unlawful occupation of Government rental homes have been completed since 1st January 2008 to date and what the outcome of these investigations were?

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

**Hon. S E Linares:** Mr Speaker, the Housing Department has carried out a total of 24 investigations into suspected unlawful occupation of Government rental homes. Of these, three received court orders for eviction, 16 were asked to leave the property and fully complied with these instructions, and five were deemed to be lawful occupation. There is currently one case of unlawful occupation which the Housing Department is dealing with.

**Hon. E J Phillips:** Mr Speaker, insofar as the three court orders for eviction, have these orders been processed?

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

**Hon. E J Phillips:** Mr Speaker, can the Government confirm the cost of the actions taken in respect of these unlawful occupations?

**Hon. S E Linares:** No, Mr Speaker; that would be for another question.

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**Q163/2019**  
**Housing rent arrears –**  
**Total owing since 1st January 2019**

**Clerk:** Question 163, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

1005 **Hon. E J Phillips:** Mr Speaker, can the Government provide details to this House in respect of the total amount of housing rent arrears owing on a monthly basis as from 1st January 2019?

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

1010 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, this information is available online.

1015 **Hon. E J Phillips:** Mr Speaker, I am grateful for the Minister confirming that it is available online, but it is a question that has been asked by my hon. Friend Mr Reyes, so if he has the information it would be helpful if he could disclose it to this House.

**Mr Speaker:** Standing Orders are very clear. If the information is online, one should not be asking a question.

1020 **Hon. E J Phillips:** What is the average – if my hon. Friend can get his calculator out – of the total amount for 2019 so far?

1025 **Chief Minister (Hon. F R Picardo):** We are not the hon. Members' abacuses. If the information is available online, what do you want us to do – go online and get out our calculators? The hon. Gentleman can do his own mathematics.

**Hon. E J Phillips:** Point of order. Although this has happened before, at the last question we asked in this House on housing I remember when I asked it they gave me the information.

1030 Mr Speaker, it is just a simple question as to how much is outstanding. Does he know what it is today, then, or at the date of the question?

**Hon. Chief Minister:** Why are we even spending more time considering matters which are outside the realms of what the House has traditionally dealt with?

1035 **Mr Speaker:** I agree. I think we need to move on to the next question. The information is available online and anybody can calculate the information the person is requiring.

1040 **Hon. K Azopardi:** Mr Speaker, we accept that the information is available online. Can I ask a supplementary on the basis of that information which is available online? Can the Minister tell us what proportion of the arrears are subject to arrears agreements?

**Hon. Chief Minister:** Mr Speaker, I think that would require a specific question.

**Q164-166/2019**  
**Unallocated**

**Clerk:** Questions 164 to 166 are unallocated.

1045

**Q167/2019**  
**Housing policy –**  
**Divorced parents without residency orders**

**Clerk:** We now move to Question 167 – the Hon. D A Feetham.

1050

**Hon. D A Feetham:** Mr Speaker, does the Government intend to change housing policy to ensure divorced parents of more than one child who do not have residency, either by court order or agreement, in respect of their children are allowed to go on the housing waiting list for more than just a one-bedroom or studio flat, a 1RKB?

1055

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, this is a sensitive and difficult area. The Government greatly empathises with parents who, as a result of relationship breakdown, do not enjoy an order or an agreement for residence with their children.

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It is impossible for us as a society to double-provide Government rental homes for individuals in our society. This is what would, in effect, be happening if we provided a Government rental home for each child in the situation raised by the hon. Member opposite.

1065

In order to try to assist, the Government applies its discretion to allow registrations with grandparents or other relatives and generally seeks to work with individuals in these situations in order to seek to alleviate what can be emotionally very difficult situations. Those in these situations who are eligible and wish to purchase affordable homes are allowed to do so with a view to their family composition, whether or not they would be eligible for rental accommodation on such terms.

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This is a very difficult area of policy and one in which great sensitivity is required, and empathy is an important part of making the right decision.

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**Hon. D A Feetham:** Mr Speaker, of course I agree and I associate myself entirely with the Hon. Minister's last sentiment about empathy, but does he not agree with me that in order to show real empathy with the affected individuals the Government really needs to be taking into account, in relation to these individuals, that effectively the policy is operating in a very unjust way in relation to these individuals?

1080

I will give him two examples. The first is that of course if you have more than one child – if you have got two children or three children – it is not possible to have meaningful contact with your child. Residency is one thing – the mother or the father will have residency; the non-residency parent has contact. It is very difficult to have contact, have sleepovers for example during a weekend, if that person is living in a studio flat. So it operates an injustice at that level. It also operates an injustice at a second level, and that is that there is a shortage of 1RKBs in Gibraltar. That is the reason why in the previous question my hon. Friend was asking that the Government provide the details of the 108 people, and part of the reason is because there is a shortage of 1RKBs.

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So, effectively what you have is somebody not being able to have proper contact, and secondly somebody who is having to wait longer than others. So, it operates very unjustly for those individuals, and therefore does he not agree with me that, taking that into account, those

1090 are powerful reasons why the Government ought to reconsider its policy in this area? When I say the Government I also recognise that this is a policy that goes back many years, and indeed I have had my own battles, which I think I have mentioned in this House in the past, with the previous administration when I was in a minority in Cabinet debating this very issue. But I think that we have got to a stage where it is really operating unjustly against those individuals.

1095 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the Hon. the former Chief Minister was right and he is wrong, for a simple reason: it is, in my view, hyperbole to refer to an ‘injustice’, because an injustice is a suggestion that something should be recognised that is not being recognised.

1100 The hon. Gentleman is talking about a very particular strand of case. In other words, it is not a case where a court has determined that there should be a joint residency order. A court has not determined that there should be joint residency and either the parties have not been able to agree or one of the parties has not sought to go to court – one of the parties may not be able to go to court for financial reasons and therefore there may be issues there of access to justice. But if there is a joint residency order, then both the parents are able to seek housing in the context of the full family composition. So, when justice has determined that the just thing that should happen is that there should be joint residence, it is dealt with.

1105 The hon. Gentleman is talking only about a particular strand where there is no such order, where a parent – it could be a male or a female; usually, the hon. Gentleman rightly says, the male – manifests to the Housing Department without the benefit of such an order. These cases are not few. The hon. Gentlemen will know from his own experience that he has referred to that they are not few. I am not saying that they do not create difficult emotional situations. The first answer the hon. Gentleman has heard has referred to the fact that this is a sensitive area where we recognise that these are emotional issues, but I do not think that you can therefore say that this is an injustice, as the hon. Gentleman has done, for the reasons I have already set out.

1115 Secondly, in those situations, without the backing of an order of the court, if we were to provide for children to be housed with the parent who does not have the benefit of an agreement or an order, we would be double-providing for those children. I would be delighted to be able to double-provide for everyone in Gibraltar as much as we could, but we have to be careful that we do not put ourselves in a policy situation where we are pretending that we are able to do something that is simply impossible in the demographic context in which we find ourselves.

1120 So, there might be more or less marital breakdown in Gibraltar – I am not able to give the hon. Gentleman the statistics – but there may be fewer marriages in Gibraltar. That does not mean that there is not more relationship breakdown. These situations are manifesting themselves over and over again. If we have to provide for Gibraltarians’ housing, as we have always committed to providing, but now doubling up the amounts that we provide in respect of the sizes of homes, the hon. Gentleman is putting whoever is in administration in Gibraltar in a situation where they will obviously default on those policy obligations or in the situation where what we might be trying to do would be impossible financially to sustain.

1130 Now he needs to understand that – and I recognise that he is nodding – because he needs to understand that it is one thing to empathise with someone and to want to try and resolve their problem; it is quite another to say ‘I am going to create a legal right so that this does not happen again.’ And so what the Housing Department have been doing – successfully in some cases and not so successfully in other cases – is to try to help those people along with advice on how to obtain the joint residency orders, with assistance in registration so that they can, from those registrations, then apply for housing or for purchase.

1135 In respect of purchase, what he has heard the hon. Gentleman say is that if you manifest in that way we look at the circumstances, and although you would only be entitled to be on the 1RKB list – the discussion we had earlier – you are then able to purchase, if you are eligible, a larger home than you would otherwise have been able to purchase, in other words not just a

two-bedroom property, then it is not RKB, but a three or four, depending on what it is that your family composition might be, because then you are bearing the brunt of paying for that property, although the Government is bearing a little of the brunt by also suffering the 50% cost on a 50-50 basis.

1145 There are ways that we can help, but it is quite another thing to suggest that we should take on the obligation of, as a matter of policy, providing in those very distinct circumstances that the hon. Gentleman is talking about, which is not the case of dealing with people in cases of marital breakdown or a relationship breakdown where there is a joint residency order, which is by far the majority of cases, but the other not small number of cases where there is not a joint  
1150 residency order.

**Hon. D Feetham:** Mr Speaker, does the hon. Gentleman not recognise that in fact the analysis that he has provided to this House is flawed in an important respect for this reason: what he is not taking into account is actually that not only are people provided with residency or  
1155 joint residency by order of the court, but it is also by agreement? What is now happening in the Housing Department – and I do not criticise the Housing Department for this – is that, certainly in my experience, a large bulk of people who have joint residency have joint residency not because of a court order but it is because they have reached an agreement. Indeed, people come to me and both of them ask me, ‘Could you please help me with a legal letter signed by  
1160 both parents to the Housing Department saying that we have agreed joint residency for the children in the absence of a court order?’ and the housing authority accepts that. They accept it and then what happens is that both parents then have a right to a three-bedroom or a two bedroom, as the case may be, depending on their children. The people who are really affected by this are actually a small number of people where, for example, one of the parents – usually, it  
1165 has to be said, it is the mother – says, ‘I am now not going to be providing you with agreement to share residency in that way: you go to court and get a residency order from the court,’ which of course can be extremely expensive, is emotionally very taxing and is not for everybody. It is therefore affecting a small group of people.

Gibraltar’s housing bank is not going to become bankrupt, metaphorically speaking, if the  
1170 Government changed its policy in this area, and that is why I say that it is operating as an injustice in relation to this small number, it has to be said, of individuals.

The hon. Gentleman asked for statistics, and in the census in 2012 there were 13,740 married people at the last census. There were 1,797 divorced and 737 who were separated. If we have the statistics of how many of the divorced and separated this affected, I believe that it is going  
1175 to be a very small number of people who just simply cannot reach agreement with their spouses. Those people are also going to be affected by issues of parental alienation as well in relation to their children, because unfortunately sometimes it goes hand in glove, and therefore I do urge the Government to reconsider its position and its policy in this area.

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman started by saying that my analysis was flawed and didn’t I agree with him that it was? Well, obviously I do not agree with him that my analysis is flawed, but I am going to demonstrate to him why his is. And I say that, Mr Speaker, taking no pleasure from it because this is an area of real human suffering, where we should be trying to resolve the issue rather than have a debate across the floor of this House.  
1180

Those who are affected by this do not need to see him as a champion on a white charger in order that he might be able to secure for himself from them those votes which he always tells us about this time in the electoral cycle he is never going to seek again, only to surprise us – or those of us who do not know him – with a return at the next general election.  
1185

This is not something that we have said ignoring situations in relation to agreement. When I started my answer to him in respect of his first supplementary I referred exactly to those types of cases, cases involving orders or agreement. Again, *Hansard* will demonstrate that that is how I was approaching the issue.  
1190

1195 Third, Mr Speaker, the Housing Department does not accept legal letters in order to  
determine this issue. I am afraid he is going to find that the Government does not accept legal  
letters. What we accept are separation agreements, or we accept statutory declarations on oath  
with a perjury warning, because the hon. Gentleman, having been a Minister, will know that  
there are people who are prepared in some instances to say many things in Gibraltar in order to  
obtain an advantage, and those who genuinely are in that sort of situation are made to swear a  
statutory declaration for this purpose. If he has been told that his legal letters are being  
1200 accepted for that purpose he should know that they are not being accepted for that purpose, so  
I hope he is not charging for them.

It is also true that it would appear that the hon. Gentleman did not just fail to persuade what  
he refers to as the Cabinet of the former administration, although it is the first time I have ever  
heard of there having been Cabinet meetings in respect of the former administration, but never  
1205 mind; he has failed to persuade his colleagues, obviously, because this is not an issue on which  
there is a commitment from them in their manifesto. So, having failed to persuade the GSD  
Government, having failed to include this, when he was the leader of the GSD, in their last  
pamphlet, having failed to persuade his colleagues to include it in what was now a very fulsome  
manifesto – people chose ours, but they had a fulsome manifesto, not a pamphlet – he now  
1210 comes to this House and seeks to persuade us again of that which he has not been able to  
persuade anyone.

Well, look, Mr Speaker, for the reasons we have indicated, we do think that this is difficult  
and the numbers he has given are completely wrong, and this is the point I was making to him.  
Whatever the census says, the census is there dealing principally, not exclusively, with cases of  
1215 marital breakdown and separation agreements arising from marriage, but what is predominantly  
happening now is that people are not getting married but they are still splitting up, and so the  
numbers are large. He does not know what they are, but we are the ones who deal with all of  
these cases. He might deal with a few. I recognise that some people may go and see him, but  
everyone who goes to see him has also come to see us and so we are telling him that the  
1220 numbers are larger than he thinks they are.

He says this would not bankrupt Gibraltar's housing stock. Well, look, even in 1996 when the  
GSLP left office and there were 400 people on the housing waiting list, the lowest it has ever  
been, Gibraltar's housing stock was bankrupt by any definition of bankruptcy. In other words,  
are you able to do that which is required of you on the day on which it is required? No. Since we  
1225 have had the housing list we have always had more people wanting houses than we have had  
houses. If we were a company and our currency was homes, we would not be able to pay our  
creditors as and when they fell due. This would further pitch us into an inability to provide  
homes to those who I recognise are in a very difficult situation and that is why we are trying to  
help them. But let's not get on our white chargers and play politics with them and with their  
1230 emotions, Mr Speaker, because if the hon. Member were in government again, unless he was  
now more persuasive than he was when Sir Peter Caruana was the leader of his delegation, or  
he was more persuasive than he was with himself when he was leader of the GSD, or  
Mr Azopardi were to be a softer touch than Sir Peter, which I do not for one moment think he is,  
how is he pretending that he is going to resolve this?

1235 This is a social problem which we have to deal with sensitively and with empathy, not with  
politics across the floor of the House, trying to score political points. And when it comes to the  
difficulties that are created because of joint residence, non-joint residence etc., I will only  
remind him that he is the one who brought about the changes to the Children Act. He changed it  
from the Minors Act to the Children Act. We are not saying there is anything wrong with that,  
1240 but of course every system creates difficulties and issues which have to be dealt with.

Can I put it to the hon. Gentleman, if he genuinely wants to deal with us in a constructive  
way, that we take this discussion offline and that we have a discussion about it, and that we do  
not get up here to debate this as if this were a political hot potato on which we are going to win  
or lose the affections of voters, because it should not be that? This is an issue which affects real

1245 people and affects their ability to create a bond with their children. There could be nothing more  
important for a member of the human race than to build a relationship with his or her young,  
and we are doing everything we can to assist them and enable them to do so, but what we  
cannot do is what the hon. Gentleman is suggesting, which they did not do, he could not  
1250 persuade his party to do, he has not yet persuaded his party to do and he wants to persuade us  
to do.

**Hon. D A Feetham:** Mr Speaker, I have to say only he, during the course of an answer, can  
accuse us of scoring political points, offer a fig leaf and at the same time pepper his answer with  
the most politically barbed comments that we have had this afternoon. I take my cap off to him  
1255 because he is the only one in this Parliament, I have to say, who can do that and he does it very  
well – credit where credit is due.

Bearing in mind that he is the Chief Minister of a Government that genuinely cares, genuinely  
has empathy with these individuals, can he at the very least tell me how many individuals are  
1260 affected by this policy?

**Hon. Chief Minister:** I cannot, Mr Speaker, tell him how many individuals are affected by this  
policy, and neither can he tell me how many are affected by his concern, so this is not an issue ...

Look, he is doing it again. He is reducing to data something which is very human. I can tell  
him from my experience before and after their election there are cases of this sort, not just  
1265 involving men, by the way, there are some which involve women also. He should not think it is  
just men. I think he has said predominantly men, with which I agree, but it is not just men. And  
so these are complex issues.

The hon. Lady is running a consultation process on parental alienation, on which there is  
another question in this House, and I commend him to the answer that she will deliver to him in  
1270 that respect because it goes to this a little bit more generically than perhaps his question, but  
this is one of the key areas where parental alienation can be at risk.

As to the introduction of his otherwise short supplementary, I can but thank him for the figs,  
for the pepper and for the spice. He has always got the best out of me in that respect.

**Hon. E J Phillips:** Mr Speaker. Just to clarify the point that was made, we have now checked  
the website, in particular in relation to this point on arrears. It falls under 'housing waiting list  
category', so it is not entirely clear, we would say, to members of the public that this information  
was within a specific category. So I would ask the Minister in those circumstances if a specific  
1275 category within the Government statistics could be defined as arrears of Government housing,  
rather than put it under housing waiting list, because ordinary members of the public may not  
1280 be able to navigate and find the information. I am grateful.

**Hon. S E Linares:** Well, I disagree with him.

**Hon. R M Clinton:** Mr Speaker, I have looked up the information myself. If the Minister would  
care to check his own website he will quite clearly see that item H.8 is under the housing waiting  
1285 list.

**Q168/2019**  
**Bob Peliza Mews and Chatham Views –**  
**Date for allocation of flats**

**Clerk:** Question 168, the Hon. Ms M D Hassan Nahon.

1290 **Hon. Ms M D Hassan Nahon:** Can Government give a date by when it will commence the allocation of flats at the new affordable Bob Peliza Mews and Chatham Views housing projects?

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

1295 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the allocation of the flats at Bob Peliza Mews and Chatham Views will commence once we complete the allocation of all the flats at Hassan Centenary Terraces. So, it should be coming up very soon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, does the Minister have any idea when that will be?

1300

**Hon. S E Linares:** It should be coming up very soon because, as I understand it, we are getting very quickly through all the purchases in Hassan Centenary Terraces.

1305 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may just ask the Hon. Minister once again: can I also have some clarity as to when the completion dates eventually for Bob Peliza and Chatham Views will be, because there are many keen young buyers who would like some kind of idea of a timeline?

1310 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the dates that have already been announced in respect of those particular housing estates at the time that the press releases were made are the dates that we continue to aim for. The hon. Lady will know that, as was announced at the time, these two housing estates are entailed to the completion of works on the particular sites: one, the demolition of Westside School and we have been very keen to ensure that all of the piling for the residential facility there should go in at the same time as the Governor's Meadow and Bishop Fitzgerald facilities are completed, so that even though you will have building work going on next to the school you will not have piling going on next to the new schools.

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1320 The other one is the decommissioning of the Gibraltar Electricity Authority's facility down in the area where the Bob Peliza facilities will be, and therefore that will entail ensuring that, first of all, the commissioning and then the decommissioning of the power station are on time. At the moment everything seems to be in order, but we are very keen to be able to ensure that we comply with our commitments to hand over these homes, which are much desired by those who are purchasers or potential purchasers.

1325 **Hon. R M Clinton:** Mr Speaker, I just have two questions for the Minister on this particular area. Those people who applied for Hassan Centenary Terraces – if my memory serves me correctly, the other two projects had not yet been released. Is it true that if you have applied for Hassan Centenary Terraces and now express a preference for Bob Peliza or Chatham Views, you will be not allowed to do that, and that in fact if you refuse Hassan Centenary Terraces you will be taken off the ability to purchase altogether?

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1335 **Hon. Chief Minister:** Mr Speaker, this has been the position in respect of every Government that has developed more than one estate at a time. I think there has only been one, and that is successive GSLP administrations, not GSD administrations. Once somebody has purchased a property and signed on the dotted line, they cannot undo that with no consequence simply because there is another facility advertised; otherwise, you would never finish the sales. So, people who have already purchased at Hassan Centenary Terraces cannot simply undo their contracts and decide that they want to be the ones who purchase at Bob Peliza Mews or Chatham Views. If somebody is offered a property at Hassan Centenary Terraces and they say, 'I don't want to buy, I'd like to wait for Bob Peliza Mews or Chatham Views,' they are told, 'Okay, but there is no guarantee that you will be able to buy, because we continue to go down the list and there is a very good chance you will be able to buy but there is no guarantee.'

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1345 There are some instances where there is a very good reason why somebody wants to buy in a particular area, a genuine human reason sometimes related to disability etc., and then in those instances we will try and work with those potential purchasers to be able to offer them either one or the other estate.

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

1350 My second question to the Minister is in relation to his recently announced upgrade of Hassan Centenary Terraces. In common parlance people expect upgrades to be free. Can the Minister explain what the terms of this upgrade are?

**Hon. Chief Minister:** Mr Speaker, the Government, as a matter of policy, does not accept that in common parlance upgrades are usually free. It does not make any sense to have said that, and neither does the Government share that view.

1355 **Hon. R M Clinton:** Mr Speaker, I apologise if my use of the word or my framing of the question in such a way is unpalatable to the Government, but I ask the Minister again: what are the terms of the upgrade facility being offered?

1360 **Hon. S E Linares:** Mr Speaker, it is very simple. The upgrade is in relation to people who probably bought a three-bedroom house and now, because we have availability of a four-bedroom house after going down through the categories, we are able to offer them an upgrade from three to four bedrooms. Obviously if you buy a four-bedroom you will have to pay the amount a four-bedroom costs as opposed to the three-bedroom.

1365 Maybe that is where the hon. Member got confused about the charge. There is no charge. Instead of buying a three-bedroom, if you have been upgraded to a four-bedroom you must realise that you are going to have a bigger mortgage and a bigger debt because you are buying a four-bedroom as opposed to a three, but that is the only thing.

1370 **Hon. R M Clinton:** And just finally, Mr Speaker, if the Minister can confirm that effectively the pricing structure is the same as was originally advertised?

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

## HEALTH AND CARE

### Q169/2019

#### Healthcare workers – Numbers classified as frontier/cross-border

1375 **Clerk:** Question 169, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state by percentage the number of GHA, Elderly Care Services and Mount Alvernia healthcare workers who are classified as frontier/cross-border workers?

1380 **Clerk:** Answer, the Hon. the Minister for Health and Care.

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, currently the percentage of healthcare workers within the GHA and ERS classified as frontier workers is 19%.

1385 **Hon. E J Phillips:** Can the Minister not break it down into ...? What I have asked for is GHA and Elderly Care Services. What is the percentage of workers at the GHA who are frontier workers?

1390 **Hon. P J Balban:** Mr Speaker, the percentage is the total figure of all of the three components – the GHA, Elderly Care Services and Mount Alvernia, which is part of Elderly Care Services, but if I have it as a supplementary ... no.

1395 Mr Speaker, actually the reply I have given has been a holistic reply of all the things together. If what you want is a breakdown, will you please either write to me or ask a question next time and I will make sure that you get a breakdown completely of all the three groups. What has been done is a collective 19% between all of the GHA ... *(Interjection)* Yes, staff are totally interchangeable as well, so if you can ask that question again I will be able to give you further information.

1400 **Hon. E J Phillips:** Mr Speaker, with respect, I thought the question was fairly clear from the language, but if the Minister can endeavour to provide me that information rather than ask the question again, it would be helpful. I would rather not ask another question if I can get the information from him direct.

1405 **Chief Minister (Hon. F R Picardo):** Just so that the hon. Gentleman understands it, we announced – indeed, it was something that was announced at the time – that we extended the Agenda for Change to those who were working at Mount Alvernia, Elderly Residential Services etc., and in that context made them GHA employees also, and so they are now totally freely transferable. So, somebody might be working at Mount Alvernia today and could be transferred tomorrow to St Bernard's, to one of the wards there which is medical, one of the wards that is elderly residential, and the next day to John Mack Wing. So, it is not possible to say where the frontier worker is at any time, although you could take a snapshot in a moment, which would involve a census of who is in what ward and in what facility, but they are now all, those who are directly employed by the Government, GHA employees.

1415 **Hon. K Azopardi:** I appreciate that and we are grateful for the clarification. Does the Government have a feel, from 19% of the total employees of the GHA being frontier/cross-border workers, or healthcare workers, where those jobs arise predominantly?

1420 **Hon. Chief Minister:** My own instinct is that it arises across the board, so for example you might find that there are some who work in one particular division and some who work in another division and those divisions are completely different. And the way that the question is worded it does not just apply to non-British nationals. You could have even Gibraltar British nationals who have given an address across the Frontier because it is their current residential address. I think that this affects generally the service and not just one particular pocket or area.

**Q170/2019**  
**Mount Alvernia –**  
**Number on waiting list**

1425 **Clerk:** Question 170, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government update this House as to the total number of applicants awaiting admission to Mount Alvernia?

1430 **Clerk:** Answer the Hon. the Minister for Health and Care.

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, there is no waiting list for admission to Mount Alvernia specifically. There is, however, a list of applicants for admission into the Elderly Residential Services, which comprises Mount Alvernia, John Cochrane Ward, Calpe Ward, the Jewish Home, Hillside and the John Mackintosh Home. Currently, the number of applicants on this list stands at 343.

**Hon. E J Phillips:** Does the Minister have a figure for the average waiting time as well insofar as the figure? It seems pretty high, 340, and I just wondered whether he knew what the average waiting time for members of our community who have sought those services.

**Hon. P J Balban:** Mr Speaker, I have not got an indication of waiting time, but obviously, as you would expect as an ageing population, this figure over time will, fortunately or unfortunately, get greater.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I note with interest that the Minister describes the waiting list for the different homes, and the only one that springs to mind for a different purpose is that of Hillside because obviously it includes those suffering with dementia. Wouldn't that statistic need to fall in a different category in order to ensure that that category is actually in one of its own class and therefore we can gather better data for dementia sufferers?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this is an area where what the hon. Lady will see is that people go on this list and they may or may not be diagnosed with Alzheimer's or dementia but there is not a separate list, and as the Alzheimer's or dementia may progress, these individuals may therefore be accelerated.

What I would have said earlier is that this is not about average waiting times, this is about individual medical need, so many people who are on this list are happily living at home, they have a carer and it makes sense for as long as possible to stay at home – it is a more comfortable environment. What we are doing by providing care in the community means that even those who may not be able to be living in the extended family setup are provided for in the mornings, at lunchtime and in the evenings, and when you are not able to be in effect sleeping alone at night – because we do not provide 24-hour care – that is when you are accelerated and brought into Mount Alvernia.

So, you could have somebody here who says at age 65, 'I would quite happily go into Mount Alvernia' and puts their name down and is going to be, under successive administrations no doubt, a very healthy and happy 95-year-old still living on their own, maybe at that stage with some care. You could have a 65-year-old who then manifests with early-stage Alzheimer's or dementia, that gets worse, and – unfortunately, as we know, these things move quickly – by 67 or 68 she or he might be in full-time residential care. So the average waiting time I do not think tells us anything that we need to know. It is, as the hon. Lady has said, the need that really tells us what we need to know and we know that as people reach the stage where they require residential facilities we are able to provide that. Sometimes people need to go into a respite bed whilst a bed becomes available, but it becomes available pretty quickly.

**Hon. K Azopardi:** Given that answer, Mr Speaker, is it correct to assume that you do not actually have to be on the waiting list at all to be admitted to any of those facilities?

**Hon. Chief Minister:** Yes, Mr Speaker, that is absolutely right and the hon. Gentleman may find that there may be admissions to these facilities – for example, directly as a result of family intervention or directly as a result of intervention in the hospital – of somebody who has manifested at the hospital with a medical emergency and at the end of treating that medical

emergency, which might take hours or might take weeks or months, it is impossible to discharge them back to their home with care in the community or back to their family because the circumstances are generally ones where institutional care is required, then that person would go straight into that institutional care.

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This is what you might call the voluntary list, the list that we might all think about going on. This is not the necessarily the need list, and what is driving the provision of this care has to be need.

**Q171/2019**  
**Hearing aids –**  
**Waiting time**

**Clerk:** Question 171, the Hon. E J Phillips.

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**Hon. E J Phillips:** Mr Speaker, can the Government state why the lead time for hearing aids is upwards of five to six months after the recommendation has been made by a GHA clinician?

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

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**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, the waiting time for hearing aids fluctuates depending on the needs of each individual patient, the urgency of each case and the patient's choice of hearing aid type. The average waiting time is approximately 12 weeks.

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**Hon. E J Phillips:** Mr Speaker, this is not the information that we are receiving from people who are fairly distressed by the fact that they are waiting a significant period of time for a hearing device to allow them to enjoy life insofar as hearing is concerned. There have been a number of issues relating to individuals; they have complained at this length of delay and demonstrated that from the appointments that they have had with the GHA clinicians. That is why we brought the question to this House, to ascertain why there has been a delay.

1505

I take it from his answer that most of those delays have been driven by the actual specific device that is required, as opposed to the general waiting time for an ordinary hearing device. Is that right?

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**Hon. P J Balban:** Mr Speaker, yes, it very much depends on the type of device. If it is just a standard device which helps hearing, then it can be as quick as ... it could take weeks. This is why we say the average is 12 weeks. For something more specific, where people want something themselves which is more specific or where the doctor or the audiologist thinks that they would be benefited by another specific type of hearing aid, that can take longer because these are made for the person. These are not off-the-shelf things that you would prescribe and give to patients. That is why there is a discrepancy between date of referral and the date you actually receive the hearing aid itself.

1515

**Q172-73/2019**  
**Autism spectrum disorder –**  
**Guidelines for diagnosis; qualifications of diagnosing professionals**

**Clerk:** Question 172, the Hon. E J Phillips.

1520 **Hon. E J Phillips:** Mr Speaker, can the Government state what guidelines/criteria are applied to the diagnosis of autism spectrum disorder in Gibraltar?

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

1525 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 173.

**Clerk:** Question 173, the Hon. E J Phillips.

1530 **Hon. E J Phillips:** Can the Government state the qualifications which are required by healthcare professionals for the diagnosing of autism spectrum disorder?

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

1535 **Hon. P J Balban:** Mr Speaker, the diagnosis of autism is made collectively by a multi-disciplinary group, known as the Autism Team, comprised of speech and language therapists, educational psychologists, occupational therapists, consultant paediatricians and consultants in child and adolescent mental health. Each of these professionals will hold the appropriate qualifications in their specific area. A consultant paediatrician and/or a consultant in child and adolescent mental health, who are respectively members of their pertinent professional bodies and registered with the General Medical Council, will confirm the final diagnosis.

1540 In the diagnosis of autism spectrum disorder, as in most areas of medicine, the GHA endeavours to apply the principles or guidelines of the National Institute for Health and Care Excellence (NICE).

1545 **Hon. E J Phillips:** I am grateful to the Minister for that answer. Can he confirm – and I understand the last part of that question – that the NICE CG128/2011 is applied in Gibraltar as opposed to the 2012 guidelines?

1550 **Hon. P J Balban:** Mr Speaker, that question is very specific and I would need notice of that question to find out before I give the wrong information.

1555 **Hon. E J Phillips:** Whilst I understand that the Minister may need further information to populate his answer, the question I did ask was what guidelines/criteria had applied and, if the guidelines are the NICE guidelines that he has referred to, surely he must know which ones they are, either 2011 or 2012 – there are only two. That is the specific question I asked. The national clinical guidelines in the UK which were applied in Gibraltar, as we know from his answer, are either 2011 or 2012. I would have thought it a fairly straightforward answer.

1560 **Hon. P J Balban:** Mr Speaker, because the GHA endeavours to be ahead of the time, I would say the 2012 NICE guidelines are the ones that are being adhered to. It would not make any sense to be adhering to one which was a year earlier, 2011; it will be 2012. As I said, I will endeavour to make sure, but it would make total sense that it would be the 2012 guidelines.

1565 **Hon. E J Phillips:** I am very grateful for that answer. There is a discrepancy in the information that I am receiving and behind the Speaker's chair I would like to talk to him about a specific case where I can help an individual concerning those particular guidelines and where the answers to your question may not be what has been happening in practice, so if we can speak afterwards we can discuss the particular case, if that is okay.

1570

**Q174/2019**  
**Type 2 diabetes –**  
**Number of children diagnosed**

**Clerk:** Question 174, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state how many children under the age of 16 were diagnosed with type 2 diabetes over the last four years?

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

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, the GHA has no record of any child under the age of 16 having been diagnosed with type 2 diabetes over the past four years.

**Q175/2019**  
**Obesity rate –**  
**Breakdown by age group**

1580 **Clerk:** Question 175, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state Gibraltar's obesity rate for each age range in Gibraltar?

1585 **Clerk:** Answer the Hon. the Minister for Health and Care.

1590 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, obesity is defined as having a body mass index in excess of 30. The numbers of clinically obese patients known to the GHA in each age range are as follows. Under the age of 20 years there are 131; between the age of 20 and 29, 784; between 40 and 59, 1,461; between the age of 60 and 79, 1,506; between 80 and 99, 214; and anyone over 100 years of age, there is no one. *(Laughter)*

1595 **Hon. E J Phillips:** Mr Speaker, I am grateful for those specific answers. The reason why I have asked for them is because it is taking me some time to get through the GHA's website and there is a question on the Order Paper relating to the GHA Health Matters Report, which would obviously give information like this.

1600 These are obviously concerning statistics for our community as to obesity levels, particularly in relation to 20 to 59, which I think in fact reflects some of the concerns that we had in the last Parliament in relation to the GHA Health Matters Report of 2016. I cannot say whether they have increased because I actually cannot get a copy of the link online, unfortunately.

1605 What is the Government doing insofar as raising awareness of this very serious issue that affects our Health Service, and in particular insofar as awareness is concerned on the ground, given the fact that clearly increasing obesity rates in our community are not only going to affect the health of our nation but also the purse strings at the GHA and the increasing amount of money that we spend on healthcare because of these obesity rates and the future healthcare needs of our community? I would ask the Minister if he could really clarify how we are going to try and move our community towards lower figures of obesity into the future.

1610 **Hon. P J Balban:** Mr Speaker, the levels of obesity nowadays are referred to as an epidemic. Obesity is growing throughout most of the world and even in the third world is something which is growing, but it has always been termed a part of affluence. That is not necessarily so. If you

look at research in the UK, it shows that people who are less well-off tend to have a greater incidence of obesity than people who are more affluent. You would expect the opposite.

1615 In the UK at the moment around 15%... in fact, 29% of residents in the UK are obese and this is something which I can only assume in Gibraltar will be growing. It is something which is very close to my heart because obviously I trained as a dietitian and obesity is something which links up many different diseases, the common diseases that are totally preventable – for example, heart disease, cholesterol, triglycerides, and things like diabetes even, which is a former question. We have not seen it yet – I come back to the previous question. Non-insulin-  
1620 dependent diabetes is not something which we have come across yet in Gibraltar, but it is something which is clearly happening in other places whereby as children get heavier the chances that their pancreas will be working are much reduced and you do get the incidence of diabetes commonly attributed to people in older age.

1625 So, for us it is extremely important and for me personally is something that I will be working on with the health promotion team because it is only through education and starting off young that we can hopefully show our younger generation that it is through health awareness and living healthy lifestyles that we will be able to make Gibraltar a healthier place. That will have, obviously, repercussions on our health and well-being and also on the amount of money that needs to be spent on healthcare into the future.

1630 I have only been Minister for Health and Care for a number of weeks but we have already had a few meetings with the relevant and significant parties dealing with health promotion to strategise and see how we move ahead more effectively, but it is this Government's very clear intention that we will push for a healthy Gibraltar, a child-friendly Gibraltar, and this is the way that I will be moving in the years to come.

1635 **Hon. E J Phillips:** Whilst I agree absolutely with everything the Minister for Health has said in relation to the health of the nation and increasing awareness amongst our young people and our families to have a healthier Gibraltar, what specific measures is the Government currently considering? I know he has talked about having meetings, but what specific measures is he  
1640 actively encouraging that we put in place to reduce the overall obesity rate in Gibraltar?

**Hon. P J Balban:** Mr Speaker, we have been looking at the way children view healthy eating, so tackling aspects of teaching how we should eat, educating people to try to avoid foods which are conducive to weight gain and also tackling a very important aspect, which is activity and  
1645 exercise, because it is only through exercise and activity that we can keep our bodies fit and tackle not only the issue of obesity but also make ourselves fitter in every respect. So, it will be a dual-pronged approach where we look at what we are eating and how much we are expecting and teaching people the importance of exercise through active lifestyles.

1650 If we compare the incidence of obesity in Gibraltar, it is 12.9% in Gibraltar compared to what it is in the UK, 29%, so we are significantly, statistically, below the incidence of obesity in the UK.

**Hon. E J Phillips:** Mr Speaker, we had this question in the last Parliament insofar as certain age ranges and it found us to be, in certain categories, very obese, which is the concern that has been raised in every single GHA Health Matters Report. That has been raised by the clinicians  
1655 themselves and the GHA themselves and I am quite surprised that the general statistic of twelve point something has been raised in this House in comparison to the United Kingdom.

1660 I think any level of obesity in our community should be tackled insofar as awareness is concerned. Some of the campaigns the Government has done in relation to, for example, drink driving, drugs and domestic violence on television – and we have had these debates before, as the Minister for Social Services before – but I think if the Government considers those strong awareness campaigns on television, to look at the food that we are putting into our systems, what we are feeding our children, that would, I think, go a long way, as well as other forms of

campaign. That is what I was really trying to get at with the Minister, as to how we can pursue those campaigns.

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**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the hon. Member asked my colleague what specific measures the Government was taking in this regard, and I just rise to mention one particular specific measure and that is the lunches which are being provided in schools. That is a very deliberate decision that has been taken by the Government, not just to have lunches but the type of lunches that are provided. We have worked with the provider and with the GHA in terms of the nutritional value that needs to be provided. The lunches are provided on the basis that there is baking and boiling but no frying, and there is non-carbonated drink as well as fruit provided. This is intended to provide a balanced, nutritious, healthy diet, which is part of the agenda which my colleague just mentioned.

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**Hon. K Azopardi:** Can the Minister help me because I am slightly perplexed as to how these statistics are collated and perhaps from his position as Minister for Health, or indeed from his professional experience in dietetics ... He has read out a whole string of categorisations adding up to approximately 4,000 people who fall into different categories, depending on age groups. My question is: how are these actually assessed then collated? Where is this exercise derived from? Presumably there must be some kind of scientific basis for this. For example, last time I looked there was not someone in a GHA white tunic assessing me as to whether I was obese or not, but clearly these are very specific numbers, so where do they come from? And, depending on that answer, how confident can he be in relation to his assessment of the 12% comparison to the 29% in the UK?

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**Hon. P J Balban:** Mr Speaker, these statistics are derived from statistics we have within the primary care, so it is a limited bank of data. Other than that, there are also the school nurses, who will go and weigh children and take heights, but this is how we collect our statistics.

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**Hon. K Azopardi:** So, does the Minister agree that, given that roughly that 12% presumably is the correlation statistically against the population of that bank of statistics collated solely by the Primary Care Centre, because you are not extrapolating any statistics obtained from private medical practitioners, the statistic in comparison with the UK could actually not be as favourable as the Minister thinks?

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**Hon. P J Balban:** Mr Speaker, we would not be able to tell because we do not know how the UK does it. For example, if we look at Wales compared to the UK, you cannot compare the Wales statistics to the England statistics because the ways they collect data and get the data are different to each other. So the report will split them up. We have our own method.

1700

I have tried to assist the hon. Gentleman in his question, tried to set out the extent of the problem. In my mind, I think that the problem could well be more than that; I would not say that it is less than that. But for me, out of my own personal interest, I would very much like to know exactly what the extent of the issue is because then as we intervene we can see exactly what effects that has on our population and the population's health. The data really is everything when we come to health and indeed many other fields, especially scientific fields, and without that baseline it is very difficult to see how your intervention is working, or whether it is not, and how you can make it work better.

1705

I will engage my staff to see. This is the thing: I have only been here for a number of weeks and I do really want ... I am very interested in this topic and seeing how it is done and seeing how we can get data which is truly meaningful in that respect.

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1715 **Minister for Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** If I may assist, Mr Speaker, I have political responsibility for public health and I work very closely with my friend and colleague the Hon. Paul Balban.

Let me just say that there was published a health survey in 2015 which gave the percentage of obesity at that time. Clearly that information will be slightly dated, so the empirical data that has been collected by the GHA since then has to be seen possibly as an update but has to be looked at together with the research that was published in 2015.

1720 In answer to some comment earlier, Public Health Gibraltar, as we call it now, is preparing a series of public health campaigns where we will be working very closely with the GHA, and tackling obesity will be one of these. I thought I would assist my colleague.

**Q176/2019**  
**Health Matters Report –**  
**Date of next publication**

**Clerk:** Question 176, the Hon. E J Phillips.

1725 **Hon. E J Phillips:** Can the Government state when the next GHA Health Matters Report will be published?

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

1730 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, there is no date set for the next publication of the GHA's Health Matters Report.

1735 **Hon. E J Phillips:** I am grateful for that answer and slightly surprised that the Minister cannot give an indication as to when this will be published, given the fact that data is probably the most important thing for the Minister when assessing the future health need of our community and I suspect that the report will help him to develop a policy and solve issues like this, or at least try to solve issues.

1740 I know that the Minister for the Environment has got to his feet to explain the survey, which is actually a very important survey because it sets out obesity levels quite significantly and those are the ones that drew my attention in the last Parliament. Therefore, I am perplexed why the Government has not seen fit at least to commission a further report, because there have been a number over the last 10 years, ending in 2015, which has been referred to by the Minister for the Environment.

1745 So, can the Minister give any reason why this is not currently being prepared? Has there been a decision not to? I would have thought that, as I said before, the data is very important for him in his role.

1750 **Hon. P J Balban:** Mr Speaker, I have not said that there will not be a report. Government is actively looking at it and I have just said in my reply that no date has been set yet, a commitment date so we can say you can hold us to a specific date.

1755 As you have just said, and leading on from the previous reply, data is extremely important for all scientific fields and without that data it is very difficult to see how we are progressing and how the health of the nation improves or gets worse. It is something which I will endeavour to look at. I think it is extremely important and Government is looking at the next report, but as yet there is no specific set date.

1760 **Hon. E J Phillips:** I agree. The difficulty is when you click on the link to 2016 it actually shows a report from 2014-15, and whilst I accept that, it is clearly important, if we are going to assess the future health of our community, to have that report which engages with the general population as to their health needs and what their expectations are of our Health Service. Therefore, I would ask the Minister if he could give me an updated answer to that question in due course as to when he believes it may be published and made public.

1765 **Hon. P J Balban:** Absolutely, the moment we are sure when it will happen. We have all agreed and we already said that it is important to have data. I would not have it any other way. We need to make sure that data is relevant and as up to date as possible, and the moment we have an indication as to when we can provide that benchmark, that information, I will obviously make an announcement and let the hon. Member know.

**Q177/2019**  
**GHA complaints –**  
**Number received in 2019**

1770 **Clerk:** Question 177, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, in 2018 a total of 527 formal and informal GHA complaints was received. Can the Minister confirm the number for 2019 so far?

1775 **Clerk:** Answer, the Hon. the Minister for Health and Care.

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, the number of complaints received by the GHA from January to November 2019 stands, so far, at 103.

1780 **Hon. E J Phillips:** Mr Speaker, that is informal and formal complaints, correct?

**Hon. P J Balban:** Mr Speaker, that would be the total of those complaints, so there is a much decreased number, from 527 to 103.

**Q178/2019**  
**GHA complaints –**  
**Out-of-court patient settlements**

**Clerk:** Question 178, the Hon. E J Phillips.

1785 **Hon. E J Phillips:** Well, Mr Speaker, of course if complaints are going down then they must be doing something right, I would expect, but in due course we shall find out more, once we ask further questions.

1790 Can the Government state the amount paid out to claimants by the GHA and/or the Government in respect to settlement of complaints/out-of-court settlements in respect of 2019 so far?

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

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, during 2019, £402,280 has been paid out by the GHA in out-of-court patient settlements.

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**Hon. E J Phillips:** Insofar as the £402,000 for out-of-court settlements is concerned, how many of those relate to certain claims? How many claims in total, do you know?

**Hon. P J Balban:** Mr Speaker, 10.

1800

**Hon. E J Phillips:** Mr Speaker, this may be subject to another answer. Does the Minister have this information: given the fact that these are out-of-court settlements to claimants, which I assume will also include the legal costs of the individual claiming as well, or an all-inclusive figure, does the Minister have the figure for the amount of money that the Government has spent on their own lawyers in dealing with these out-of-court settlements, or at least settling the cases?

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**Hon. P J Balban:** Mr Speaker, I do not have that specific information at hand.

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**Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: would I be correct in my understanding that the Government is self-insured in respect of these claims?

**Hon. P J Balban:** No, Mr Speaker.

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**Hon. R M Clinton:** So, Mr Speaker, the Government does have, obviously, insurance. Has a claim been made in respect to these payments out that would be covered by insurance? Or these are payments that are not covered by insurance, or are outside the insurance agreement?

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, that is not a question that I think can reasonably be expected to be answered arising from this supplementary. If the hon. Gentleman wants the information, he should, in my view, ask a separate question because when it comes to out-of-court settlements, in some instances that will have been included in the amounts paid over by insurers, in some instances it may not be paid by insurance. Insurers may say, 'If you want to cover it, you do that yourselves, but we are not prepared to cover it.' I do not know whether all these 10 are paid for by the insurers or not. We would need specific notice of that question.

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#### Q179/2019

#### Patient Advice and Liaison Service – Purpose

**Clerk:** Question 179, the Hon. Ms M D Hassan Nahon.

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**Hon. Ms M D Hassan Nahon:** Can Government confirm the main purpose of the Patient Advice and Liaison Service (PALS)?

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

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**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, the Patient Advice and Liaison Service, known as PALS, offers confidential advice, support and information on health-related matters. It provides a point of contact for patients, their families and their carers, and listens to any concerns or suggestions.

1840 **Hon. Ms M D Hassan Nahon:** Mr Speaker, considering the answer quoted by the Hon. Minister is actually 'point of contact', I ask for clarity because it happens that three constituents have reported shortcomings in the service. One patient, for example, suffering from severe blackouts diagnosed since 29th July then waited over three months to be heard back from, and when the GHA got back in touch with him was told to get in touch with PALS, at which point he constantly called and only received answering machines and nobody in the actual office.

1845 So, my question is if PALS is meant to be a point of contact, is it fit for purpose and is the GHA diverting patients and their concerns straight to PALS?

**Hon. P J Balban:** Mr Speaker, PALS, as far as I am aware, does a very good job. Obviously it is concerning to hear of that specific case and we will need to look into that, but so far the feedback that I get from PALS is that many people are seen to quickly and their concerns and complaints are addressed satisfactorily.

1855 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have to add that I normally would not have had a problem. Had this constituent come to me directly I would have gone directly to the Minister, where I am sure he would have helped, but it is because of the fact that the patient went to PALS. So, I would like to ask: is the aim of PALS to actually deal with and help the patient, or to assist with information gathering for management and the health professionals instead?

1860 **Hon. P J Balban:** Mr Speaker, PALS is there to deal with enquiries and issues that patients may need seeing to. They are there really to provide information and at many of these appointments or meetings PALS will find an immediate solution and therefore a complaint never materialises, so it is a point of first contact as well. And if a patient, once the solution is found, nevertheless feels that they want to take it further, by all means they can take the complaints procedure further, but I am told that PALS is extremely effective in finding solutions to the vast majority of patient requests.

1865 **Hon. Ms M D Hassan Nahon:** Thank you. If I can just ask one more question, does the Minister know – even if we give him the benefit of the doubt and this case would have actually been an anomaly – how open PALS is? The answering service and the people working for PALS, how open are they to patients? How open should they be and accessible to the patient?

1870 **Hon. P J Balban:** Mr Speaker, the staff are 100% open to all the complaints and procedures. Are you asking me for days and time while they are open as a department? Obviously if you had a complaint at three the morning you would have to wait for the next day to lodge it, or you would have to seek their advice and their counsel to see what they can do to assist you, but as long as they are open they are 100% available to help patients and their families.

1880 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask the Minister: what would I say to this constituent – that it was a rare occasion where during office hours PALS was closed, or that he should refer himself directly to the GHA? How should he proceed?

1885 **Hon. P J Balban:** I will see why it could have been closed. It may have been an unfortunate situation where maybe – again I am speculating – the person behind the counter had to go for a toilet break. I do not know. I cannot tell you the exact reason why that office was closed or it was not available during working hours. I honestly cannot say, but it is something which is of concern. I suppose it can happen, but I just do not have an answer for her. If the hon. Lady wishes to get in touch, I am more than happy to try to at least find out and prepare a timeline and let us see what the case is, because that is what their job is. Their job is to find real solutions to people's real problems.

**ADJOURNMENT**

1890 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I know that most Members will want to join me in congratulating Alice Mascarenhas, formerly of the *Gibraltar Chronicle*, who is, this evening, launching a book of her interviews with different subjects. I know that most Members will be invited to that and I wonder whether this might be, therefore, a convenient time to adjourn until Wednesday at 3 p.m., so that we can then continue Question Time.

1895 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Wednesday at 3 p.m.

I now put the question, which is at this House do now adjourn to Wednesday at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Wednesday at 3 p.m.

*The House adjourned at 6.19 p.m.*