



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.05 p.m. – 8.43 p.m.

Gibraltar, Wednesday, 18th January 2023

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The Gibraltar Parliament

The Parliament met at 3.05 p.m.

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

[CLERK TO THE PARLIAMENT: S Galliano Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Wednesday, 18th January 2023.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 21st and 22nd December 2022.

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Mr Speaker: May I sign the Minutes as correct?

Members: Aye.

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Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Rulings and decisions of the Speaker – Statement by Mr Speaker

Clerk: (iii) Communications from the Chair.

15

Mr Speaker: It is my considered view that some Members of Parliament are disregarding the Speaker's rulings and decisions and often challenge his authority. Standing Orders are also being flouted. I cannot allow this state of affairs to continue.

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Some hon. Members engage in rather lengthy preambles when asking a supplementary question. In this respect, I should like to draw the attention of hon. Members to Standing Order 16(5)(i), which says, *inter alia*, that supplementary questions are also subject to the same admissibility rules as are applied to original questions. In dealing with this recurring issue, I intend to proceed along similar lines to that which Speaker Canepa adopted on 15th September 2016. These are contained in the Speakers' Rulings and Statements booklet, which every Member should now have in front of them.

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Hon. Members will know that a point of order is an appeal to the Speaker for clarification or for a ruling on a matter of procedure in the House. It cannot be used to challenge the authority and, in particular, the Speaker's impartiality, or as a means of making a complaint or expressing dissatisfaction about an answer given to a question.

It is the Speaker's responsibility to intervene when words or expressions are uttered which he considers unparliamentary or likely to create disorder in the House.

I now turn to the Hon. Elliott Phillips and his behaviour in this Chamber on 22nd December 2022. The word 'misleading' is unparliamentary and not permitted and requires to be withdrawn immediately. If a Member wishes to pursue accusations of the kind not permitted, the proper course of action is to table a motion about the conduct of another Member. The Hon. Mr Phillips will know that he was given the opportunity of withdrawing the offending word but chose not to do so and angrily and abruptly left the Chamber. A number of weeks have elapsed since the incident and therefore I cannot sanction the hon. Member, but I must warn him that any repetition will lead to speedy and appropriate action.

That ends my Statement.

ANNOUNCEMENTS

Changes to parliamentary procedure – Statement by the Chief Minister

Clerk: (iv) Petitions; (v) Announcements – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, may I start by wishing all Members, although it is a little late, a happy New Year and wishing everyone in the House, and indeed beyond the House, all the very best for 2023.

Mr Speaker, thank you for your Statement and for leave to make my own, which deals with matters also relating to parliamentary procedure.

It is no secret that 2023 will be an election year. As a result, the debates we will have in Parliament will be followed perhaps even more assiduously than they are at most times by our many compatriots. In the circumstances, I want to make sure that the Government contributes as much as possible to the smooth running of Parliament.

In many respects, we have already changed Parliament beyond recognition from the manner of operation we inherited and which left a lot to be desired. Although hugely important, the long-overdue introduction of cameras to these proceedings was the most high-profile but perhaps the least seminal of all the changes. Some more in-depth changes on the running of Parliament were necessary and are now, perhaps happily, taken for granted.

Quite unlike the position when I was in Opposition, we have tried to help by publication of a timetable of proceedings for each session. We want to ensure that continues and that it helps hon. Members opposite to plan their work around the Parliament sessions. Already, they know that we meet monthly in the third week of the month, unless we are unable to do so, other than for Easter and the summer recess. That will already help them greatly in planning for the use of their time, but we want to ensure that the public and hon. Members will also know which questions are likely to be dealt with in the session and which Bills are likely to be taken.

The effects of both Brexit and COVID have made continuing some aspects of what we had changed less easy to continue, but as from today, as we are looking at publishing even more information in the timetable so that we can advance matters with the public and all hon. Members are aware of which business we are intending to take and when, I hope to put behind us all the issues that Brexit and COVID had created. In particular, I am happy to confirm these matters, which I know the Opposition are often in contact with us on. First of all, that the Government will introduce a convention in this House, as has been the case in the United Kingdom for some time, to allow the Leader of the Opposition and the relevant shadow Minister, where appropriate, sight of ministerial statements before delivery.

Second, I shall ask the excellent Parliament team at No. 6 Convent Place to advise your team, when we are sure of the order in which questions will be taken, to give notice to all of the public and to the Opposition, to know in advance which Ministers are taking questions on any particular day.

75 Mr Speaker, I already endeavour to advise the Leader of the Opposition informally in advance, in answer to his requests for information, which Bills on the Agenda are intended to be taken, and I shall continue to do so, via your staff, more officially to the Opposition and the public generally, so that any person with an interest in a particular Bill will be able to know more accurately when they may need to attend Parliament or tune into our debates.

80 Finally, where possible, I shall continue to ensure that the Opposition will know in advance when a Bill is certified as being urgent. I shall ask that this should also be reflected in the timetable to be published, so that the public can also see a Bill is to be taken that has not been published for the requisite six weeks.

85 Mr Speaker, I know that these measures will also be helpful in particular to members of the press who report on our proceedings to inform our citizens of our work here. I hope this is helpful and I commend this Statement – which I have provided a copy of to the Leader of the Opposition – to the House.

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

90 **Hon. K Azopardi:** Mr Speaker, thank you.

Yes, I have received a copy of the hon. Member's Statement – at 2.59, I think it was, accurately, so a minute before the session of Parliament was going to start.

I did note when I was reading it before we actually started the session – within the 60 seconds that I had the Statement for – that it starts with the words 'Mr Speaker, thank you for your Statement and for leave to make my own, which deals with matters also relating to parliamentary procedure.' That was the first time I became aware that Mr Speaker was going to make a Statement. It presupposed the knowledge of the Chief Minister of the Statement that Mr Speaker was going to make, and clearly he had a copy in advance of his own, which is a typed, two-page Statement. I am surprised that that is the way I found out that Mr Speaker was going to make a Statement on matters important to parliamentary business, and I would have hoped that if we are going to start a new beginning, perhaps that would not occur in the future.

Hon. Chief Minister: Will the hon. Member give way, Mr Speaker?

105 **Hon. K Azopardi:** If the hon. Member –

Hon. Chief Minister: Mr Speaker, I will answer to some of the things the hon. Gentleman has said in a moment in my right of reply, because he is asking me for clarification on my Statement, but he has said that I had a copy in advance of your Statement. I did not have a copy in advance of your Statement. When I rang you today, at lunchtime, to tell you that I intended to make a Statement, you told me that you were going to make a Statement when the Parliament began, and for that reason I have added the sentence to my Statement – which I finished at quarter to three, 14 minutes before I gave a copy to the Hon. the Leader of the Opposition ... that I would be making a Statement myself, and that is why that reference is there. So the hon. Gentleman, for now, will allow me just to give him the information, so that he does not make statements which are factually incorrect, and I am sure he will want to withdraw.

Hon. K Azopardi: It is certainly not factually incorrect to say that the Chief Minister was aware that there was going to be a Statement by the Speaker and I certainly was not aware. (*Interjection by Hon. Chief Minister*) I said it presupposed it. He has clarified you did not, but it is –

Mr Speaker: Can I interject a second? The Leader of the Opposition should be aware, as the Chief Minister is aware, that I do not provide a statement of what I intend to say, if I intend to say anything, to you or to the Chief Minister. I never have done that in the four years.

Hon. K Azopardi: Mr Speaker, I am also grateful for that clarification. I do repeat the point, however, that I made, which has been confirmed by the Hon. the Chief Minister, that in a conversation he became aware that there was going to be a Statement. If that was said, casually or otherwise, to the Chief Minister, it would have been helpful for the Leader of the Opposition to also have been told there would be a Statement by the Speaker today. Of course, on the basis of the practice that Mr Speaker has followed, I would not have known it, nor the Chief Minister, but certainly I would have been aware of the matter.

In any event – and I will ask for clarification on the Statement – I will say this on the Statement. The hon. Member knows that I feel quite strongly about parliamentary reform and we have spoken about it before, several times. I think much more needs to be done than has been done so far and is in this Statement, and without sounding churlish about it, of course I welcome any progress that can be made, however slow. So I do welcome it, but I do think that much more needs to be done than this. It is also the case, for example, that the Parliamentary Reform Subcommittee that was set up with such great aspirations of reform has not met at all in the last three years and certainly had made very little progress before then. So much more needs to be done and much more beyond these issues.

Can I ask, on the specific measures that the Hon. the Chief Minister has announced, for some clarification? He says we know we meet monthly in the third week of the month, unless we are unable to. Of course that is, aspirationally, true. In the last few years, of course, it has not happened in that way. Again, I am not going to suggest that there has been anything other than good reason why that is the case, because we have had the COVID and then the Brexit challenges, but it would be helpful, and I hope the hon. Member agrees with me ... Will he agree that in terms of trying to agree some kind of calendar so that we know precisely when we are going to meet, it would be helpful to do so for diary purposes and for everyone to plan their lives and their business?

Secondly, he says as from today they are looking at publishing even more information in the timetable. With respect, even though he is the Leader of the House, it is a matter for Parliament and for the parliamentary staff, I would say, under the guidance of Mr Speaker, perhaps, to be able to have some control of the publication of not just the timetable but the Agenda of business of the Parliament, and to make it more accessible to the public it would be helpful for that to happen. Mr Speaker knows, because I have privately also discussed some of these issues with him, that I also feel strongly that there should be much more information made available to the public because that will improve public participation and knowledge of the business that, at the end of the day, we are doing on behalf of the people of Gibraltar, who elected us.

He says he will introduce a convention in the House to allow the Leader of the Opposition sight of ministerial statements. I welcome that, of course. He did not need to have announced this in any kind of formal way as a convention. He could have followed that practice before and he has not done so. I repeat that I got notice of this Statement one minute before this session started, so that is not a good beginning, but I am not going to hold that against him. If we can start a practice that I have advance sight of the statements with better time, then that would be helpful to us, but can he clarify what kind of notice he expects to give the Members on this side, the Leader of the Opposition, in relation to the ministerial statements?

He says that he will advise the Parliament team of the order of questions. Again, that would be welcome for Members on this side, so that we can organise ourselves in response. We would like to know a bit more of the kind of notice we get. It does not need to be huge notice, but for example, so that people who are listening to this debate understand what we are talking about when we file questions a week in advance, we are doing so but often get notice of the order of questions minutes before the session is about to happen, and when we are sitting here on this

175 side of the House there is jumping around from question to question without us being aware, even though others are aware, of the order of the questions.

This important. The Chief Minister, *sotto voce*, from a sedentary position, seems to be unhappy that I am making these points, but when you go to any kind of association in Gibraltar, you will have a set agenda. They know what they are talking about and in what order they are talking about it. When you come to this Parliament, sometimes we are sitting here on this side of the House without any kind of awareness of the kind of business we are going to take and in what order we are going to take it, so this side of the House cannot organise themselves when we are responding to important issues that affect people's lives. That is the point.

Mr Speaker, in clarification, when he says also that he is going to endeavour to advise us of the Bills that are going to be taken, of course some Bills are on the Agenda for months without us really being aware when they are going to be taken. Often there are about 20 Bills and he knows that ... Yes, he does answer some of the questions, although I tend to have to chase him on WhatsApp for information, but for example, in this particular meeting today he knows that I also have asked him about which Bills are going to be taken and I still do not know which Bills are going to be taken from among the ones that are on the list.

So while I welcome it, it has to then be seen in the delivery of these commitments, in the notice that we are going to get and in the organisation of the Agenda, and also that that information that is passed on to us is also passed to the public, because the public is sitting at home and wants to know which Bills are going to be taken, which questions and in what order. If someone is interested in Education questions, they do not want to be sitting at home thinking, 'When are the Education questions going to come up?' They want to be told when the Educational questions are going to come up. (*Interjection*)

Hon. Chief Minister: Mr Speaker, I am grateful to the Hon. the Leader of the Opposition for his reflections, which reflect an extreme lack of generosity in the way that he has approached the Government's attempt to modernise the way the Parliament works. He has managed to get up and turn every virtue into a sin in the way that he has approached the remarks that I have made.

Mr Speaker, I have been now a Member of this House since 2003, which is 20 years, although I do not feel as if 20 years have passed, but when I first arrived in this place you were then a much younger-looking Clerk of the House and the hon. Member had just left as a Government Minister. In the time that I was here, the practice that I experienced was the practice that had been established when he was a Minister. Nothing changed from 2003 – and I hear the hon. Gentleman say from a sedentary position, which I welcome ... a recognition that the practice under the former GSD administration was not a good one. Not surprising, Mr Speaker, because that is the reality, and he then went on to lead a party that suggested that things should be done in a different way.

But, Mr Speaker, let's be very clear –

Hon. K Azopardi: Will the hon. Member give way?

Hon. Chief Minister: Of course. If I have made a factually incorrect statement that he did not go on to lead a party, that he was not a Minister, that he did not leave in 2003, I am happy for him to clarify. If he is going to get up to comment, then I am not going to give way. Is he going to correct any factual statement I have made? A factual statement?

Hon. K Azopardi: Yes, Mr Speaker, I am going to correct a factual statement, because what I did not say was that the GSD practice was not a good practice, what I said was ... When I was sitting, I said the practice was not a good one, meaning the historic practice of this House was not a good one. Under the previous administration, under the AACR or indeed the GSLP before 1996, it was not a good practice, and when I was a Minister on that side, even though I did not have control of the Agenda because I was not the Leader of the House, I often used to say that I wanted

to have parliamentary reform, but it actually was the Leader of the Opposition on this side of the House who never wanted to engage on working practices.

Hon. Chief Minister: Well, Mr Speaker, as I have demonstrated today, you do not need to engage with the Leader of the Opposition, because you can unilaterally get up and change things for yourself, *(Interjection)* as I did after 2011, without the engagement of then Leader of the Opposition or the subsequent Leaders of the Opposition, given that both had been Ministers in the Government that had not made the changes.

So let's be very clear. What we have seen from the hon. Gentleman this afternoon is not to welcome the progress made, it is the very definition of churlishness. It is to demonstrate a desire only to welcome those reforms that he wishes to see welcomed. In the 20 years that I have been in this House, and, as he now says, in all the time that he was in this House before me, and even before, no Leader of the Opposition has been given a statement by a Chief Minister to read before or during the delivery of a statement by a Chief Minister. Today, he has been given it one minute before, and it is not enough. Well, even if he gets it one minute before, at least he is able to follow what I am saying, and that will aid him in being able to understand what I am saying to the House and prepare himself to clarify. I hope to be able to give him as much notice as possible. In future instances, I may be able to give him overnight notice of a statement I am going to make, or half an hour, or 15 minutes or 30 seconds, but my commitment is that if I am going to have a piece of paper printed in front of me, once that statement is settled I will let him have it on an embargoed basis. If I let him have it overnight and I need to change it, I will give him the updated version when it is updated.

So, in the context of statements, I would have thought, Mr Speaker, that at least he would recognise that it is better to have a written statement before him when I am delivering it, for the purposes of seeking clarification etc. Did we get any suggestion that that was helpful? No. What we got was simply, 'I have only had it for 60 seconds.' The 'without sounding churlish' sounds remarkably churlish from him. It sounds, actually, more than churlish. It sounds unconstructive and it sounds negative, which is really quite something given it has come from somebody who says that his hallmark in local politics is to be positive.

It is therefore not untypical to hear him say that more needs to be done. He always says that more needs to be done. He always says he is going to be the one who is going to change things. He always says he is the one who is going to do things in a different way. He never says what he is going to do in a different way. He never says what he is going to change and what it is that he is going to do differently. For example, he might as well go around saying he is going to reduce debt and undo the pay freeze, although that would require something called a magic money tree.

Mr Speaker: Chief Minister, you are digressing from the ...

Hon. Chief Minister: I accept that, Mr Speaker. I got carried away by how some people say one thing that is completely opposite to the other thing they say and are unable to reconcile it, but Mr Speaker – *(Interjection)*

Hon. K Azopardi: Mr Speaker, on a point of order, you asked him to stick to the issue, and in excusing himself he is just having a second bite at the cherry of diversion.

Hon. Chief Minister: Mr Speaker, I have no appetite for cherries. I am sorry if I went down the wrong route. They really are not in my diet, and I do want to stick to my diet.

The hon. Gentleman then goes on to say that of course these things should be dealt with in the Parliamentary Reform Subcommittee and that it is dreadful that it has not met, although he forgets there that we have been dealing – *(Interjection)* No, he forgets there, Mr Speaker, that we have been dealing with a pandemic and Brexit. He mentions that when he gets further down the line and talks about us meeting in the third week of the month. I will come to that in a moment.

Of course we have not been able to enjoy the benefit of meeting hon. Members in Select Committee – which we wanted to do in a number of them, not least the Disability Select Committee, the Environment Select Committee and the Constitutional Reform Select Committee – because it has just not been possible. There are only so many hours in a day and there are only so many opportunities to direct attention to work that needs to be done. If he wants that as a *mea culpa*, then he can have that as *mea culpa*. We are just not able to do more in the minutes and hours available in the day whilst also trying to deliver a safe and secure Brexit deal that is beneficial to Gibraltar and whilst also having to deal with the exigencies of Brexit, which now everybody just thinks is the same bleeding excuse etc. No, that is the reality of what we have had to deal with.

What I have not had from him, obviously because he understands that these are issues that have been more important, is an email asking me when the Parliamentary Reform Select Committee is going to meet, and putting it on the Agenda and saying, as he does when it is in his interest to know which Bills we are going to deal with, ‘Fabian, when are we going to meet in Parliamentary Reform Committee? These are the things that I propose we should be dealing with.’ I cannot recall when he has sent me those emails. Given that he has not had to deal with COVID or Brexit, I am surprised that, if these were such important things, I have not had that from him.

The other question is meeting in the third week. It is unfair, in my view, and just as churlish for the hon. Gentleman to say that this is aspirational as far as we are concerned. We have certainly wanted to meet, as often as we can, in this House once a month. We demonstrated that from December 2011, when we kept the steadiest pace of monthly meetings – in fact, I think we only stopped when the refurbishment was ongoing in this place – for a period of six years until the Brexit conundrum hit, and then it became impossible because we had to deal with all of the issues, first with the Withdrawal Agreement etc. Incidentally, I remind the hon. Gentleman that just after the last election we immediately went on to deliver the Withdrawal Agreement and then we went on to deliver the New Year’s Eve Agreement.

So it is not fair, in my view, by any objective assessment, to say that our meetings in the third week of the month are an issue that has been aspirational when we have demonstrated real commitment to that and the record is there for anyone to see. Therefore, working out in the calendar when we are going to meet is not difficult. We tend to meet on the Tuesday or Wednesday of the third week. We tend to meet towards the end of that week with Chief Minister’s Questions at three o’clock on the Thursday, other questions dealt with thereafter, then the Friday left over for legislation and motions, where appropriate, and if we have a lot and we need to go into the other week, then we do it in that way also. That is more ability to plan than is available, I think, in most parliaments.

What we are looking at, at the moment, and what people should understand from outside this place ... what we are looking to now make even clearer, is what happens in those pockets for meetings to facilitate hon. Members, who I know in great measure have other jobs outside of Parliament – not that I am saying this is part time for them, but they have other jobs outside of Parliament. We meet at three o’clock in the afternoon, which means they get to run their working day in the mornings, we get to do most of our business in the afternoons – unless we have to meet in a morning, exceptionally, for example, at Budget time – and we get the benefit of working with our civil servants, who finish at 3.30 in the afternoon. So it works for everyone. A lot of detail is already there and we have not deviated from that, other than not to meet. If we have not stuck to that, we have not met, so they have had other opportunities to meet, or we have said, exceptionally, we have to meet in the fourth week etc. It is hugely churlish to suggest that they are not able to plan. They have to plan to be here the Wednesday, the Thursday and the Friday of the third week of the month from about three o’clock in the afternoon, sometimes 3.30. What we are looking at and people need to understand is how we regulate that time. So in terms of diary purposes, I think they do get the opportunities that most would expect them to be able to have, and the public is aware of that and should be even more aware of that now, but most people I speak to know it is the third week of the month, absent the very difficult period we have had.

Of course, the June session is different because it is the Budget session. It goes on for longer. We get the right date for the Budget. I inform hon. Members. We were not even informed of when the Budget was going to be. We had to be ready to deal with the Budget as soon as the time was up for the Bill to be dealt with. That caused huge angst when hon. Members were in Government. I do note that the hon. Member is decrying the practice of the Government that he was a Member of – and all other Governments, he says, but he includes in that, whether he likes it or not, decrying the practice of his own Government – surprising, Mr Speaker, not least because he talks about going back to 1996 in many of the things that he says publicly.

Never before had a timetable been published until we were elected in 2011. The timetable that was published included all of the business the Government could deal with in a particular day and the names of all those who would answer questions. What I am proposing now, which I hope will be of assistance to hon. Members – I am sure it will be of assistance to hon. Members and to members of the public – is the list of those who will answer questions on a particular day. So today, all of those who we are ready to answer questions with now have their names on – not the Order Paper, which will continue to be the same – the published timetable.

Why do we do it that way? For a simple reason: in this Parliament, quite unlike in other parliaments, we have no control over supplementaries. Mr Speaker, it is up to you whether supplementaries are 10 in a particular line of questioning, or two, and that may depend on whether Members are asking questions which you think are relevant or not, but we receive the questions when they are allowed. Those questions can take longer or shorter – you have given a Statement today on preliminaries – and can lead, although the Rules say they should not, to a debate, in effect, which we must not have at Question Time, we must have, as Speaker Canepa used to remind us, under motions. So we are unable to say that questions to the hon. Lady, who I think on this Order Paper has two questions, will take five minutes or 50 minutes. I am unable to say whether the questions to the Hon. Minister for Digital Services and Health – although there are probably 30 of them – are going to take 30 minutes or three hours. So we cannot say, given the procedure that we have, Education questions – to take the example the hon. Member was talking about – will be at four o'clock, because four o'clock could be eight o'clock. What we can say is that those questions are ready to be answered today, and therefore, as long as the motion of Question Time enables us to deal with them, they are ready to be dealt with today. Hon. Members will see in what has been published that there are two that will not be ready to be dealt with today: of course, my own, because as Leader of the House I would answer tomorrow at 3 p.m., at Chief Minister's Questions; and Minister Bossano, who is not in the House today and therefore would be able to answer his questions tomorrow. That is how we are going to ensure that people can see that the questions they may be interested in would be able to be answered today during the course of the afternoon.

I am very happy to sit down with the Leader of the Opposition – the one that I know, not the churlish one that sometimes pops up; the Keith that knows the Fabian of the past 30 years – to agree a mechanism where we might be able to give even more certainty about it – the positive Keith, the one I miss – so that we might be able to find a way of giving greater certainty to members of the public about when questions are going to be answered. But at the moment we are doing as much as we can to ensure the public gets that notice – and so that they can plan for themselves, because if a Member does not have a question for those who are going to be down on the published timetable, they do not need to come to the House on that particular day if they have not got other matters.

When are we able to do that? We will try to do that by the lunchtime of the day in question. The hon. Gentleman talks about them giving seven days' notice. Well, they give the notice that the Rules require and that is the end of their job until the questions have to be answered. The machinery of Government then goes into overdrive to prepare all of the answers and collate all of the information. So there are bevvies of civil servants preparing the information to get the answers ready. That does not mean they can all be ready for the same time. One particular Member may ask a question that requires particularly lengthy statistical information to be provided, and

therefore, for example, the Minister for Health, who is ready to answer today, may not be ready to answer today because one of his questions may require statistical information and it is going to take an extra day or two. And so there is a lot of work going on, on this side, before we are able to say the Minister for Health is available to answer questions in the afternoon because all his questions are ready. That is how we will do our best to ensure that we are able to provide the information to the public and hon. Members and to further refine the practice that we introduced after 2011 of giving this information and meeting with regularity once a month, the third Thursday of the month.

Mr Speaker, the hon. Gentleman said I did not need to read out that I was going to give sight of ministerial statements. The reason for reading that out, and to put it on *Hansard*, is to require me to do that in order to keep to my own commitment to the House and entrench that commitment as Leader of the House so that future Leaders of the House will either need to comply with that which I have called a convention or say that they will not, or indeed improve upon what I have said will be the convention by saying that they are going to give at least 30 minutes or provide a protocol to that effect. At least I have made clear that that is the convention I am going to comply with, unless there is a reason where I cannot. For example, I may have to go into the back room now and craft a statement on something that is an emergency, and then I would give you, Mr Speaker, in seeking your leave to deliver the statement, the handwritten photocopy, and I would give the Hon. the Leader of the Opposition the handwritten photocopy. But I am trying to ensure that we are progressing things, that we are modernising things, that we are changing things always in the right direction.

So I do not think it is fair, proper or anything less than extremely churlish to say that this is not a good beginning. Far from it. It is much less than a beginning, because we have done a lot of this work already, from 2011 onwards, but it is already a huge step in the right direction, which, as he has admitted, when he was a Minister he was unable to influence in the Government that he was a Member of. At least it shows us what sort of influence he can have in achieving things which are not in his control.

Mr Speaker, on the question of the order of questions, I think it is important that people do understand, because the hon. Gentleman said there is no Agenda for this meeting – they do not know what they are going to be dealing with. That is absolutely and completely incorrect. There is an Agenda for this meeting. It is called the Order of Proceedings. It is provided by the Parliament, it has always been provided by the Parliament, and hon. Members know that when the meeting opens, the first thing we do is say a prayer and the second thing we do is the minutes, then you make your announcements, then any Government statements are provided, any documents are laid on the table, then the next item of business is Answers to Questions. They know they are turning up here for Answers to Questions, and they know already the sort of order in which questions are dealt with and we are just going to give them more detail. And they know that after questions, written answers are tabled and they know that after that we deal with Bills, and they know that after that we deal with Government motions, and they know that after that we deal with Private Members' motions. That Agenda has been established for generations, so it is incorrect factually to say that hon. Members do not know what Agenda they are going to be dealing with, that there is no set Agenda. Quite the opposite is true.

On Bills, Mr Speaker, the hon. Gentleman, I said in my Statement, seeks information from me and I try to provide information to him. I am seeking to ensure that the information I provide is as updated as possible. The position is that they now have six weeks of publication, unless something is urgent, to prepare for a Bill. If what they are saying is that they prepare for a Bill only when I tell them that it is going to be dealt with, fair enough. I can understand that there is pressure of work in other respects, but we do try to answer the hon. Members' questions. What I am saying is we are going to try to provide even more detail, not just to hon. Members but also to the public, who may have an interest in a particular debate. Yes, it is true that there are some Bills that have lived on the Order Paper for some time, the victims also of the pandemic and the Brexit negotiations. I am very keen to ensure that by the end of the lifetime of this Parliament, which will be during the

course of this calendar year, we will have cleared all of the Bills that are outstanding, so none fall over on Parliament being dissolved, and in fact that they should be dealt with in good time.

Mr Speaker, I think I have dealt with all the points that the hon. Gentleman, if I may say so again, ungenerously raised, but we will not be deterred in seeking to continue the work of modernisation of the House.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I want to thank the Chief Minister for coming up with this new plan framework and for giving us this information. It definitely is better late than never, but my question, for clarification, would be why now, four years into the term? And does he expect people to actually accept this move by him and his Government as a genuine incentive and in good faith? Can he understand that perhaps people might not have faith or trust in this new incentive? I think the excuse of Brexit or the pandemic is not one that really can accompany the plans that have been announced today. Why has the Chief Minister waited to announce this months, probably, before a General Election?

Hon. Chief Minister: Thank you, Mr Speaker.

The hon. Lady, I think, is a little more generous in her approach than the Hon. the Leader of the Opposition, although her scepticism could best be described in another religion as her being a little bit of a doubting Thomas. I will tell you why, Mr Speaker: because we are not introducing this four years into this term – first of all, because we are not four years into this term, we are three years into this term, and that is important to understand, in particular by all those who are, I understand, living their lives believing that they are on the cliff of the election about to be called. We are three years and three months into the lifetime of this parliament, we are not four years gone – although I do recall, as an aside and with amusement that I am sure he will share, Mr Clinton's declaration on television last year, I think last February, that we were about to have a General Election then, in March or May last year.

What we are doing here, and the hon. Lady has to reflect on, is further refining the practice we brought into effect in December-January 2011-12. We are refining that further. We are ensuring that the timetable is going to be even more precise, insofar as we are able, and providing that, therefore, people have even greater clarity of what we are going to do, although they now have the clarity and she has the clarity that is the third week of the month etc. That is the answer to her question of whether we are genuine about doing this, because we have been doing this.

I do have to say to her that I thought it was a little bit of a betrayal of the approach that she is taking to this and other matters to refer to Brexit and the pandemic as an excuse, which was the word she used. I really wish that Brexit were just an excuse and that COVID and the pandemic were just an excuse. They are not an excuse. They have been the most difficult issues to deal with, and members of the public, who sometimes have a better ability to reflect on matters than any of us here have, I think do understand that these were genuine hurdles in the way of us being able to continue the practices that we introduced in December-January 2011-12. She was here from 2015, so she had the benefit before June 2016. Indeed, the campaign started and we did not have a meeting that May or that June because of the campaign. She knows that we were having those meetings. She knows that they had that third week of the month. Hon. Members who left in 2015 knew that they could plan in that way. So we have not waited until the last minute. We have not done this with any lack of genuine desire to make changes in the last month of a Parliament or in the last months of a Parliament. We are bringing back and further improving the reforms that we led on from January 2012.

I hope she will reflect on what I have said in reply and that she will see this as a genuine approach by the Government to deliver against this desire that we have espoused to assist them and assist members of the public to better follow these proceedings, and indeed to make it easier for people who may have families and might want to, in the future, consider forming a part of the

life of this Parliament as candidates, and, as Members, that they can plan, that it is possible to have a family life that goes with the Parliament because you are talking about three days in the third week of the month when you might be a little late when things might be harder, but otherwise you are not at the whim of the Leader of the House, expecting to be told when Parliament is going to be called etc., which was the case before us until January 2012.

Mr Speaker: The Hon. Roy Clinton.

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

Just by way of clarification on the Statement, there seems to be an assumption in everything that has been said so far that ministerial statements are reserved for the Chief Minister. That obviously is not the case. I would be grateful for clarification, because looking at one of your rulings, Mr Speaker, from 31st July 2020, going back to some of the comments that Speaker Canepa made back in 2019 when he was quoting House of Commons procedure, looking at the definition of a ministerial statement, I quote:

What is a ministerial statement? Government Ministers may make oral statements to Parliament which usually address major incidents, government policies or actions

Then there is a comment that says:

The important thing here is that after making a statement the Minister responds to questions on its topic from MPs.

Mr Speaker, I would observe that perhaps in the past there were topics that would require clarification from the House, of a Minister, but I feel that perhaps the procedure of ministerial statements outside those of the Chief Minister's remit should be reinforced, so that we do not hear matters of national importance from Ministers outside this House in private gatherings, organisations, before being ventilated in this House. I would invite the Chief Minister to comment on that, please.

Hon. Chief Minister: Mr Speaker, I do not know whether the Hon. Mr Clinton has made his statement that there is an assumption that statements are by the Chief Minister, having heard what I have said today, because I specifically said 'ministerial statements' and I said specifically a copy would be provided to the Leader of the Opposition and a relevant shadow Minister. My words actually contradict that which he says is the assumption. So having specifically set out that the procedure I am providing for is not limited to statements by me as Chief Minister or as Leader of the House but by Government Ministers, I am demonstrating that the Government understands that statements can be made on any matter which is considered by the Government to require a Government statement by any of the relevant Government Ministers who would then share, applying this convention, their statements with the relevant shadow at the appropriate time.

If what the hon. Gentleman is saying is that they would like more statements from Ministers on matters of national importance, well then I would say this to him: I think we have done them in the past, I think we will do them in the future, but we will have to determine when it is appropriate to do that, and that comes from the nature of this Parliament sitting the third week of each month for approximately three days. If you have something that you need to say in the first week of the month or in the second week of the month, it is very difficult, if it is an issue of national importance, on some occasions, to wait six days or to wait seven days because you have to make a particular statement.

If hon. Members want to ask a question about that, then of course they get an answer from a relevant Minister. An answer is not a statement, but they can follow up with questions and supplementaries so far as you might allow it. But when you make a statement as a Minister in this House, what you make it about etc. will have to be informed by the discretion of the Government

in the context of a Parliament that is not in permanent session as the Parliament in the United Kingdom is. In the United Kingdom, from Monday to Friday, absent the period of the long vacation, the Easter vacation, the Christmas vacation and party conferences, Parliament is in session, and so a Minister is not able to say, 'I had to say this in that place because I could not say it in Parliament,' because Parliament is there. Here, out of the 30 days of the month, Parliament is sitting three afternoons, and so the exercise of the discretion of what can and cannot be said in a Parliament versus doing it outside is obviously going to be balanced in a different way.

The hon. Member might want to reflect that I have made a number of Statements in this House *because* we are in this House. That is to say I have wanted to inform the House about progress of treaty negotiations and I have wanted to inform the House about matters relating to the COVID pandemic because the House was meeting and therefore it was important to set out for posterity in the *Hansard* where we were then, but not because those Statements were, on most occasions, otherwise time sensitive. In other words, I did not wait until the third week of the month to say something that I needed to say the first week of the month. But in many instances if you go beyond that remit, it may be that we would be required to wait for longer than is in the national interest, as he says, because he is talking about things of national importance, if we were to bring things to this House than if we were able to say them.

And so, Mr Speaker, the Government will continue its practice of, of course, respecting this House. We do so in the respect of the convention that once a question is asked about a particular subject we would not make a statement which gives the answer to that question unless we had to because it is in the national interest, so that hon. Members can have the answer to their question instead of a statement by the Government in a press release etc. But beyond that, it is very difficult to see how we can extend the practice without interfering with the other 27 days that the Government has to do business at a particular time.

I hope all that is helpful, Mr Speaker, and, apart from the initial churlishness, I do sense that the House does welcome the remarks I have made.

Mr Speaker: The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, just one point of clarification. Given the measures that the Chief Minister has indicated he wishes to deploy in this House to make everyone's lives a lot easier, he mentioned the General Election twice in his contribution and what I would simply ask is whether the Government has a position in relation to fixed-term parliaments.

Hon. Chief Minister: Yes, Mr Speaker, the Government does have a position in relation to fixed-term parliaments. We have indicated that position, in 2015 and in 2019, and that is that we do not believe a Fixed-term Parliaments Act is in the interest of this community. I do not think anybody has suggested that it is.

If I may say so to the hon. Gentleman with respect, he should look at the practice in the United Kingdom, where the Fixed-term Parliaments Bill, I think, survived two Parliaments, if that. I do not believe it is in the interest of democracy that there should be a fixed-term parliament in a system like ours, where we are not electing a head of state, we are electing a head of Government. There is fixed-term provision in other democracies which are very successful and thriving democracies. In most of them, that election is to elect a head of state, not to elect a head of Government, and those are different dynamics. In the context of a presidential election, you are looking at different dynamics, whether it is in Italy, France or the United States, whilst if you are looking to elect a head of Government and you look at most of the Overseas Territories, you look at the Commonwealth and you look at the United Kingdom itself, absent that blip after 2011 when the Fixed-term Parliaments Act came into effect in the United Kingdom, the lack of a fixed-term parliamentary provision, I think, has served common law jurisdictions well. We have no inclination to change that, although I suppose if you are one of the people sitting in Opposition – and I have

been there, too – knowing the date of the General Election at least assists in planning, if I may say so from my own experience, honeymoons and holidays, if nothing else.

585 **Mr Speaker:** Let's move on to the next matter.

Questions for Oral Answer

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q1/2023

Employment Tribunal – Number of cases and progress

Clerk: (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees; (viii) Answers to Oral Questions.

Question 1/2023. The Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, can the Minister for Employment provide updated statistics in respect of the number of cases currently going through the Employment Tribunal process, with breakdowns in respect of what stage they are at in the process?

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Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, there are currently a total of 109 cases going through the Employment Tribunal process. This includes the allocation of chairpersons, mediators, applications that are undergoing hearings or directions and applications that have been heard and are awaiting judgment from chairpersons. The status of these is as follows: awaiting appointment of chairperson, 59; awaiting appointment of mediator, 10; awaiting mediation outcome, six; awaiting response, two; undergoing hearing or direction, 31; awaiting judgment, one.

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

I failed to include this when I wrote out the question, but the Minister has provided me with the information in the past. Does he have to hand information as from when these cases have been filed at the Employment Tribunal, so that we can monitor the progress? I believe somewhere dating back to 2020, and it might even be a case of 2019 ... I do not know. The Minister will perhaps have that information to hand, as in the past.

Hon. S E Linares: No, Mr Speaker, I do not seem to have that information, but I am willing to pass this information to the hon. Member.

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Mr Speaker: The Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I was just going to ask about the 59 awaiting the appointment of a chairperson. It is exactly the same number as the hon. Member gave some months ago, and either it is a coincidence or there has been no progress. Can the Minister explain why several months ago he said there were 59 awaiting the appointment of a chairperson? I did indicate to him at the time that that was of some concern because, as my hon. colleague to my right,

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Mr Reyes says, there were then some isolated cases that had been filed in 2020, and obviously some in 2021 and 2022, that were still awaiting the appointment of a chairperson. He says he does not have that specific breakdown, but if it is due to lack of progress, does he agree that it is a matter of some concern that there are people, obviously, who have lost their jobs and put in a claim for unfair dismissal, or whatever it is, and yet their cases have not progressed in more than two years because a chairperson has not been found? What steps will he be taking beyond the ones he has already indicated to the House, because little progress has been made?

Hon. S E Linares: Yes, Mr Speaker, it is very coincidental, actually, because the information I have is that there are six new cases pending appointment of chairperson and there are six that have progressed to the next stage. So it is actually a coincidence that it is six and six and it happens to be the same number, 59.

As to what the hon. Member has just asked, are we to progress, I think it will be very helpful once we have a permanent chairperson and this will proceed in a smoother way than currently, but until we do that, we will have to continue as we are.

Hon. K Azopardi: And given the answer he has just given – which luckily explodes the coincidence, at least, but we have now established that there are 53 historic cases, which is still a huge number and therefore everything that I have said above applies, and he says that will be resolved, or at least made much better with the appointment of a chairperson – does he have a timescale in mind for the appointment of a chairperson? He has said on occasion to the House before that they were taking steps towards the appointment of a chairperson. Given that we are some months on, has there been progress in relation to that person? Has there been an identification of a person, and if so, have the terms of the appointment been agreed?

Hon. S E Linares: Mr Speaker, the terms of the appointment have been agreed, the appointment has been published, everything has gone through the process. I think it is to do with – and I think I said it in the last Parliament – the lack of people wanting to do it and therefore we are having ... Yes, it is a problem and we are trying to solve it, to see how best we can appoint someone who can then smoothly go through all these cases.

Hon. K Azopardi: So is the answer no to the question has a person been identified?

Hon. S E Linares: Mr Speaker, I would not like to say yes or no at this point, because I am not sure, but I will find out.

Mr Speaker: Next question.

Q2/2023
Children's play parks –
Maintenance and repair of facilities

Clerk: Question 2/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details in respect of what maintenance and repairs it is currently undertaking in respect of all facilities provided at the children's play parks, together with details of expected completion dates?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, the standard parks and playgrounds maintenance continues in conjunction with GJBS. This is a rolling maintenance programme and is constant.

In terms of other projects, all that is pending at present is the relocation of the Mid Harbours children's playground. We are awaiting delivery of equipment, at which point the project will be completed.

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

The Minister has provided information in the past that an arrangement had been entered into with GJBS and so on, but my question is what maintenance and repairs it is currently undertaking. It could be as of today or as of the day I filed the question.

When parents, grandparents and so on attend play parks with children, quite often the information being fed through is 'Yes, this is going to be repaired,' and therefore I was asking for expected completion dates, because if a piece of equipment unfortunately gets broken, it may coincide, if it is a simple repair, with an item that is in stock, or it may require sending for that part. Although the Minister has tried to provide a general type of answer, he has not specifically homed in on something in respect of repairs. And again, in respect of maintenance, if I may, Mr Speaker, the Minister has not said because it is better to stitch things up as and when the first signs of wear and tear are noticed, he has said something is scheduled to be happening over the next few months, so that a general overall ... Especially where we have the rubber type of flooring that helps break the impact of a child's fall and so on, on some of them one can see that it is going to need a major overhaul. Seeing that we tend to plan ahead, is that something that is scheduled, and when would that happen?

Hon. S E Linares: Mr Speaker, the hon. Member must understand that it is very difficult to give him information on what is being done on a constant basis. If the hon. Member wants, I could give him, every month, a list of things that we have done. I do not have any problem. I will get GJBS to write to the hon. Member and say, 'This month we have done all these.'

We are also hoping that we have the same regime we used to have at one point, which is putting a hotline in each park, where everybody who sees something that is broken can actually have a number and a place to call and say there is a swing broken. These people who are constantly going round all the parks can then go to that specific park and say, 'Okay, the swing is broken,' and either take it off, make it safe, or repair it on the spot. These are the things that they are doing now, and I must say I am really pleased with the regime we have, because they are constantly going around trying to identify where any of the equipment is broken. Therefore, at least one of the things that I am satisfied with is that anything somebody reports or anything that is unsafe is made safe very quickly, or at least as immediately as can be done.

So if the hon. Member wants, I can give him, every month, a list of the things they have done. That is the only thing I can do. I cannot predict what is going to be broken next month in order to be fixed. *(Interjection)* Yes, and we could well put it on the GSLA website, if you want.

Hon. E J Reyes: Mr Speaker, it is not a question that I am asking every month. I have asked this month, in particular, what maintenance or repairs are currently being undertaken.

If I can use one of the Minister's own examples, by attending one of the play parks you may find that a particular swing is missing, and the Minister has more or less implied in his answer that that swing may have been found to be broken or unsafe and therefore they have removed it completely. Therefore, in the answer to this question one would have expected him to say that in such-and-such a play park area a swing has been removed because it was broken, the hinge had come off,' or whatever – I am asking for the expected completion date – 'and we are awaiting a part that should arrive within a fortnight,' or a month, or six months. That is what I was aiming at.

I know the Minister can feel ... 'Is he being pedantic by asking me every month?' No, sir, if one looks back at the record, this is the first time I have asked for an update of the maintenance and

705 repairs. And again, on the maintenance, when one comes to the Appropriation Bill, the Minister gives a rundown of all they have done, so I can gather the information from there. He also tries to give a prediction. He says, 'We have set aside so much money and hope to carry out this maintenance work and so on.' Seeing that we are now in the last quarter of the current financial year, perhaps the Minister has some information in respect of what maintenance works are currently taking place, because come 31st March, only money that is voted for and approved in the next Budget session can be used for that sort of work.

715 **Hon. S E Linares:** Mr Speaker, I repeat what I said before: I will try to give him the information we have got and I will pass over to the hon. Member the current information. Again, it is very difficult because if he asked me the question two weeks ago and I answer it today, it is not accurate. So it is very difficult ... what is happening today. It is on a rolling basis all the time, so if I give him an answer today that is appertaining to two weeks, it might not be relevant today. I will speak to the hon. Member about exactly what he wants, and I will facilitate that for him.

720 **Mr Speaker:** Next question.

Q3/2023
GSLA swimming pools –
Reasons for closure and dates

Clerk: Question 3/2023. The Hon. E J Reyes.

725 **Hon. E J Reyes:** During which dates have any of the GSLA swimming pools been closed for public use, indicating the reason why?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

730 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer together with Question 6.

Mr Speaker: This is Question 3. Can I ask the Hon. Minister to check? This is Question 3.

735 **Hon. S E Linares:** My apologies, Mr Speaker.
The GSLA accessible pool has been closed since 30th November 2022. The air-treatment system has suffered significant damage to its control mechanism. It was an arduous task to locate and purchase the relevant spares, given that they are in extremely limited supply at present. Thankfully, the part was purchased just prior to the Christmas break and is en route.

740 I would like to add that I have just had a communication from the GSLA in respect of this question and they have managed to patch up the air treatment system so that it will be within a couple of days that the pool will be reopened, even though the parts are en route. So we will be able to have the pool open even sooner and we do not have to wait until the parts come.

Mr Speaker: Next question.

745 **Hon. D J Bossino:** Mr Speaker, can I ask the hon. Member does he have an indication as to when the parts are likely to arrive in Gibraltar?

Hon. S E Linares: Well, no, we do not know exactly when they are coming, but if they are en route we can assume days.

Q4 and Q6/2023

Island Games facilities –

Completion and remedial works outstanding; Lathbury Barracks stadium parking

750 **Clerk:** Question 4/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sport update this House with details of what facilities still require full completion or remedial works in respect of all facilities built or refurbished for the 2019 Island Games?

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Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 6.

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Clerk: Question 6/2023. The Hon. D J Bossino

Hon. D J Bossino: Please state when the parking facility at the Lathbury Barracks stadium will be made available to the public and how many will be made available.

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Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Hon. S E Linares: Mr Speaker, I am glad to report that the Lathbury swimming pool itself and the air-treatment system are in the final stages of commissioning. Aside from this, all that remains is the re-turfing of a small area at the Europa Sports Complex. The turf was lifted to conduct remedial works on the waterproofing membrane and the specialist contractor is due to visit soon. This, however, does not affect use of the facility.

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In respect of Question 6, the public parking will be made available in coming weeks once the external infrastructure of the complex is complete. This is not in any way affecting the use of the facility by service users. Parking spaces will be made available for users of the complex as well as for non-users and tourists visiting the Upper Rock Nature Reserve. The Government will permit three hours' free parking, as at Midtown, for local residents.

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Hon. E J Reyes: Mr Speaker, coming back to the Europa facilities, where the Minister said that a patch was being waterproofed, what area specifically is he talking about? Is he talking about where the rugby playing it is? I am a bit lost as to the exact location within the facility.

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Hon. S E Linares: Well, it is amazing, Mr Speaker, because the last time I was there with him, I actually pointed it out to him. It is, I would say, the southwest corner of the complex. If he remembers, it was where the complex goes to the corner. I was commenting to the hon. Member how bad it looked and I was annoyed that I had not finished it yet. But it is not affecting the rugby or the cricket, or anybody else. It is just that it is one of those snagging things that the contractor has to finish.

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

I suspected it could have been that area, but given that the other Members of this House, or indeed anyone listening, were not necessarily present with us there ... Does he have an approximate date by when he hopes all that will be done?

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Hon. S E Linares: Well, I hope that the next time I go with the hon. Member it will be fixed. I want it done ASAP, so it is just a question of calling them up and trying to make them fix it as soon as possible.

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Hon. D J Bossino: Mr Speaker, I am not sure if the hon. Member answered the second limb of Question 6. How many parking spaces will be made available?

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Hon. S E Linares: Mr Speaker, this like the Midtown parking. We have a certain amount of parking, all to be used, for everybody. It depends on how much is used on the day. I will give you an example. If we have 30 tourists ... I would not like to give a specific figure, but we have hundreds of parking spaces, and if there are only 30 being used by the tourists, there are still another 40 or 50 that can be used by other users, so there will be enough parking for everyone.

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Obviously, the regime is different, so it is similar to what you have in Midtown. If you have many tourists coming in and using the space, then the others will not have ... We have had meetings very recently on this and we are confident that it will suffice for the three sections we said – those people who are using the complex, those people who want to just park there because they are spectators or parents who might want to see their children training or playing, and also there will definitely be enough for all those tourists who want to walk up to the Nature Reserve.

810

Hon. D J Bossino: I understand that he is talking about different categorisations of parking spaces and their availability, but does he not have the full number with him? And then I understand that that is then going to be categorised for public use, for tourist use and for those who are going to be using the facilities.

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Hon. S E Linares: Mr Speaker, the last time we went there ... we have at least, now, currently, 120 parking spaces, so there is plenty of parking for ... I asked the question how many tourists do you usually get coming here, and in August, at top peak time, you might get 30 cars coming during the day because it is not only at one given time, so it is rolling again. You might get 10 coming for an hour, then another 10. What I am saying is there are 120 and that will be split as and when needed. Even the days when the Gibraltarians would use it more, which I think is probably the children's sports days, if there are going to be any over there – because there is a running track and it will be, probably, the only place where you have a running track – you might get 40, 50 or 60 parents coming there and parking, and there is plenty of parking even for that, of which they will have hours free.

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Hon. R M Clinton: Mr Speaker, if I may just ask one supplementary on this – just if the Minister could confirm these 120 parking spaces are all underground? And can he also confirm that the Fire Brigade have issued or are about to issue a petroleum certificate?

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Chief Minister (Hon. F R Picardo): Mr Speaker, yes and yes, and the petroleum certificate was issued in respect of the occupation by Bassadone Vehicles, who are already in occupation of the two other levels of parking in that area. The hon. Gentleman needs to recall that there are other levels of parking – there are three levels of parking – and the petroleum certificate had to be issued before then, before their occupation was regularised, so I understand that has already been dealt with.

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If I can be a little helpful to the hon. Gentleman in respect of his questions before, the timings when tourists may likely want to use this facility – other than on sports days, as the hon. Gentleman has indicated – are likely to be different to the times when local families are going to be accessing with vehicles at the weekend to watch the junior league of football, the running or the swimming, which will be outside of school hours. So we think that this is plentiful provision.

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Hon. D J Bossino: Just one final point of clarification on the answer. I did not quite catch it. I think it was at the end of his prepared answer. He talked about three hours' free parking at ... I did not catch where. If he can read his answer, it was at the end: three hours' free parking at ...? I did not quite catch it.

845

850 **Hon. S E Linares:** Mr Speaker, in Midtown for all locals is how I said it. That means that for anybody who comes there it will be the same regime, using the ID card.

Mr Speaker: Next question.

Q5/2023
Sport England –
Whether similar scheme under consideration

Clerk: Question 5/2023. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government confirm whether it is considering the introduction of a Sport England type scheme?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

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Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, the Government is not considering a Sport England type scheme.

865 **Hon. E J Phillips:** I am grateful for the answer, but has the Government considered any other ways it could introduce gateways to young people in order to increase the growth and development of grassroots sports within our community?

Sports England has obviously proved in the United Kingdom to be incredibly successful at allowing young people opportunities in sports, and there are ways, of course, that the Government might be able to find some funding, which might not necessarily need to come from the Government itself, in order to incorporate this type of activity and scheme within our community. So the Government has not explored those opportunities, if they exist?

875 **Hon. S E Linares:** Mr Speaker, we in Gibraltar have very good development programmes for sports. Each association has its own development of sports. We do not intervene in the development of those sports. What we do is support them financially. As the hon. Member knows, we give funds for development to all the associations that apply. There is a system by which they apply when they want to bring people who do coaching, training, all these things for young people, and they are even helped in the funding of that. Through the GSAC, which is the Gibraltar Sports Advisory Council, we have all sports represented and we have discussed ways and means by which we can develop all sports.

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I think we are pretty generous in the way we fund all our sportsmen and women here, including the young people and development.

Mr Speaker: Next question.

Q7/2023
Meetings with housing estate tenants –
Actions under way

885 **Clerk:** Question 7/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What steps has Government already put in action following meetings with housing estate tenants last month?

890 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, officials from the Housing Works Agency and the Housing Department meet and engage with the committees and tenants' associations from the different housing estates on a regular basis. Since
895 last month's meetings, we have gone through all the requirements put forward by them, and the Housing Department is already attending to their requests and needs, as they always do. Many works have already been completed and other works are being programmed.

Hon. Ms M D Hassan Nahon: Mr Speaker, can the Minister expand on the bit where he says
900 many works are being completed and others are being programmed? Can we have some more information on any tangible effects of this?

Hon. S E Linares: Well, Mr Speaker, anybody who walks around the estates will see the difference that painting all the walls in a colour ... and cleaning, which we have concentrated on
905 recently, because yes, we found the tenants' associations were complaining about the lack of cleaning and we have accelerated that. We have got the Housing Works Agency to work with Britannia, the contractor company, in order for them to do what they should be doing and what they get paid for. I am happy to report that most of the tenants are now very happy because they see that they are going round, they are cleaning, they are painting, and we hope that we have a
910 more regular rolling maintenance programme in all these states.

TRANSPORT

Q8/2023

Road resurfacing programme – Update

Clerk: Question 8/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government update this House on the road surfacing
915 programme for 2023?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, the road resurfacing programme for the financial year 2023-24 is presently being prepared. However, there have been repairs in areas
920 requiring particular attention during 2022 and these include: Line Wall Road by the youth club; Line Wall Road by Orange Bastion bridge; Europa Road by Europa Mews; Grand Parade – there were two large areas; Levanter Way; Harding's Road – and both these areas are near Europa Point Lighthouse; and South Barracks Parade by the front of St Joseph's School.

Hon. E J Phillips: Mr Speaker, I am grateful to the Hon. Minister for setting out what the programme might appear to look like over the next 12 months, but clearly, given that the Government has announced Gibraltar's Active Travel Strategy, which of course will form part of a debate that he and I will enjoy tomorrow with other Members, possibly, of this House as well, it is clear to many people who approach me on the subject insofar as the state of the highways and

930 our roads that this an integral part, is it not, of the approach and the Active Travel Strategy that
he announced the day before yesterday? I think it is important that the public have reassurance
that as part of this ambitious project – as he has, I think, put it himself, and to use his words
exactly – this has to go hand in hand with repairs that are made and advance made in terms of
935 road management and the repairs to those main roads which have been expressed to me by many
members of the public as in a state of disrepair.

Hon. P J Balban: Mr Speaker, although they come together, they are two separate things. One
is a strategy and one is a road resurfacing programme, which falls under Technical Services but is
not part of the strategy. The strategy is specifically geared towards walking and cycling.

940 The list of roads I have just gone through is what has been done this year. I have said we are
deciding and preparing now the list of the roads for next year. But of course in next year's Budget
we intend to include funding to improve the state of the roads. Obviously, we know for what
reasons this year we have had to do important repairs, but we have not seen any wholesale
resurfacing programme projects that done. In every other year we have been in Government,
945 Gibraltar has seen large areas of road resurfaced, and this year, obviously for reasons we have
given publicly, we have stuck to the repairs. We expect that next year we will also be tackling
roads. We must also be aware – and many constituents have mentioned it to the hon. Member,
because I see this in social media, complaining perhaps ... One of the roads that they complain a
lot about is the entrance into Gibraltar. They complain about Winston Churchill Avenue, and just
950 to make that section clearer, remember that we are close to completion of the tunnel, and that
road, although we appreciate that it is uneven ... We were loath to spend taxpayers' money to do
more in that area when we know that the tunnel will mean the vehicles will travel in a different
direction, and then, in good time, we will repair that section of road once and for all.

955 **Hon. E J Phillips:** I think maybe the Minister has misunderstood what I was trying to get at.
Perhaps it might be, on reflection, the question I put. Maybe it is my fault as well in conveying that
to the Hon. Minister, but I would have thought that as part of the strategy, which is a separate
thing ... I accept that it is a separate thing, but ultimately it is using that same thoroughfare and
shared spaces. That is why I put the question to him as to whether the strategy has had a view as
960 to the state of our current roads and whether they need to be done at the same time as this
process is being engaged, because clearly we are looking at advancing how we move around our
city insofar as this type of active strategy is concerned, with the current state of the infrastructure,
and that was really what the question was designed to do. I wonder whether he might be a bit
more helpful with that.

965 **Hon. P J Balban:** Mr Speaker, the parts of the programmes that are scheduled for this year are
primarily ... Today, cyclists will actually ride on the road. We are developing segregated bicycle
lanes which will have their own surface and so on, so we will be looking at the surface of those
particular areas and the lanes in areas which will be permanent. I did explain this in yesterday's
970 press conference. Glacis Road will be one of those areas because there is no imminent
construction expected in the area. There will be a coloured screed on that bicycle lane to
demarcate it as different and segregate it from the main road. Obviously, that area will be in a
condition worthy of the users of that lane, which will be bicycles etc. So yes, in areas where there
is shared space – for example, past the evacuation roundabout ... Again, every road is to be looked
975 at independently. In that area, for example, the road is not too bad – in fact, it is in quite good
condition. It is a question of seeing whether bicycle in on a particular route is off the road using
parts of what used to be a pedestrian area or part of a layby, or where maybe parking spaces have
been relocated, or whether the bicycling is actually on the road and the area is in a bad state. So
it is very difficult to give you a precise reply in that respect.

980 **Mr Speaker:** Next question.

Q9/2023

**Bus user surveys –
Number in last three years and publication of results**

Clerk: Question 9/2023. The Hon. E J Phillips.

985 **Hon. E J Phillips:** Mr Speaker, can the Government state how many bus user surveys have been conducted over the last three years, and can the Government state whether it will publish the results of the surveys in full?

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

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Minister for Transport (Hon. P J Balban): Mr Speaker, no official surveys have been undertaken over the last three years.

995 **Hon. E J Phillips:** Mr Speaker, that is an interesting answer. I was expecting to receive the opposite answer, that of course we conduct surveys by users because we want to know how frequently people use the service, the destinations they are going to, and the difficulties they may have in using the service, so the Government is alive to issues of the public in relation to public transportation.

1000 I think the Minister himself actually said to me that we took the view a long time ago that the night bus was deeply unpopular. Well, obviously they must be talking to the drivers about that particular unpopular route. Indeed, I think there was some reference to summer in exchanges in this House before.

1005 Can I get the Government to commit to something as simple as this: to make sure that we understand the needs of the general public when using public transportation? That is the only way we can convince people to use public transport, if we know exactly what they need and what we can deliver as a community.

1010 **Hon. P J Balban:** Mr Speaker, I apologise if I have given the hon. Member the wrong impression. My actual reply said that there have been no official surveys. Remember that we constantly monitor and we are constantly looking at the bus routes. I have prepared a few examples because people are constantly feeding back to us saying, 'We want a service to this destination,' or 'You need to consider bus no. 2 going to certain other areas because of the movement of the Hospital,' for example.

1015 We have recently, on social media, had someone saying that bus route no. 1 is highly convoluted. We looked into that route and saw that bus users actually wanted a convoluted route. They would not be prepared to change buses like we do in other cities, where we jump on no. 1 and then changed over to no. 2 to complete our journey. People want the bus to service every single potential area, so we have looked at that.

1020 We have also surveyed the bus stops. We have a way finder on board each bus. The way finder gives us statistics of how many people get on the bus at every single stop, so in that way we can ascertain whether certain bus stops are relevant or irrelevant.

1025 Some people said there was not a service up to what will now be the new sports stadium. We have looked at many ways of trying to get a bus up there, and so far, with the resources we have, it does not seem to be possible. It is very difficult because of turning circles, and also we need to try to keep the bus as regular as possible. If we extend the bus routes any further, we cannot guarantee a bus every half an hour or every 20 minutes with regularity.

We did one with the STTP. Back in 2017 there was a survey done looking at the whole ... From that we had the improved bus maps on the bus stops, we had the bus tracker, we had various improvements to the bus service. I just wanted to clarify that.

1030 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer and the explanation given as to the formal data by way of the way finder that he has explained to this House, but doesn't he agree with me that reliance on anecdotal evidence, as he suggested, and social media posts to govern the way in which you work with public transportation is not the right way, really? A government properly should find the data by conducting surveys on bus users in order to find the best way of moving people around our city. Could I encourage him one more time to accept that the only way we can properly improve the bus service is by improving the data that we have about its use?

1040 **Hon. P J Balban:** Mr Speaker, we listen to the bus users. Fortunately, in Gibraltar a lot of people use social media, and as you know, you yourselves rely an awful lot on social media as well. I think we both use that media. I think, today, everyone vents their anger, and it is a great way of doing it, especially if your face is not on the picture. No one knows who you are, so you can really express yourself freely and give an honest opinion. We do that, but we also receive letters and phone calls, and people will tell us what they think. Sometimes they will complain and sometimes they will congratulate us.

1045 The bus drivers also are there, listening to the public, and via the bus manager we do get feedback. When I ask certain questions – why can't this be done? – the bus manager already has an answer for the question because of the experience. Remember, they are the people who run the service and they know exactly what the user needs, and they relay that back.

1050 So we have a number of ways of getting feedback without physically having to go into a big survey. I am not saying it is not useful. I think it is useful to have bus surveys every so often, but not ... We had a big one in 2017 and I am sure it is something we will consider, but we are constantly monitoring the bus fleets and the service being provided and trying to improve it as best as possible.

1055 **Mr Speaker:** Next question.

Q10-11/2023
Vehicle emissions –

Two-stroke motorcycles; vehicles entering from Spain

Clerk: Question 10/2023. The Hon. E J Phillips.

1060 **Hon. E J Phillips:** Mr Speaker, can the Government confirm, in the context of its ban of two-stroke motorcycles, that it will curtail the circulation of these vehicles around residential areas, the centre of town and other areas where emissions are having an impact on human health?

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

1065 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 11.

Clerk: Question 11/2023. The Hon. E J Phillips.

1070 **Hon. E J Phillips:** Mr Speaker, given that a significant number of motorcycles are coming in from Spain, what steps are the Government taking, with or without dealing with their counterparts across the border, to reduce emissions from these vehicles on our streets?

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

1075 **Hon. P J Balban:** Mr Speaker, at present there are no plans to curtail circulation of these types of vehicles throughout Gibraltar. We have, however, been considering for some time the possibility of implementing low-emission zones.

1080 The Government is taking no steps at present to control, with regard to emissions, the entry of any particular or specific types of vehicles. As the hon. Member may appreciate, there are European and international directives addressing vehicle manufacturing standards that will result in manufacturers producing vehicles that produce less or zero otherwise emissions.

1085 **Hon. E J Phillips:** Mr Speaker, I am interested to hear more about the low emission zones. I think I actually heard the same sort of answer from his predecessor. But it is clear that two-stroke motorcycles have a massive effect on the health of young lungs and the adult population in terms of human health, and I think this a matter that has been accepted by Members opposite. In fact, some of the reports that I have seen emanating from Government agree with that proposition and therefore I am surprised that the Government is not looking at reducing the circulation of these types of vehicles around our town in specific residential areas, because that is where the key moment is in reducing those emissions and to prevent those harmful fumes affecting the lungs of many in our community.

1090 So I would ask him this question, if I may: when does he propose to implement low-emission zones in Gibraltar, given the fact that the Government has been considering it for some time?

1095 **Hon. P J Balban:** Mr Speaker, as yet, I cannot give the hon. Member a definite answer as to when this will happen. The fact is that we are looking to see how best to tackle these low-emission zones and in which areas.

1100 But just to reply and to give a bit of further information on the two-strokes, remember two-stroke motorcycles just have not been manufactured. In fact, we have not had an import of a two-stroke motorcycle since – again, as far as I can recall – 1999, I believe, so they are a dying breed. These motorcycles are not being brought into Gibraltar because they are just not being manufactured, but that does not mean that there are none of these motorbikes available, and there are numbers that do come through the Frontier every day, but of course locals also have them. Remember that these motorcycles have to go to MoT just like any other vehicle, and what the law states in that respect – the European laws inclusive – is that a motorcycle or a car, a motor vehicle, needs to conform to the emissions standards as at the date they were manufactured. So what does happen invariably over time is that these motor vehicles will progressively worsen in their emissions, because they do not service them, because they get gunge in the exhaust pipe etc. This is why every time they need to go to MoT they are checked, and if they do not conform they fail. And the same we expect from ITV the other side. So any motorbike which is roadworthy and has the relevant documentation has passed these tests for those vehicles. And as I said, these two-stroke vehicles, I do see them occasionally, but the truth is that you see them less and less all the time.

1115 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer, but of course we do not really have any control whatsoever insofar as what is coming across the border, and I would have thought that given this Government's commitment to Green Gibraltar and a Child-friendly City, we would use Brexit as an opportunity to focus on creating spaces in Gibraltar which are more breathable, if I can put it like that. There must be something that we can do with counterparts across the ...
1120 because clearly the vast majority of these vehicles are coming in from Spain, and therefore there must be something we can do to manage that, insofar as the air quality in Gibraltar and the pollution emanating from these vehicles. I just wondered whether the Minister had any view as to whether Brexit is a mechanism, and given the green credentials they profess to have, whether they are doing anything about that in that context.

1125 **Hon. P J Balban:** Mr Speaker, the two-stroke motorcycles that come through the frontier throughout the whole of Europe. It is not just La Linea and the surrounding area. Personally, yes, I agree, I would rather not have any vehicles that emit, and I think yes, when we develop the low-emission zones and the chances ... Again, we are looking at different areas, but the centre of town is one of the key areas where we will try to push that, and I am working with my colleague's team
1130 and Minister Cortes to see whether there are some drafts, some proposals and some mechanisms of how this can work.

Anything that we prohibit entry, the chances are that there will be a prohibition on exit, so where do you draw the line in terms of emissions? There are vehicles which are Euro 3 and prior to that, that people own and cross the Frontier with as well, so again I think I have said because
1135 these vehicles, although they are undesirable – I agree completely, they are undesirable – and the noise they make sometimes is greater than a four-stroke, I think we will and we have seen a massive decrease, and the work that we are trying to do with emission zones will help in the future.

1140 **Mr Speaker:** Next question.

Q12/2023

Government electric cars and motorcycles – Comparison with petrol vehicles re repairs, maintenance and reliability

Clerk: Question 12/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state, given that it has been using EV cars and motorcycles, how these vehicles have performed in relation to repairs, maintenance and
1145 reliability in comparison to previous petrol-powered vehicles?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, the information being requested by the
1150 hon. Member is not available for comparative purposes.

Hon. E J Phillips: Is any information available to the Minister as to the efficacy of e-vehicles in this context? As the Minister will recall, there was much fanfare by the Government in relation to this development, one which I think Members on this side of the House supported. I just wondered
1155 whether there is any assessment of these particular vehicles. I would have thought there would have been, but if it is not actually available in the way in which I have described, is it available in other ways, does the Minister know?

Hon. P J Balban: Mr Speaker, it is not available, and I will explain in a moment why it is not
1160 available to us, other than the fact that we can rely on manufacturers' details and we know exactly how an electric vehicle will perform in terms of emissions compared to an internal combustion engine or whatever.

The reason why we cannot give that reply is because we used to service all cars within one department, within what used to be a technical service garage department, and obviously they
1165 do still service some of our fleet – in fact, they service the refuse trucks and a lot of the older-type vehicles – but a lot of these other vehicles, these new electric vehicles, are serviced by the garages, so we cannot marry the statistics that we have for, say, the old G1, which was a Rover, I think, and maybe the new Jaguar. That is why it is impossible to actually [inaudible] other than relying on manufacturers' statistics, which are proven.

1170 **Chief Minister (Hon. F R Picardo):** If it is of assistance, Mr Speaker, the new G1s, the electric ones, have never had to have their oil changed. They have never had to go, because of any of the internal combustion engine needing any attention etc ... I think they have been down when we had the accident in Spain and the rear axle issue arose, and I think there was an issue with the electric window, but no need to change the spark plugs, none of that.

1175

Mr Speaker: Next question.

Q13/2023
Dockyard project –
Works re access route and cost

Clerk: Question 13/2023. The Hon. D J Bossino.

1180 **Hon. D J Bossino:** When will the new south district access through the dockyard project start and end, and how does the Government intend to finance the project?

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

1185 **Minister for Transport (Hon. P J Balban):** Mr Speaker, no dates have yet been set to commence the works for the project involving the proposed access route through the commercial shipyard. The detailed designs and easement negotiations are in progress already since the takeover of Gibdock by new shareholders.

1190 **Hon. D J Bossino:** Is that why he is not able to answer the second limb of the question, which is how the Government intends to finance the project, because it is at too much of an early stage as far as the issues that he has raised are concerned?

1195 **Chief Minister (Hon. F R Picardo):** No, Mr Speaker, because the clear indication is that it is not going to be financed in this financial year. It is likely going to be financed in the next financial year and we will have that debate in June when we have the Estimates put for 2022-23.

Hon. D J Bossino: Do I take it from that that it is the Government that intends to finance this project?

1200 **Hon. Chief Minister:** Mr Speaker, the Government is answering a question that has been put to it, which therefore the Government considers it is responsible for, and therefore the Government would be financing it.

1205 **Mr Speaker:** Next question.

Hon. D J Bossino: Just one final question, Mr Speaker. Just so that we have clarity, is the project going to be as outlined on page 55 of the manifesto under the title 'A new connection between Queensway and Rosia Road'? Is it that one?

1210 **Hon. Chief Minister:** Mr Speaker, an announcement about the final stage of the project will be provided when the announcement about the final stage of the project is published.

Hon. D J Bossino: Mr Speaker, I am not asking that question. I was unable to identify this project, which impacts on the dockyard area and dealing with road connections. Can he just be

1215 helpful and answer the question? Is it the one which is referred to on page 55 of the manifesto under the heading that I have just put to him across the floor of the House, or are we talking about another project?

1220 **Hon. Chief Minister:** Mr Speaker, it is not a question of being helpful or unhelpful. He is talking about a manifesto and the hon. Member should know – he has been in Parliament before, not just this time – that we are not answerable for the manifesto. The manifesto is a product of the Gibraltar Socialist Labour Party and the Liberals. We are the Government, and so we are here to implement that manifesto but not to comment on it. If I started to comment on it, you might tell me off for doing so. There is a manifesto commitment to do a particular thing. The Government then goes off and turns that into Government policy. When the Government makes the announcement about the policy, the exact details are provided for as the Government policy.

1225 It will be a road through Gibdock to the south, the exact details of which the Government will announce when it is the Government making the announcement, which will be inspired by the thing that the GSLP Liberals sought a mandate for, but the Government Technical Services may tell us, 'You might have put this in the manifesto as candidates, but there is a sewer here and therefore it has to go left here, not right here.' That is the point I am trying to make to the hon. Gentleman. I am not trying to be unhelpful, I am just trying to say that there is a difference.

1230 We had this debate, he will recall, in 2012, about the GSD manifesto for 2011. There is a difference between the things the party produces and the things that then the Government is able, with its technical advice, to do. We have not taken, as was the case in other instances, Government technical drawings and put them in our party political material. That is why it may be different.

1235 There is no attempt to be unhelpful. It is just a desire to see the hon. Gentleman directed toward what we publish as a Government, which is what we will do. Then he can do the exercise of comparing one and the other and telling us that we have failed to do what we promised, or praising us for improving even upon what we promised – I will not hold my proverbial, Mr Speaker.

1240 **Hon. D J Bossino:** The information which I am seeking, Mr Speaker, I do not think the hon. Member has provided. I think we are getting there. I will just read a very short excerpt from the manifesto. Is this the section from which the Government is drawing inspiration in relation to the projects on which it will provide further details in the future? I quote:

We will also explore options for providing a connection between Queensway (south) and the promenade on Rosia Road, also known as 'La Bateria'. To the extent that such a connection may enable users to avoid Ragged Staff and the Trafalgar Interchange, it is envisaged that a connecting path would be limited to pedestrian/cycle traffic only.

1250 **Hon. Chief Minister:** No, Mr Speaker, I think the hon. Gentleman is looking at the wrong thing completely. That has nothing to do with Gibdock. That is the area of the Walk the Wall where, if we are able to do what we want to do, there is a need to create a connection over the area of Ragged Staff. This is a project that requires the relocation of the mosque, which we have been working on with Members of the Moroccan Community Association etc. We have been working with AquaGib on their relocation. Then there is an issue of the area by Toc H and Bishop Fitzgerald, and then that area connection between Ragged Staff over on to Saluting Battery, also known as the Battery in Spanish.

1255 The road is the other one, through Gibdock – that is why the reference is to easements etc. through Gibdock and the new ownership of Gibdock – and that is connecting the south of Queensway through to the area, more or less, of New Mole House, which provides an alternative route to the south, but that is vehicular.

1260 **Mr Speaker:** The Leader of the Opposition.

1265 **Hon. K Azopardi:** Mr Speaker, on the issue that they have answered originally – not this one, La Bateria and so on – where is the entry point? I assume the entry or the exit point might be where there is a barrier now at the southern end, opposite New Mole Police Station. Can the Minister assure the House that any part of this project will not have any breach of the historic city walls or fortifications?

1270 **Hon. P J Balban:** Mr Speaker, I can confirm that the project would, as you rightly say, come out opposite New Mole House, where the barrier is, so there would be no ramp over the wall. It would be along the dockyard road and behind the industrial park, and exit past the docks and up the hill towards New Mole House.

Mr Speaker: Next question.

BUSINESS, TOURISM AND THE PORT

Q14/2023

Watergardens Small Boats Marina – Refurbishment

1275 **Clerk:** Question 14/2023. The Hon. E J Reyes.

Hon. E J Reyes: When does Government intend to refurbish Watergardens Small Boats Marina as signified during the 2022-23 Appropriation Bill?

1280 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, as soon as possible. Costings as to pontoons etc. are being provided.

1285 **Hon. E J Reyes:** Thank you, Mr Speaker.

When the Minister says as soon as possible, does he expect those works to be completed within the lifespan of the current financial year, given that there are already sums allocated for the project, or will it take longer than that and, unfortunately, have to pass over? Does the Minister have any indication?

1290 **Hon. V Daryanani:** Mr Speaker, we had some quotes done for this a while back, and of course the costs have gone up, so we have had to requote. We are working on that. We have had some quotes come back and we are waiting for some others. Especially at the time of the year we are in, with inclement weather, storms and all that, I think it is going to be quite difficult to be able to start and complete the project within this financial year.

Q15/2023

Parcel post office – Relocation

1295 **Clerk:** Question 15/2023. The Hon. D J Bossino.

Hon. D J Bossino: When and where is the parcel post office building moving to?

Clerk: Answer, the Hon. the Minister for Business and Tourism.

1300 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, no decision has yet been made. There are a number of locations under consideration by the Government for the parcel post building. Once a final decision has been made, an announcement will follow.

1305 **Hon. D J Bossino:** Does he know when he expects to make that announcement?

Hon. V Daryanani: Not at this stage; if so, I would have done so.

Hon. D J Bossino: But is the announcement imminent? That is what I am trying to drive at.

1310 **Hon. V Daryanani:** Mr Speaker, if it were imminent, I would have said it was imminent. We are going through the process and when we take a decision, we will let him know.

1315 **Hon. D J Bossino:** May I ask which locations the Government is considering? Just to assist the hon. Member, I have heard that one possible location – and in fact the information I had was that it was much more advanced than he is indicating across the floor of the House – is round about where the parking spaces are outside the Med and Calpe rowing clubs.

1320 **Hon. V Daryanani:** Mr Speaker, that is one of the locations we are looking at. There are a number of locations, so he will have to wait until we take the decision.

1325 **Hon. K Azopardi:** Mr Speaker, can I ask what is the rationale for the consideration of moving the parcel post office? After all, it is relatively recent that it was located there, and I assume the Government spent quite a bit of money in setting it up in that location. So what would be the rationale of moving it so soon?

1330 **Chief Minister (Hon. F R Picardo)** Mr Speaker, exactly the rationale that we set out when we moved it there, in a temporary building, and said so publicly. As part of the grant of the Rooke project, that is part of the plot that went out to tender, and we said that we would be moving the post office from there when the tender was granted. So, in order to be able to give vacant possession, we have to give effect to the thing that we have already said, and I am surprised the hon. Gentleman does not seem to recall.

1335 **Hon. K Azopardi:** Mr Speaker, in view that it is tied up with the tender process – and I do recall that there was ... Obviously we have spoken about the tender process and the expressions of interest process in the House before. Is the Government in discussion with the preferred bidder in terms of the cost and sharing the cost or passing the cost on to the proposed developer?

Hon. Chief Minister: Mr Speaker, the premium is inclusive of this cost.

Q16/2023
Transport infrastructure –
Proposals for improvement

Clerk: Question 16/2023. The Hon. D J Bossino.

1340 **Hon. D J Bossino:** What specific proposals does the Government have to improve Gibraltar's transport infrastructure, as has been recently identified by the Chamber of Commerce in connection with the cruise industry?

Clerk: Answer, the Hon. the Minister for Business and Tourism.

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Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, when the hon. member says recently identified, I think he is referring to a press release issued by the Chamber of Commerce on 6th June 2022 titled 'Chamber welcomes the Minister's efforts to develop Gibraltar's cruise business'. I would like to take this opportunity to thank the Chamber for recognising these efforts.

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The Chamber and I meet regularly to discuss business matters in general. We understand that there are certain issues that need addressing regarding transport infrastructure. Since I have been Minister for Tourism for the last three years I have engaged with the transport sector on several occasions. We look forward to continuing with these meetings and I hope we can have specific proposals on what is a very complicated subject.

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Hon. D J Bossino: Just by way of clarification, Mr Speaker, I was not referring to that press release, I was referring to a foreword in the Chamber of Commerce magazine for the autumn/winter edition of 2022, which actually deals ... The main focus in relation to this issue ... Just by way of assistance to the House, I will quote one of the things it says:

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The main reason why fewer cruise ships are coming to Gibraltar

– which is a very worrying trend and concern –

compared to other ports is because of the current transport arrangements, which cannot cope with the increase in demand.

It goes on:

it is the strategic issues that need to be tackled head on.

There are other bits that are relevant, but I do not need to go into them.

1365 In relation to that, he says there are certain issues that need to be looked at, which are very complex. Can he give some information to this House as to what those issues are and why they are so complex?

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Hon. V Daryanani: I think when we talk about issues we talk about all people's interests, all the different parties that are working in the sector. So the taxis have their issues and the bus and tour operators have their issues. These have been going on for a long time. The Chamber appreciates that. The Chamber appreciates that there is no simple solution to this, and we are working with all interested parties to see how we can come up with some sort of arrangement. We have had several meetings and we will continue to have these meetings. I wish we could solve this problem and I will keep on working on it.

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On the issue of fewer cruise ships, I think the reason why we have had a slight reduction in cruise ships is because of something called COVID, not only in Gibraltar but in all ports in the Mediterranean and around the world.

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Hon. D J Bossino: Mr Speaker, one final question. He talks about fewer cruise ships and he highlights and cites the COVID issue, which has clearly been a major stumbling block in relation to this industry and others, but actually the concern here is that we have had increased activity in

ports close to Gibraltar – Cadiz and Malaga – and that is a concern that certainly I have and many people in the industry have.

1385 One of the issues that has been highlighted – I have just read from the foreword in the magazine – by the Chamber of Commerce is the issue of transport. That is pretty much all they focus on, and can I ask him, therefore, to give this matter urgency, to thrash out, as soon as possible, a solution that is satisfactory to the cruise liner industry? Can I ask him when he expects to be in a position to announce something in this sphere?

1390 **Hon. V Daryanani:** Unfortunately, I cannot give him a date when I can announce anything on this matter. This has been going on for as long as I can remember – for the last 25 or 30 years – so I do not know how he expects me to come in here and just solve the problem. I can tell him that I am at it and I will not rest until I find a solution to this.

Q17-18/2023
Cruise visits –
Schedule for 2023 and 2024; Viking Cruises

Clerk: Question 17/2023. The Hon. D J Bossino.

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Hon. D J Bossino: Please confirm that the Gibraltar Port cruise call schedules for 2023 and 2024 are accurate.

Clerk: Answer, the Hon. the Minister for Business and Tourism.

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Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 18.

Clerk: Question 18/2023. The Hon. D J Bossino.

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Hon. D J Bossino: How many cruise visits have materialised from Viking following the Minister for Tourism's meeting with its Vice-President of Maritime Operations and the Chairman in May 2021?

Clerk: Answer, the Hon. the Minister for Business and Tourism.

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Hon. V Daryanani: Mr Speaker, the figures are accurate and current. As with all bookings for future calls, there is always an element of uncertainty. There are some last-minute cancellations as well as additional bookings, which is the norm for the cruise industry, so I would say that the schedule for 2023 and 2024 is as accurate as can be at this moment in time.

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The meeting the hon. Member is referring to took place when COVID was rife and the cruise industry was at a complete standstill. This meeting took place on the company's newest ship, *Viking Venus*, which was in Gibraltar on an operational call. The Chairman of Viking Cruises flew in to meet the ship and requested a meeting with me, which was arranged. The news was carried by the *International Cruise Press* and was excellent positive publicity for Gibraltar. The *Viking Sea* made its inaugural call in Gibraltar on 3rd December 2021 and the *Viking Star* called at our port on 3rd March 2022.

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Hon. D J Bossino: I am glad that the hon. Member is confident about the information in relation to cruise line calls for 2023 and 2024, because actually there is a very worrying statistic and maybe

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he can enlighten this House why it is that for 2024 we have no visits expected from Royal Caribbean.

1430 **Hon. V Daryanani:** Mr Speaker, I think he will have to give me notice for that. He has asked me about Viking Cruises and now he is suddenly moving to 2024 and Royal Caribbean.

Hon. D J Bossino: Mr Speaker, with the greatest of respect to the hon. Member, my question is a supplementary to Question 17, which arises from the Gibraltar Port cruise schedules for 2023 and 2024, so I think it is relevant.

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Hon. V Daryanani: Mr Speaker, I have told him that the schedule is as accurate as can be at this moment in time. That he has spotted that a certain cruise line is not coming in 2024 ... well, thank you for letting me know and I will look into it.

1440 **Hon. D J Bossino:** Mr Speaker, I am very surprised by that answer, that the hon. Member, as the Minister for Tourism, who has direct responsibility in relation to this area, is unable to give any comment as to why such an important cruise liner operator is having zero calls for 2024. I am very surprised by that.

1445 Can I just say that from the information we had when this was brought to my attention – and I checked it – confirmed not just by the 2024 calls but also by information which the Royal Caribbean itself is giving to those who enquire ... They are confirming that they do not have any itineraries featuring Gibraltar as a destination in 2024. Can I ask him to comment in relation to this? I give him a further opportunity.

1450 **Chief Minister (Hon. F R Picardo)** Yes, Mr Speaker, it is January 2023. In my experience the way certain companies work is to book later rather than earlier, especially itineraries for the year ahead. You can book with a cruise company a year or two ahead, but they position and reposition their ships at different times. That is what our comment is in respect of that particular cruise company and we will see, when we get closer to 2024, whether we have calls from Royal Caribbean or not. We have a very strong relationship with Royal Caribbean and with the chief executives and we do not believe that 2024 will be a year when there will be no calls from Royal Caribbean in Gibraltar, even though there are no calls booked yet.

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1460 **Hon. D J Bossino:** Mr Speaker, in relation to the other question, which relates to Viking Cruises, Question 18, just one supplementary. Does he have any comment as to why, despite the inaugural calls that he referred to – and he is right, the *Viking Star* did come in 2022 – the expectation is that there will be no further visits, despite his meeting, in 2023 and 2024?

1465 **Hon. V Daryanani:** Mr Speaker, I am meeting Viking Cruises tomorrow morning and I will ask them what is going on.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q19/2023 Online Safety Bill – Progress

Clerk: Question 19/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, when will the Government bring an Online Safety Bill to this House?

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, a first draft of the Bill, based on the current UK version, has been prepared by drafters at the Government Law Offices and is undergoing internal consultation, which itself will take a few weeks, and will be published as soon as possible.

The UK Bill is likely to be amended in the House of Lords in the coming weeks. We will reflect on any such amendments before publishing our Bill, which we want to make as comprehensive as the final UK Act.

Hon. E J Phillips: I am grateful for the answer and I am pleased to hear that the hon. Lady is going to promote a Bill to ensure that social media companies take responsibility, Mr Speaker, for keeping our children and young persons safe whilst moving across the internet. I think that is something we would welcome and we look forward to seeing the Bill when it is published.

Has the Minister, in the process of reviewing the position in the United Kingdom in comparison with our jurisdiction, because clearly we need to make sure that it fits and ticks all the right boxes for us as a community ...? Will there be any significant differences, in terms of the approach, that the Minister has discovered, given the drafting process is under way?

Hon. Miss S J Sacramento: Mr Speaker, I will, of course, ensure that, whereas we will try to follow the UK position, if there are amendments that need to be made to accommodate the position in Gibraltar, they will be made. When I have a more comprehensive draft of the Bill at the appropriate time – because I am obviously waiting for the anticipated amendments in the UK – I am happy to have the discussion with the hon. Gentleman.

I thank the hon. Gentleman for his comments in regard to this. He will know, because I mentioned it in my Budget speech in June, that this is something we were working on in the Ministry for Justice. In relation to this particular one, it is not yet ready because we are waiting on developments, but I would very much like to see this one through as soon as possible.

Hon. E J Phillips: Just one further question: would the Minister be willing to constructively engage with us on this side of the House? This involves the online safety of children, an important issue for our community, and if the hon. Lady might be able to spare the time and give us an opportunity to sit down with her and look through the Bill, it might be a way in which we can accommodate full and unanimous support in this House for an important piece of legislation moving into the future.

Thank you.

Chief Minister (Hon. F R Picardo): Mr Speaker, I think the hon. Lady has just said exactly that, but I am very pleased to accept the hon. Gentleman's proposal.

The hon. Lady and I have been working on this for some considerable time, over a year and a half.

The Bill in the United Kingdom has hit a number of political hurdles, as he may be aware. There is now an Act in Ireland. The Bill is going to be amended in the Lords, as a result of an agreement reached late last night in the Commons, with a provision for the incarceration of the chief executives of internet companies in the event that they fail to act upon recommendations or requirements of Ofcom, in keeping with the provisions set out in the Irish Act, which is the agreement between a group of rebels on the Conservative benches led by Sir Bill Cash with the support of the Labour Party, and Michelle O'Donovan, who is the relevant Minister for Culture. It

is a Bill which is a little different to the Bill that was being promoted by Nadine Dorries as Minister for Culture under the leadership of Boris Johnson, but we think it probably still does the job.

We think there are issues to bear in mind about the provenance of the Bill and that there may be aspects of the Irish Bill which we may want to bear in consideration as we bring a Bill to Gibraltar, but as the hon. Lady can give testament to because I have been a bugbear on this, this is something we want to move on very quickly.

This not just about protecting children. It is principally about protecting children, but it is about protecting everybody who uses online services, in particular social media, and trying to bring to social media an element of regulation of the space and how people act there, by creating a national law that addresses these issues, because otherwise people will find that they are very often at the mercy of the law of the place of incorporation of the entity that provides the service. We are all subjecting ourselves, every day, to the laws of California and the United States by going online with any of the many social media platforms that we use. This repatriates the place of use of the social media platform, the regulatory landscape affecting individuals who are using that platform in Gibraltar, the United Kingdom and Ireland, to use the examples that I have given. It is hugely important. Gibraltar cannot pretend to act in a way that would create a different type of jurisdiction. We need a jurisprudence to build up around this, and we need a regulatory space which is more or less looking the same between at least the common law jurisdictions of Europe – not the European Union, but of Europe – and that is the exercise that the hon. Lady has been embarked upon for some time with my full support, and I look forward to also working with them on the subject.

Mr Speaker: Next question.

Q20/2023
Public events –
Policing

Clerk: Question 20/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, does the Government agree that the Police should not provide security for events such as the Cavalcade and other public events?

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, there is no suggestion that the RGP will not provide security at public events. The security of Gibraltar and events in Gibraltar is, of course, a matter for the Royal Gibraltar Police. This was very clearly explained by the Commissioner of Police in a GBC interview on 5th January. He also explained that a private company was engaged for the marshalling of that event, to ensure that the public remained within the cordons and stipulated areas. There is a difference between marshalling and policing.

We will all agree with the Commissioner that we must use police resources efficiently and not have police officers deployed to do the jobs of civilians. Indeed, in the case of this year's Cavalcade, there was a significant police engagement for what are policing functions prior to and during the event, which included traffic planning, safety inspections of the floats, security searches and a physical deployment throughout.

Hon. K Azopardi: Mr Speaker, we do agree that the police resources should be used efficiently, and indeed we welcome the clarification of the Minister listing the duties in relation to security that the Police carried out in respect of the Cavalcade. But she will also be aware that not only were there public comments by the Commissioner but there were also public comments by the organisers, who made the point that what had been the traditional services given by the Police were no longer being provided this year, which had caused a financial outlay to organisers in respect of which they had had to seek a Government contribution. So clearly the role has altered.

Can I ask the Minister, was the Government consulted by the Police, or indeed did they have discussions with the organisers once the organisers found out that the Police were not going to provide those services that traditionally they had provided in the context, presumably, of a reassignment of resources on the basis that they consider that this is more effective?

Chief Minister (Hon. F R Picardo): Mr Speaker, there is another question on the Order Paper, to the Minister for Culture, which I think is the right place to address that because he will refer to his discussions with the members of the Cavalcade committee, costs etc. which were involved.

The issue is one which has been ventilated across the Government. There is an HMIC report about how the Police should be doing certain things, which they have to comply with, of course – it is a recommendation, but ... I think all of those issues are addressed in the later question, which the Hon. Minister for Culture deals with because his was the engagement at the front line.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q21/2023

Governor's Lookout campsite – Improvement in security to curtail vandalism

Clerk: Question 21/2023. The Hon. E J Reyes.

Hon. E J Reyes: Will Government be assisting the Scout Association to improve security measures at Governor's Lookout campsite in order to curtail recurrences of recent vandalism?

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

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I am sorry, I did not realise that was the changeover between Members answering questions.

I wondered whether this was a convenient time to break. Instead of continuing for three hours and stopping for one, I wonder whether this is a convenient time to break and return at quarter to six.

Mr Speaker: The House will now recess and return at quarter to six.

The House recessed at 5.30 p.m. and resumed at 5.47 p.m.

Q21/2023

**Governor's Lookout campsite –
Improvement in security to curtail vandalism –
Supplementary questions**

Clerk: We resume with Answers to Oral Questions.

Mr Speaker: Did we complete Question 21? Let's restart at Question 21.

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

I am grateful for the Minister's confirmation that his support will be forthcoming.

I know – if I may, with your leave, refer to it, Mr Speaker – that last month I asked the Minister if there had been any expenditure yet undertaken under a particular head which to my understanding was going to contribute towards refurbishments and so on. Can the Minister confirm that if last month no expenditure had yet been incurred, that rather useful sum of money, £50,000, is then available and, obviously in consultation with the Scout Association for what is left of this financial year, quite substantial use of it will be made towards the improvement of security measures, not only, as I said in my question, to curtail the recurrence of the vandalism, but also, whilst scouts, especially the younger ones, are camping there, it is a certain reassurance to the parents that there is as good as possible perimeter fencing adequate to help as a deterrent to ingress for those who are non-authorised personnel?

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, two separate issues. The answer to the question last time was referring to an allocation which was in response to the Scout Association request, which goes back a few years, to carry out improvements in relation to an international event that they were planning before COVID and are now looking at again.

Specifically in relation today's question, the kind of assistance need not necessarily be financial. The Scout Association contacted me probably on the day after the vandalism had occurred, and my office is in the process of setting up a meeting very early within the next week or so to discuss how assistance could be given. Assistance could be by way of advice on security systems; it may be in relation to security fencing, although a lot of the fencing there I know is relatively new; and because of the amount of goodwill there is in the community towards the Scouts, it may be that there will be entities willing to provide these measures or support these measures without having to be a cost incurred other than to the entities that are supplying them.

But the discussion has to be had. I have not yet had the discussion of the detail of what caused the vandalism. As the hon. Member is well aware from our own days in scouting, it is not new that there should be vandalism – Angelo, my late father, was Commissioner of Scouts and I remember from a very early age he was dealing with this sort of issue – but clearly we have to do what we can to reduce this happening in the future.

Indeed, at least two former scouts who are present in this House – the Hon. Mr Clinton and myself – are actually looking with other former scouts as to whether we can assist by way of a fund-raising event. Maybe I will have to get my old campfire blanket out of mothballs in order to go and perform there again. So there is a wide range of possibilities, but the meeting is pending for me to have the details and see what form of assistance this could take.

Hon. E J Reyes: Thank you, Mr Speaker. I am glad to note the tone and the co-operation that the Minister is implying in his answers.

Because it is a matter of great interest to the community and because the Minister has said that he still has to hold those meetings and so on, perhaps, with your leave, in a couple of months' time I could request some sort of update so we can further exchange views. I am truly grateful for that, Mr Speaker.

Mr Speaker: I agree.

Hon. E J Reyes: I think my hon. Friend would like to ask a small question as well.

1650 **Hon. R M Clinton:** Thank you, Mr Speaker.

I think I join the Hon. Minister in his sentiments in terms of the goodwill that exists in the community for the scouting movement in Gibraltar. As an old scout, as the Minister is himself, I think we can both say that we were obviously appalled at the vandalism that occurred, as most scouts will have fond memories of their days as youngsters up at Governor's Lookout.

1655 Of course I identify myself with the comments the Minister made in terms of perhaps getting veterans together to do fund raising to repair the damage done, but if I may ask, has the Minister yet had an indication from the Scout Association of the cost of the damage that has been done?

1660 **Hon. Prof. J E Cortes:** No, Mr Speaker, I have not. I am expecting that to come when I sit with them.

Mr Speaker: Next question.

Q22/2023
Academic calendar for schools –
Publication of early draft

Clerk: Question 22/2023. The Hon. E J Reyes.

1665 **Hon. E J Reyes:** Will Government consider publishing an early draft of the schools' academic calendar for 2023-24 in order to allow parents and guardians to plan ahead in respect of their annual leave requirements with their employers?

1670 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I am a little surprised by the question, as it seeks information that is already in the public domain. Without offending the Rules, which do not permit such questions, and in order to assist the hon. Gentleman, I can confirm that the academic calendar has been available on the Government Education website www.education.gov.gi for over a year.

Hon. E J Reyes: Mr Speaker, from feedback I was getting we are talking of the academic year that starts in September 2023, moving forward. Is that the one that is publicly available?

1680 **Hon. Prof. J E Cortes:** Yes, indeed, Mr Speaker, and the draft for the following year, 2024-25, if it is not there already, will be within days or weeks.

1685 It is important that the calendar should be published as early as possible, obviously subject to change. For example, this year we have had to change it at the last minute because of His Majesty's coronation, but it is important because teachers and parents need to plan their own activities, and therefore the policy now is to publish this on the website as soon as possible. The next one after that particular year will be on very soon, if it is not on already.

Q23/2023

**Student suspensions from school –
Number and alternatives offered**

Clerk: Question 23/2023. The Hon. E J Reyes.

1690 **Hon. E J Reyes:** Can Government provide details in respect of the number of pupils who have been suspended from school so far in this academic year, indicating the school sector where the pupil is enrolled, together with details of alternative learning programmes offered to them?

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

1695 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, there have been 69 separate suspensions, involving 43 different students. All students are from the secondary sector. Students are posted individual work on Google Classrooms. In order to support those pupils who find it difficult to engage in a full mainstream timetable, they are reintegrated back into school on alternative personal timetables.

1700

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

Sixty-nine suspensions, but the Minister has clarified it refers to 23 students, therefore one, I think, could assume that – (**Hon. Prof. J E Cortes:** Forty-three.) Forty-three, thank you. So one can assume that there are certain reoffenders, if one is allowed to use that type of word. Can the
1705 Minister then confirm that, together with the alternative learning programmes, somewhere along the system other agencies and bodies are brought in to help in the character and rehabilitation of these individuals?

Hon. Prof. J E Cortes: Yes, clearly, Mr Speaker, and there is a range. In some cases it will be therapists, in other cases it will be the Care Agency, and in other cases there may have to be police involvement if there has been some activity of a nature that at least needs a conversation between the Police and the parents. But, yes, clearly this a multidisciplinary approach that has to be had, tailored to the individual needs of the child, absolutely.

1715 **Mr Speaker:** Next question.

Q24/2023

**Unightly bin sheds –
Replacement**

Clerk: Question 24/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state when unsightly bin sheds will be replaced?
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Clerk: Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, unsightly bin sheds are replaced as and when needed as part of the ongoing programme of bin cubicle replacements, which we have had in place for the past 10 years. Two
1725 bin areas are due to be replaced in the coming months as works on new bin areas are completed.

Hon. E J Phillips: Mr Speaker, I am grateful for the answer.

This question comes up a lot with me from members of the community – I am sure the hon. Gentleman probably gets them as well – and there are a number that are presented to me where it appears that they have been in a derelict state for some significant time, boarded up with temporary measures, if I can call it that with the greatest respect to him. I wonder whether there is a programme that literally replaces them, because it appears that there are touch-up jobs being done on these bin sheds and they are very unsightly in terms of tourism and members of the public more generally, of course.

Hon. Prof. J E Cortes: Yes, Mr Speaker. The bin stores are not very well treated. Sometimes, sadly, they are not even well used, because, as we have said here before, people will go up to the bins shed and put the rubbish outside or put bits of furniture against them so it does damage. It is very difficult and it is sometimes a question of playing catch-up almost. We do try to replace as much as possible, but certainly there are two areas in particular. One of them is the public bin store opposite the Garrison Library, which is in dire need of replacement. Yes, there is a need to carry out these ... and there are two particularly that I know of that are going to be done very soon.

Mr Speaker: Next question.

Q25/2023

Governor's Lane air quality monitor – Readings obtained and conclusions drawn

Clerk: Question 25/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what readings it has managed to obtain from the Governor's Lane AQ monitor and what conclusions have been drawn?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, data collected using the AQMesh between 8th September and 31st December show the following average concentration: nitrogen-dioxide, 32 g/m³; PM10 – that is a larger particulate – 20 µg/m³; PM2.5 – which is a smaller particulate – 10 µg/m³.

These levels are all below current EU levels, although the nitrogen-dioxide level is above the proposed EU levels, and all are above the new WHO levels. However, the data are provisional and not yet ratified. The conclusion, as if we did not know it, is that we must reduce the use of petrol and diesel vehicles further.

Hon. E J Phillips: I think, Mr Speaker, the hon. Gentleman has been fairly prolific of late in relation to air quality. The purpose of this question was to draw down on what conclusions can be arrived at, and I think it is right that we need to continue to do that, as he says.

These are obviously average takings from 8th September until 30th December. Clearly the data will reveal spikes at certain times during the day, and in reality when people are walking around and being exposed to this level of pollutants, as he suggests. So I think he would agree with me, would he not, that if the average indication, particularly in relation to NO₂, is at 32 g/m³ as he says, we need to be looking at a more radical way of dealing with these types of pollutants? Does he not agree with that?

Hon. Prof. J E Cortes: Mr Speaker, the goal posts are moving all the time. Clearly, the ultimate goal post is pollution free. The EU set a standard which we did not meet until very recently and which we currently meet in all of those. They are now upping the standards by reducing the acceptable level and we will meet the particulate one ... Sorry, if we had those standards now, we would have met the particulate one. We would not have met the nitrogen-dioxide. The World Health Organization is much more strict now. A couple of years ago it changed its levels. As we have said here before, we need to do more. The data are recent, so they will be ratified by Ricardo's, the consultant, and they will then provide a graph with all the spikes and so on.

To tell you the truth, for an area which is quite busy for traffic I would have expected higher levels, so even though I am not satisfied, I am almost pleasantly surprised. This is something that clearly came across in my hon. Friend the Hon. Paul Balban's presentation yesterday on that strategy. It is something that we all have to work towards, reducing vehicular use, because clearly in this particular location that is probably going to account for almost all these levels. We are not talking about near the Port or near the Airport, where there could be other aspects, or near a building site where some of the particulates ... This seems to be purely from traffic and it is a good indication and confirmation of what we are trying to do, which is to reduce the use of vehicles.

Q26/2023
Vaping products –
Disposal and recycling

Clerk: Question 26/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, in relation to vapes, what measures are being considered, including taxing these items, given the difficulties around indiscriminate disposal and difficulties around their recycling?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Environment Department is presently considering introducing dedicated collecting points exclusively for used vaping products. However, vaping products with batteries can presently be disposed of in the pink recycling bins. Other measures aimed at discouraging vaping are currently being considered in addition to the new legislation banning these products for under-18s.

Hon. E J Phillips: Mr Speaker, I would be grateful to learn what other measures the Minister is currently considering, because clearly people who dispose indiscriminately of these objects are causing an impact to our environment. In this House he and I have exchanged views on cigarette butts, for example, but this is significantly polluting in terms of life cycle, and I wonder whether he might be able to set out more those other measures.

Hon. Prof. J E Cortes: Yes, Mr Speaker, a wide range of possible actions, including the possibility of taxing and even the possibility of banning as single-use plastic items. These are all being considered and we are doing a little bit of research as to whether one or the other, or somewhere in between, should happen.

Q27/2023
Upper Rock CCTV cameras –
Reason for removal

Clerk: Question 27/2023. The Hon. E J Phillips.

1815 **Hon. E J Phillips:** Mr Speaker, can the Government state why CCTV cameras on the Upper Rock at Queens Balcony and the bottom of the hill leading up to O'Haras have been removed?

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

1820 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the mobile solar cameras in question were temporarily relocated by the Department of the Environment, for operational reasons, to areas where they were urgently required. New cameras have, nevertheless, been procured and are being installed. I know that one was definitely back earlier this week, and possibly the second one sometime during this week.

1825 **Hon. E J Phillips:** I do not want to delve into the operational reasons because they are probably sensitive, so we are not going to go there. Is there a cost to that process? I assume the Minister might not be sighted on that point.

1830 **Hon. Prof. J E Cortes:** There will have been a cost. I am not aware of the cost, but these cameras are getting less and less expensive nowadays, so I do not think it is a large cost. I am happy to seek the information and share it behind your Chair, Mr Speaker.

Q28-32/2023
Fireworks and *petardos* –
Cancellation of New Year display; risk assessment re private displays;
illegal fireworks confiscated at Frontier; assessment of nuisance and danger;
plans to control use

Clerk: Question 28/2023. The Hon. E J Phillips.

1835 **Hon. E J Phillips:** Mr Speaker, can the Government state how it came by its decision to cancel New Year's fireworks?

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

1840 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 29 to 32.

Clerk: Question 29/2023. The Hon. E J Phillips.

1845 **Hon. E J Phillips:** Mr Speaker, can the Government state what risk assessment it carried out and what steps it has taken in relation to privately held firework displays in our community?

Clerk: Question 30/2023. The Hon. E J Phillips.

1850 **Hon. E J Phillips:** Mr Speaker, can the Government state how many illegal fireworks were confiscated at our land border with Spain?

Clerk: Question 31/2023. The Hon. D A Feetham.

1855 **Hon. D A Feetham:** Mr Speaker, does the Government accept that fireworks and *petardos* can be a huge nuisance and a danger to people and animals?

Clerk: Question 32/2023. The Hon. D J Bossino.

1860 **Hon. D J Bossino:** What plans, if any, does Government have to control the use of fireworks, particularly during New Year's Eve?

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

1865 **Hon. Prof. J E Cortes:** Mr Speaker, in relation to Question 28, this has already been stated publicly following press questions on 4th November last year when it was confirmed that this was in order to save costs. Given the deficit reported to Parliament this year in the Estimates, we did not consider this a justifiable expense.

1870 Fireworks displays per se require an entertainment licence and these permits need to be requested via the Ministry of Culture and approved by the Safety Advisory Group. The application needs to be supported with appropriate risk assessments, method statements and health and safety plans prior to the display being approved.

1875 No illegal fireworks have been detected at the Frontier this year – meaning last year, clearly. Notwithstanding, the following statistics are for searches conducted at Four Corners Station during the month of December 2022: 72 persons, 1,933 vehicles. People should, however, not be surprised by this, given that, as a leftover from our period of membership of the EU, most if not all fireworks available for retail sale in Spain – that is to say in the single market of the EU – are legal in Gibraltar, even the loudest firecrackers, which I will address in a moment. This year, there was a large commercial importation of fireworks by a local company. This business specialises in these goods and obtains the pertinent import licences from the Gibraltar Fire and Rescue Service.

1880 The Government agrees that fireworks and *petardos* are a nuisance for people and animals. It absolutely does not condone their use. The legality of these is a different issue and work is going to be undertaken on that.

1885 I have convened a meeting for 20th January – in two days' time ... yes, I think so; today is the 18th, yes? – with various departmental stakeholders and lawyers, to study amendments to the legislation that will set out limits to dates, times and locations for private fireworks to be set off, as well as limiting the type of fireworks that can be used.

1890 **Hon. E J Phillips:** Mr Speaker, in relation to Question 28 it is obviously appreciated on this side of the House that there are restraints on the public purse. Likewise, of course, we all have to understand on this side of the House that it is been a tough few years for our community insofar as its response to COVID and the challenges that have been mentioned in this House in relation to Brexit, which the Chief Minister has discussed at length with the community and, indeed, Members of this House.

1895 Given the fact that numerous benefactors in our community have contributed to our way of life and have made contributions, financial or otherwise, to the way in which we celebrate our community and the unity that is expressed by all of us, particularly at the time of New Year's Eve, I wonder whether approaches have been made to conduct a more organised display of seeing in the New Year. Clearly the displays that we saw, as beautiful as they were, on social media presented to many people risks not only to humans but also to animals, as has been said in one of the other questions. I just wondered whether for that amount of money – it is a defined amount of money – we could have made an approach to those people who are passionate about our community and make those contributions, as to whether they might do that. I wonder whether you explored that as an alternative.

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Hon. Prof. J E Cortes: Yes, absolutely. Mr Speaker, a couple of points here. I think there is an implication, almost, here that the fact that we did not have official fireworks led to the fireworks that people had, but I can tell you that from my experience – as, I am certain, others here – we have that every year, almost in competition with the formal fireworks, and sometimes some of these displays are more lush even than the formal ones. I do not know where they get them. *(Interjection by Hon. Chief Minister)* Yes, exactly. And the formal one, as the Hon. Chief Minister is very helpfully reminding me, is only visible from a defined area.

There are people who enjoy fireworks, there are people who are adamantly against fireworks for environmental and other reasons, so there is leeway for all of that, but I think we are satisfied that this year it was the right decision; next year, maybe there will be another one. This is something that was considered, a decision taken, and I think we need to stand by it and concentrate – in my answer to the other questions – on how we can try, difficult as it is, to control the setting off of fireworks in private areas and on private estates.

Hon. E J Phillips: Mr Speaker, just one further question. As the Hon. Minister may have seen from his television box – or LCD platform, or whatever you call them now, TVs – the rest of the world celebrated in the technicolour that we are all used to in terms of New Year's Eve, and everyone saw in New Year's Eve in a particular style. I appreciate very much, and I am not seeking to argue otherwise, that it was a decision because of the budgetary constraints that he has spoken about, but the point I am trying to make here is that insofar as safety is concerned, I think it is right that the Government manage it, and I think he will agree with that, but also, even if it is sponsored by someone else – and what I mean by that is if it is paid for by someone else – of course it should be the Government that provides that assurance to the public that it is controlled in a secure and safe way for members of the public.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am afraid I cannot agree with the hon. Gentleman's logic, and perhaps when I respond he will agree with me that he does not agree with himself.

What the hon. Gentleman has seen on television when he sees the display first in Auckland, then in Sydney, then in Moscow if cameras are allowed, then in Berlin and then in London are the official organised displays there. That does not mean that in the rest of Auckland, and indeed the rest of New Zealand, they are not setting off fireworks wherever they want, or indeed anywhere else.

The hon. Gentleman has set up the question for the Hon. Minister by saying, 'Everywhere else, you saw this; here, you had unregulated fireworks,' and that, Mr Speaker – if he will agree with me and we do not fall into the trap of political exchanges – just by way of logic is not correct. I think he will accept that although we see on our television screens the news of those official fireworks displays, that does not mean that we do not suffer from, in all of those areas potentially, also the same thing that he is suggesting we suffer from, which is what we are calling, for the purposes of the debate, unregulated use of fireworks by private individuals in private spaces.

In Auckland they may have had World War IV, as we had here, and in Madrid they might have had a lovely display at the Plaza del Sol and 1704 and the Batteries of Elliott at the same time, as they had in London, where they had a lovely display on the Thames but in Peckham you might have been going good luck to Del Boy and his cousin.

So I am afraid, Mr Speaker, I would say that the question is unfairly put. The only point I would make, other than reinforcing all the things that the Hon. Minister has said, is that what I found quite remarkable this year with the run up to Christmas and New Year, in which had been the discussion about the cost of living crisis etc., was that the display went on for as long as ever. Obviously many people who tell us that they cannot make ends meet manage to make enough to make the end of the flame meet the end of the firework for half an hour in all our estates, outside of our estates and elsewhere.

1955 I was struck by a comparison that we often do, which is unscientific but is relatively meaningful. I was at a vantage where I could see the bay, and the display here went on ... At quarter to one in the morning I was still seeing fireworks and hearing them. I love fireworks when I see them; I hate it when I hear them, perhaps like most. Across the bay, by quarter past it had settled down. How lucky we are to be born Gibraltarians.

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Hon. D J Bossino: It was very humorous when he referred to World War IV, and I could not agree with him more. It was quite incredible – (*Interjection*) I suppose! – and it was really bad, although I am not sure it was as bad as in previous years, I must say. (**A Member:** Worse!) Worse, you reckon? Okay. As in last year, I mean.

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Just by way of preamble, I wrote a letter in the *Chronicle* because it is an issue which has been bugging me now for some time. People mention to me – and, I am sure, to many of us across the floor of this House – that this is an issue for special needs children in particular, especially those within the autistic spectrum. Many of them have to be drugged. Many of us drug our dogs, but to drug a human being because they have to go through this is, quite frankly, shameful ... and infirm people and people with Alzheimer's etc.

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Can I just also, by way of slight preamble, welcome what the hon. Member has said, that he is looking at legislation, I think he said? In respect of that, if I may, Mr Speaker, two supplementary questions, just to bundle them together because I think it is going to be easier for him. May I ask which stakeholders he says he is going to be meeting the day after tomorrow? When does he expect the legislation to be up and running and put in place, and does he expect it to be there before the celebrations next year when we are welcoming 2024, when hopefully we will be on that side of the House?

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Hon. Chief Minister: Sorry, can I just do a footnote, Mr Speaker, before the Hon. Minister answers, because on this I have to hold my breath. I think I agree entirely with the Hon. Mr Feetham, and I am just going to say this by way of footnote before we start.

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The hon. Gentleman has prefaced his question to the hon. Member about fireworks. Actually, I think what we all hate are *petardos*, right? We have to understand that the display, the fireworks, the ones that go up and create a beautiful ... they do not actually create as much of a bang. Some of them create a bigger bang, some of them create less of a bang, but the ones we all hate, the ones that create the bang where, whoever you are, you jump out of your skin, that require those who we want to look after ... We are civilised because we look after animals and, in particular, our children – special needs children and non-special needs children. Some are worse than others, but it is quite dreadful. I do not know what possesses somebody to want to set off one of those bangs like that. Those are the *petardos*, not the fireworks. Perhaps we can graduate our debate in respect of fireworks in some way, so that what we are dealing with is the bang. It is the noise that is the problem here, it is not the display, and most of those that create the display do not create a bang in a way that is potentially problematic.

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I am saying this by way of footnote to the answer because there are, of course, issues also of personal liberty here and the ability to be able to enjoy displays etc., so the balance, but I do that by my deep agreement with Mr Feetham on this, just by way of footnote on this subject.

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Hon. Prof. J E Cortes: Thank you, Chief Minister.

Mr Speaker, by way of my own preamble, I can confirm, as the Chief Minister suspects, that despite the fireworks display in London there were other areas of the United Kingdom where there were private fireworks. My daughter, who is a student, sadly could not be here for New Year but she was a victim of a lot of noise in her own area of Bristol, too, and from the danger point of view, my granddaughter was narrowly missed by a firework this last New Year's Eve. So this something that is very close to all of us and the potential danger I do remember when I was Minister for Health – no, earlier than that, when I was manager of the Health Service back in the

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early 1990s, being there on New Year's Eve and seeing the damage that one particular firework had done to one particular person. So I think we are all on the same side on this one.

Regarding the meeting, there will be representatives from the Law Offices – of course, because it is a drafting issue – the Royal Gibraltar Police, the Fire and Rescue Service, HM Customs, the Environment Department and the Ministry of Culture and the cultural team, for two reasons: one is that they would be the ones to organise the formal official display, and also because the entertainment licence is issued by the Ministry. So it would be all those entities. I may be forgetting one, but those are the main ones that I can recall.

Hon. D J Bossino: Has he answered the point in relation to timing?

Hon. Prof. J E Cortes: On timing, I think we have a pretty good idea. We had met before this last New Year and already discussed possibilities. We already have a draft, which I am not altogether happy with but I think we should be able to have quite a robust draft within the next ... I would like to say one month, but to be realistic I would say two months, so clearly before this Government once again considers what it does at New Year.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, thank you very much. As the Chief Minister was agreeing with me, I had a nervous glance behind my chair to see whether the assassin lurked in the shadows, so to speak.

May I ask the Minister whether he agrees with me that there are two issues that we need to look at in relation to this? One is enforcement. I say that from this perspective: that I know from the Upper Rock, where I live, for example Genoese Battery and Devil's Gap are two areas where there are unlawful fireworks and *petardos* that go off during Christmas and New Year, and at other times as well during the year, and therefore if police officers or other enforcement officers are not present, it becomes very difficult to actually prevent that. That is one issue, as to whether the Minister is going to be looking at that.

The second is, of course, the period as well. You can say that you are going to cater for official fireworks displays, for example, outside Casemates. I think it would be helpful as well if that were confined to specific periods of time, because although I know that logically perhaps they are not connected, that sends a message, to others within the community who want to set off fireworks and *petardos*, that that is the period of time. Of course, the obvious retort to that is if it is going to be during an official period and at an official place, it should not be taking place somewhere else. I accept that as an argument, as a retort against, but it is also very difficult to actually prevent people, for all the reasons that the Minister has developed in his answer, from importing into Gibraltar and then setting off in Gibraltar. Perhaps actually saying, 'It is this area but this period and no other period outside it' ... Does he agree with me in relation to that?

Hon. Chief Minister: Mr Speaker, let me start by saying that the hon. Gentleman has been in politics for long enough to know that the rule is that the enemy is usually behind you, not in front of you. That is in the United Kingdom.

Hon. D A Feetham: I know that from experience.

Hon. Chief Minister: Of course, absolutely.

Hon. D A Feetham: He is a very skilful.

Hon. Chief Minister: That is in the United Kingdom, Mr Speaker. Here, the enemy is usually beside you, not in front of you. And I do not mean her, Mr Speaker, but – (*Interjection*) Exactly. It

is not about you. Mr Speaker, the hon. Gentleman makes an important – (*Interjections by Hon. D A Feetham and Hon. Ms M D Hassan Nahon and laughter*) I have never seen such looks of sweetness and light to his right, Mr Speaker.

Speaking about more heat than light, the issue that the hon. Gentleman is raising is one on which we agree. Unfortunately, I do not think the proposal that he makes will resolve matters because we have had official fireworks displays on New Year's Day and people have not thought that this is the period upon which I should be even doing my private display to go with the public display.

I think what is emerging is common positioning between all parties here, and what we need to do, perhaps, is inform people of that agreement between all sides of the House, which I think is the agreement not just between all sides of the House but between all right-thinking people generally, that there is nothing to be gained by obtaining – and this is, I think, the different nomenclature that we have to use – a firecracker, because we are not talking about a firework, and setting it off to the great annoyance of everyone except the person setting it off, who must be the worst sort of fool that wants to inflict upon themselves and others the sort of explosion that, if you are close enough to it, can burst your eardrums, let alone scare you.

I have nothing that annoys me more, outside of politics, than a firecracker on New Year's Eve at seven o'clock in the evening, when you are cutting the potatoes or putting on the bow tie, and – *bada bing* – out of nowhere ... especially when I used to live in the Upper Town and the resonance in a patio was enough to make you think you were literally in the middle of a war zone. You did not know what the hell it was, except you knew, of course, it was that bloody fool again with a firecracker at seven o'clock on 31st December – let alone when they are all going off between midnight and two or three in the morning, because the firecrackers go on for longer than the fireworks.

So it is important that we send the message that we are all agreed about this. We can do a law and we will do a law, we can make a provision for enforcement and we will make provision for enforcement, but here the issue is education. It is about the value of things. What value to the individual, to the community, to one's own family, of a non-beautiful firework that is a firecracker, that causes huge annoyance? I think that is where we all need to converge and send a unified signal that this is worthless to our community, it annoys most of us, it affects the most vulnerable, it affects pets, it affects people who we should all, as a community, be wishing to work together to protect in any circumstance, whether it is between midnight and one in the morning on New Year's Day or at any other time. At seven o'clock on New Year's Eve now one has become used to the fact that at any time there could be a firecracker, but there are times during the rest of the year when some bod will think it makes sense to set off a bleeding firecracker. To what effect? Scare the bejesus out of one's neighbours? Is this really what people find value in?

I put it to hon. Members that we agree that anybody who is engaged in just setting off a firecracker is stretching the limits of credulity of why humanity is civilised, and that that is the message we should send together from this place. We should send it without any difference between us. That does not affect individuals' personal liberties to do firework displays in a responsible manner by buying a box that is approved for use, which is more light than heat, to put it that way – in other words, is a beautiful display, is not a loud display – and that the legislation should assist that. I think the people who retail fireworks in Gibraltar have all demonstrated that they are responsible. They provide things that are attractive, that are safe for children, that are safe for those seeing them – of course, in the hands of a person who is responsible in setting them off.

I read an excellent piece in the *The Times* two days ago about fireworks displays and about displays where individuals try to set off the firework in a way that aims at the grandmother walking nearest your house and in order to maim, as if that were fun. This is the point I was making to the Hon. Mr Phillips before. This is not a national problem in Gibraltar. This is obviously a problem of a particular type of pyromania that needs to be controlled and needs to receive a very clear message from this place in legislation, in regulation and in guidelines, but also in positioning of all

2110 of us here, respecting personal liberty in other situations but also sending more than just the message, also legislating to ensure that people know that there are certain behaviours which are not going to be tolerated.

Mr Speaker: The Hon. Hon. Roy Clinton.

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Hon. R M Clinton: Mr Speaker, I do not think I will be speaking out of turn if I say on behalf of my colleagues that we probably would agree with what he has just said in respect of illegal fireworks.

2120 It may be that we perhaps do not even need legislation and the existing legislation will cover the required needs. It seems to me that once a year we take great joy in going back to the days of the Great Siege and smelling the gunpowder and the sounds of what it must have been like at that time, and perhaps we should record it for posterity, but if I can go back to my hon. colleague Mr Phillips' Question 29 about entertainment licences – and the Minister has made reference that within the entertainment licence there will be requirements for a risk assessment and such like things, which ... What I want to get to, Mr Speaker, is the legal fireworks and how the legal fireworks are being controlled in a way as to minimise risk to the public. I can say I actually saw people setting off not just one, two or three, but six, seven or eight fireworks from the roadside, which cannot be right. I was wondering if the Minister had any information as to how many entertainment licences were actually applied for during the period, and if there were none, 2125 whether perhaps the answer might be some kind of public awareness campaign leading up to New Year, saying 'Please apply for a licence because then we can check as to safety etc.'

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Hon. Prof. J E Cortes: Yes, indeed. Mr Speaker, I did qualify by saying fireworks displays per se, in the sense that if somebody is organising a fireworks display to entertain, they would need it. 2135 Technically, one could say that if you are on your terrace with a fireworks display, you need an entertainment licence, but then we come into your own personal liberties and I think we will all agree there are certain fireworks, like the small snow fountains – the only ones that were around when I was a child – and sparklers and so on ... It might be ridiculous, it might be argued that it may be a step too far, and this is why I said that what we are looking at is to set out limits to dates, times and locations for private fireworks to be set off, as well as limiting the type of fireworks that 2140 can be used, because a couple of sparklers and a couple of snow fountains on somebody's terrace are not going to be an issue, certainly from the noise point of view, and minimal danger. As soon as you light a match, technically you are in danger, but it is not much more than that, and that is not in the same category at all as the firecrackers that the Hon. Chief Minister has been talking about. 2145

So we need to find a way round it. It is not easy because enforcement clearly will be difficult. At one extreme you could have the whole of the Police Force out on New Year's Eve instead of at home with their families and you are going to arrest half of Gibraltar. So there is, as the Hon. Chief Minister has said, a certain amount of common sense, education and spreading the message in 2150 order to ensure that that is the case. There is a public health element as well, I must say, and I did forget to mention that the Public Health promotion persons are also invited to that meeting because they can also contribute to some of the dangers and spreading the message, but spreading the message is actually critical in this.

2155 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I ask the Minister for the Environment if he or his Government have considered alternative proposals that would help to wean us all off the fireworks – like drone displays, for example, which are cleaner environmentally and are a quieter 2160 option and would help slowly to move people's expectation, in a way, on fireworks?

Hon. Prof. J E Cortes: Mr Speaker, yes, we have looked at this. We have even looked at so-called silent fireworks, which do not really exist. They are low-noise fireworks. They make less noise, but nevertheless they do make a noise.

2165 Drone displays are hugely expensive. We did have a proposal, for the year when COVID hit, that we were looking at – it had not been agreed – and I seem to remember it cost about £¼ million, which clearly is preposterous. You cannot decide to go ahead with a display until the last minute, depending on weather. If we have what we would all call *un levantas*, that is money clearly out the window. So we have looked at these options and they do not seem to be realistic for Gibraltar. (A Member: Yet.) Yes, yet.

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Mr Speaker: Next question.

Q33/2023

Devil's Tower Road –

Provision of green spaces and recreational parks for residents

Clerk: Question 33/2023. The Hon. D J Bossino.

2175 **Hon. D J Bossino:** The Eastside development will have green areas for residents. What plans does the Government have to provide residents of Devil's Tower Road with green spaces and recreational parks for families?

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

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, these green areas will be literally round the corner for residents of Devil's Tower Road. In addition, several of the private development proposals for Devil's Tower Road include open green spaces, and the Development and Planning Commission is likely to make these a planning condition.

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Hon. D J Bossino: Which are the developments he is referring to? He mentioned several. Does he have that information?

2190 **Hon. Prof. J E Cortes:** Not in detail. I do not want to risk giving the wrong name. At least one development I think already has outline planning, but there are perhaps two or three others, and I know of two that I have seen that do provide open courtyard areas and green spaces.

I cannot speak for the Development and Planning Commission in this place, but I have enough experience in the Development and Planning Commission to believe that these will become requirements.

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Q34/2023

Review of entertainment legislation –

Update

Clerk: Question 34/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update regarding the promised review of entertainment legislation.

2200 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, entertainment legislation is currently in the final stages of redrafting. It is intended to de-conflict the current Entertainment Act and Leisure Areas Act to make the requirements clearer and able to be more effectively enforced. This, together with the new Culture Act which I have announced in past Budget speeches, will greatly enhance the community's ability to enjoy leisure and cultural activities with the least possible negative impact on others. I am intending to publish both Bills in coming weeks.

2210 **Hon. D J Bossino:** Is he able to give us a taster of the type of things that they – I think he has mentioned two pieces of legislation – are likely to cover? And in respect of those two where I think he mentioned decoupling them, are they going to be repealed, and is this a new Act that is going in their place?

2215 **Hon. Prof. J E Cortes:** The form that this will take is yet to be determined. There are different provisions and sometimes almost conflicting provisions between the Leisure Areas Act, which refers to some particular areas, and the Entertainment Act, and there are different authorities responsible. This gives rise to inconsistencies, which can be confusing. We are trying to de-conflict that and merge them into one. So it is likely that one of them, probably the Leisure Areas Act, will be repealed, but all the positive things in there will be incorporated into the Entertainment Act.

2220 I have had a number of meetings with the industry, the entertainment industry and the catering industry – on which there is an impact in areas such as Chatham, Casemates and so on – and I have undertaken to discuss the near-final drafts with them. We were going to have a meeting on that yesterday, but unfortunately, for logistical reasons, it did not take place. It is down in my diary for the next few working days and I will be happy to update the hon. Member directly if he wants to ask me in a couple of weeks' time.

2230 **Hon. D J Bossino:** And in respect of the question I asked about a taster of the measures he thinks those pieces of legislation are likely to cover, is he able to give us some information in relation to that? I would have thought there would be an element of control as to timings, because clearly it is a very difficult balance that needs to be struck here between those who are bothered by the music noise and those who want to express themselves through music.

2235 **Hon. Prof. J E Cortes:** It is almost a little bit worse than that because there are certain provisions in the Public Health Act and then are provisions in the Crimes Act, and they do not always ... they have different authorities – the Police do one, the Environmental Agency do one – and it is confusing for a restaurateur or an event organiser to have to deal with all these different ... We try to do it administratively. Certainly we are all talking together a lot more, but it is difficult to go into details without just saying that yes, it will deal with things like times, decibel levels and that sort of thing, so that people have a clear indication of what is and what is not allowed. It might also be that on particularly special days – say, for example, National Day – there would be more ability to be open longer and that sort of thing. That is what we are talking about, so that people can enjoy leisure activities with the least possible negative effect on, very often, residents who live nearby.

Q35/2023
Cavalcade –
Cost of private security

2245 **Clerk:** Question 35/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what financial contribution did the Government make for the payment of private security for the Cavalcade?

2250 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the private security cover for the Cavalcade cost £4,500. This was paid from the approved expenditure – Head 19, Culture, subhead 2(8) Cavalcade.

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Hon. K Azopardi: Mr Speaker, I will just ask the question I asked before, which is obviously ... It became clear during interviews on the subject that this was a contribution that the organisers had to seek from Government because the Police had decided, on this occasion, not to provide duties that presumably in previous Cavalcades had been provided. To what extent was there any discussion between the organisers and the Government, or consultation with the Government, before that decision was taken by the Police?

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Hon. Prof. J E Cortes: Mr Speaker, there had not been a Cavalcade for a number of years, as we know. Certainly it is true the Cavalcade is organised by the Independent Cavalcade Committee, as we know, and they did express this view – I believe it was in an interview in the *Gibraltar Chronicle* – saying that they had had to cover aspects. The Hon. Minister for Justice has explained all the things that the Police did do, but there were some things that the Police used to do, like marshalling for example, which they are no longer doing. This was communicated through meetings of the Safety Advisory Group, at which the Police are represented. Then I held meetings directly with the Police, the Cavalcade Committee, my team at the Ministry of Culture and with Gibraltar Cultural Services, who assist the Cavalcade Committee in the organisation, to discuss how we were to be absolutely certain that there would be no gaps because of the changes in the Police emphasis on what their duties are. The meeting was successful and the Police did provide substantial support – for example, in dealing with traffic, in dealing with the movement of the *carrozas*, the trailers, and so on – and the gap that it was felt was left in the marshalling and perhaps frontline security was covered by the Cavalcade Committee through engagement of a security company that, as I have referred to, cost £4,500.

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Hon. K Azopardi: And did the Police share with the Government, in the discussions, why on that day they could not provide the services they had on previous occasions?

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Hon. Prof. J E Cortes: This was not specifically on that day. The Police explained that they have reassessed their role in certain areas following a review and that they felt they had to concentrate on things which only the Police can do and that other things needed to be covered more directly by event organisers, but this is not exclusively for the Cavalcade.

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Hon. K Azopardi: And of course this not a one-off, precisely because of what the hon. Member has just said, that it is not about the Cavalcade. As I understood the Police explanation in the public domain, it is about public events and similar handling of events, the Police taking a view that they will do certain things but not others because of that principle, that they should be dedicated to other things. That will have a knock-on effect on the cost of other public events, and organisers may also seek contributions from the Government. And so it may not be £4,500 – £4,500 may be

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the Cavalcade, but if there are a number of events, the annual cost of the Police decision in this case might actually be much more significant than that. Does the hon. Member agree? And if so, has that been discussed with the Police to get a finer understanding of why, in respect of these matters, the Police cannot still do the traditional services that they were doing?

Hon. Prof. J E Cortes: Mr Speaker, I cannot speak for the Police. Clearly the decision of the Police is not for me, it is for the Police, but the implication that there will be other areas in which event organisers, be it the Government or others, may need to spend some more money on separate security is a correct assessment.

Hon. K Azopardi: I was just trying to probe whether the Government has had a discussion with the Police, given that the Police are making an assessment on effective policing and as to its role, but it is against the backdrop of a wider public finances situation, whether the Government has engaged with the Police in relation to this issue on a value-for-money basis given the current situation.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Member is asking the Minister for Culture a question about value for money for the Police across the board. *(Interjection by Hon. K A Azopardi)* Well, it would not come up in the discussion because the Hon. Minister for Culture would not be discussing with the Police value for money across the public finances and everything that it does. I referred him to this question when he was asking the Minister for Justice about the Cavalcade, but now he is asking the Minister whose responsibilities include the Cavalcade as a cultural event about the responsibilities of the Minister for Justice and, indeed, my own.

The HMIC report, which is the relevant determining factor for the Police, arrived, I believe, sometime in the early autumn. The next spending round, as it would be known in the UK – the next Budget – will be fixed by the end of the first quarter of this calendar year. We will have the negotiations and discussions across all the Departments for spending, and of course this will be an issue that will be raised in the context of the Ministry for Justice's budget and the Police budget and something that will be raised by Sports and Culture Ministries in respect of their respective events also, I am sure.

So it will have an effect. It requires a discussion. We completely respect the independence of the Police to determine what they should and should not do with the resources that are allocated to them by the Parliament and we do recognise that policing has changed and that policing the modern world is not the same as policing the world in which we might all remember the Cavalcade etc. I certainly agree that a police officer paid as a police officer is not the sort of individual we would consider it is value for money to see marshalling in the Cavalcade, but as I think the hon. Member was told in the first answer by the Minister for Justice, the Police were doing all the things we would expect the Police to be doing – traffic issues etc. and also plain-clothes policing, ensuring that they were making us safe and noting that there was no threat during the course of the Cavalcade for those of us who attended the Cavalcade.

Mr Speaker: Next question.

Q36/2023
Outdoor cleaning –
Satisfaction level re contractors

Clerk: Question 36/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is Government's current level of satisfaction with its outdoor cleaning contractors?

2340 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, our level of satisfaction is 'fair'. I believe there have been clear improvements in cleaning in recent months, but there is always room for more improvement and the
2345 Environment Department will continue to monitor and work with the contractor to improve further.

I must add, as the Chief Minister stated last time we discussed this in the House, that the issue of cleanliness starts with those anti-social individuals who deposit litter and rubbish in the first place.
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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for his answer. I understand when he says that the issue of cleanliness starts with all of us, but it is a fact that everywhere one looks in Gibraltar, streets, pavements and corners are dirty. This is not 'rumourology'; this is clear evidence. Nowadays, with social media, people post things which are,
2355 some of them, down to our own responsibility, but other cases – most cases, from what we see – are a basic, fundamental lack of maintenance and cleaning. So when the Minister says he is fairly happy and he is continuing to monitor, can I ask in what way does he maintain the line of communication or accountability of these cleaning contractors, to make sure that they keep up or improve the level of cleanliness we currently have?

2360 **Hon. Prof. J E Cortes:** Mr Speaker, I repeat that I believe cleaning has improved in recent months, and it is also a fact that I have countless examples of an area having been cleaned and within the hour you can take photographs again and there has been dumping of waste etc.

I believe there has been an improvement. The Department of the Environment has a Cleansing
2365 section and they are in regular daily contact with the contractors, chasing and trying to ensure that the contractual areas are cleaned routinely, and wherever we identify, as we do, a particular area where there has been excess litter or rubbish deposited and so on, they are sent out to clean. I repeat: I think that the situation is improved and improving.

2370 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker, for that. Can I just ask the Minister if into the future this Government, if it remains in office, will continue to look at renewing, on expiration of contract, these cleaning contractors – if they will continue to look to work with them and renew their contracts?

2375 **Hon. Prof. J E Cortes:** Mr Speaker, this a contractual matter that needs to be discussed at the time. I do not think this is a supplementary that necessarily follows on from the question, but in any case it is a contractual matter that would have to be discussed at the time with the appropriate people.

2380 **Clerk:** Question 37 –

Hon. E J Phillips: I am grateful, Mr Speaker – just one hopefully short question in relation to the cleanliness of our streets.

I think the hon. Lady puts a very important question to the Minister. This is a complaint that
2385 many of us on this side of the House receive, and for the Minister to say that the level of satisfaction is fair ... I think we should do better than fair. We have thousands of people coming to visit us in this community and we rely on that level of income in terms of tourism. I think it is important that we try to get the best possible value out of those who are performing that service.

We have endless complaints in the community about the cleanliness of our streets. Something has to be done about that. I do not think we are getting the best value from the service that we are paying for, and this is reflected by the comments that Members of this House receive on a daily basis. I think more needs to be done. Does he not agree with that?

Chief Minister (Hon. F R Picardo): Mr Speaker, it is not just Members opposite who get reflections from members of the public; we get them, too. We get the good and the bad. A lot of people have expressed concern about the cleanliness of the streets. In some instances, as the hon. Member says, the comments we get now are better than they were before, but the comments we get – even with the ones we were getting, which were bad – are nowhere near as bad as the comments we were getting before we granted this new contract.

We had a situation where we had a huge number of complaints. We worked with that contractor to try to fix those complaints. We could not fix them, we were not making progress, so we changed the contractor. In keeping with the rules of the contract and the tender rules, we went out to tender, we selected a new contractor, we got very positive comments as a result of the new contract and things had turned the corner. I am sorry to say, and it is not an excuse, COVID happened, Brexit happened – COVID in particular, here, seems to have put a bit of a spanner in the works – and things got worse. They are now getting better. We are very much on top of it. We want it to be perfect. I would like to be able to eat a fried egg from the street, when it gets hot enough to fry one, just by laying it on the tarmac, but you cannot even do that in Switzerland, to use the notional cleanest place in the world. You might be able to do it in North Korea, but we are not proposing that regime. We will stay on top of it.

I must say I also think it is important to reflect that, as hon. Members have heard me say before, the Hon. Minister and I live this. This is so important that it has come to my office. The Hon. Minister has usually run this, but he has asked me for help on particular aspects and, in particular, the finance aspects. We see what the contractor also sees, an area cleaned spotless at 10 o'clock in the morning – and I will tell the hon. Gentleman the area: it is the area from Waterport Terraces up to the North Mole where the cruise liner terminal is – a cruise ship arrives and people start to come ... A photograph from a citizen on social media, 'Disgraceful – people coming from the cruise ships and this area is dirty with dog doo-doo and all the rest of it all over the place; the contractor really needs to get its act together.' The contractor comes and says, 'I cannot believe this. Here is my photograph of 10 o'clock in the morning. This photograph is 11 o'clock in the morning. There was no dog doo-doo there.'

One of the things we are hoping to introduce is that the contractor, when they leave the place spic and span, will photograph it and put it on social media: 'Waterport Road, spic and span, 10 o'clock in the morning – Yours, the contractor,' so that when the next photograph comes up – 'Disgraceful, Waterport Road, dog doo-doo and tourists there, 11 o'clock in the morning' ... It is the dog's fault, unless somebody is moving the doo-doo there. (*Interjection*) Well, exactly, it is the owner's fault. I was obviously speaking in jest. The poor animal needs to do it somewhere. I am sure it is *our* fault. Mr Speaker, the modern Gibraltarian rightly cares about the cleanliness of the street, but should also rightly not allow his dog to do the thing there when the area was spick and span at 10 o'clock in the morning.

We had the same issue in the estates. In the estates: 'It's disgraceful – look at how dirty this area is.' Then you see the photographs. It was perfect at nine o'clock in the morning when they left, or it was perfect at 11 o'clock when they left – they do different places at different hours – and then it is not the 500 people living in the estates, it is the five *g-u-a-r-r-o-s* in the estate who do what they do in that period who create the problem. We had it – you are never off when you are a Minister, Mr Speaker – over Christmas. A refuse dump in an estate ready to receive all of the rubbish that the households were going to generate – perfect. What does one clever bloke do? 'I cannot be bothered opening the door and going in.' We discussed this in the last House. It happened again. Boom! His pile of rubbish at the entrance. What happens? The next guy comes along and says, 'Oh, there is rubbish there. It must be full inside. I am not going to open it.' Boom!

I have the photographs of the pile of rubbish inside and the spotless refuse area inside with the door working perfectly. It is not that the door did not work or it required a weightlifter to open it, because the door had also been fixed. Perfect. Come on! There are limits to what we can require Government to do for us. Otherwise, we have not got enough Ministers, even if I went off my senses, went to the Governor and made *them* all Ministers too, we posted each other outside each refuse area in every estate, waiting for people to come, and took the rubbish from them as they arrive at the refuse collection point. Again, it is not the 900 families living in an estate, it is the nine that create the problem for all the others on the roads and the estates etc.

There must be a solution. Civic pride is part of it, responsibility is part of it, the contractor is part of it, the Government is part of it, but none of it does it all. It requires the same level of input from all of us, the conviction from all of us that we want a cleaner Gibraltar, that we will do our bit. If we do our bit as individual citizens, then we may find that the contractor is doing his bit, that the Government is funding it to do sufficient work and that what is missing is the guy who owns the dog that does its doo-doo and its pee in the corner, which then goes black. That is not 'rumourology', the corners are black, but after dogs doing it and doing it you would have to get on your knees and scrub every day, and it is just impossible to fund that, even when we had a surplus of £80 million. We cannot fund somebody to get down on their knees with Vim and a wire brush on every corner in Gibraltar to get rid of the dog pee. We have to recognise that this is a problem of our making and only we can unmake it – there is no contractor out there, there is no money that we can give, there is nothing more than civic pride – and that those few who are spoiling it for everyone should wake up and smell the dog doo-doo that all the rest of us have to smell, which they leave there, and understand the consequences of what they do.

Forget the tourists, forget us. What about one of our children falling down and scraping a knee in that area and getting an infection? That is the sort of thing that matters. Do you know how soul destroying it is for the Chief Minister of Gibraltar to take his children to school every day, to have funded to be cleaned the areas around every school in Gibraltar, for them to be clean at seven o'clock in the morning and covered in dog ... I want to say the word ... doo-doo, so that our children, all of our children, have to walk over it or stumble over it or step on it and take it into the classroom? Come on! Who is being this irresponsible? Don't blame the contractor at eight o'clock in the morning when it is being cleaned. We have to have that civic pride. We have to turn a corner. I do not know what has happened, but those few who have turned the wrong corner need to turn back.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Hon. Chief Minister for his answer and I think I can get on board with a lot of what he is saying – I agree – but when he talks about doo-doo, and quite often, which is an issue, that brings me to have to ask what is going on with the enforcement of the dog DNA. We invested in that. Why are we constantly asking ourselves who these people are? Don't we have the infrastructure to catch these perpetrators out through the DNA system?

Hon. Prof. J E Cortes: Mr Speaker, I gave figures recently, but the Hon. Chief Minister has suggested that all of us be tasked with the job of preventing the depositing of litter. If all of us were tasked with collecting samples of DNA, we still would not be able to cope. We do enforce, we do chase up, there have been fines and prosecutions, but we do need, as the Chief Minister has said, the support of the public in general in order to prevent this happening.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you so much, I am really grateful. I think a lot of it is down to education. I have seen some awareness come out on TV and media, but what about if we took it a little bit further and made sure that, like other countries, we provide little bins, little bin liners and little tools in order to help people be more responsible and aware of what they need to do?

Hon. Prof. J E Cortes: Mr Speaker, *(Interjections by Hon. Chief Minister and Hon. Ms M D Hassan Nahon)* you do not need to hand people bags and you do not need to provide special bins. I am a recent dog owner. You take your little bags, you pick it up, seal it and put it in a normal bin, like people do, and then you make sure that you – and we legislated to ensure that you have to – pour liquid, usually with soap in it, which does help. So there are ways to prevent all this ‘doo-doo’, for want of a better word, remaining there and becoming a problem.

As the Chief Minister was saying, we cannot exonerate those who are responsible, and no matter how much we spoon feed them with bags and special bins and so on, if they are not going to be responsible they are not going to be responsible. It is a question of education and enforcement, and we are trying very hard.

Mr Speaker: Next question.

Hon. K Azopardi: Mr Speaker, with your leave, I am not going to ask about dogs, because as a dog owner I agree that it is about responsibility of the dog owner. There are a lot of responsible dog owners out there and I am sure there is an irresponsible minority, of course, like everything.

A lot of this debate has now veered into the deposit of litter, or whether certain dog owners are responsible or not. But that only deals with one aspect of the debate. Does the Minister agree that on the wider issue of adequacy of the cleaning – not the removal of litter or refuse or dog poo, but rather the adequacy of the cleaning, the scrubbing of the streets ...? Is the Minister satisfied with that? A lot of the complaints that we get are more about the adequacy of the cleaning.

Hon. Prof. J E Cortes: Mr Speaker, our level of satisfaction is fair. Is that satisfactory? But it is absolutely the same thing. You clean the street by removing the litter, removing the rubbish that has been deposited, then you come in and scrub it with the equipment or whatever and it is spotless at seven in the morning – and then at nine o’clock it may well not be. It is part of the same thing.

Hon. Chief Minister: The hon. Gentleman says it is not spotless. In some areas it is absolutely spotless, in some areas it is not. That is why our level of satisfaction is fair rather than excellent. If we had said it was excellent, the hon. Member would say, ‘Well, look, it is not excellent.’ **(Hon. K Azopardi:** It is not.) But I think we are agreeing that it is fair. Although they are pressing us, I think we are agreeing that it is fair. That is to say fair is below good **(Hon. K Azopardi:** Yes.) and it is well below excellent, **(Hon. K Azopardi:** Yes.) but it is not terrible, because terrible, at least judging by the number of complaints we had, is where we were when we had the contractor we inherited.

Mr Speaker: Next question.

Q37/2023
Smoking and vaping –
Public Health plans re awareness campaigns

Clerk: Question 37/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Has Gibraltar Public Health Department got any plans to spread awareness or launch campaigns on the effects of smoking and vaping and on laws relating to smoking and vaping for under-18s?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, awareness of the effects of smoking and vaping is a top priority for Public Health and for the Government. As a result, we made it an offence to sell or provide vaping products to the under-18s. This was very widely publicised at the time, in November last year. Additionally, we have required that every business with a licence to sell vapes has to display a notice saying it is illegal to supply them to any under-18s.

As explained in Our Nation's Health 2021, the current prevalence of smoking in the population of Gibraltar is estimated to be about 24% from the 2021 Lifestyle Survey, a figure still significantly higher than in the UK. The survey results also show that 51.9% of current and ex-smokers started smoking when younger than 17, and 75.1% when younger than 19. At present, we have no data on vaping and we will be seeking to obtain data.

We are concerned that the health impacts of the COVID-19 pandemic have resulted in increased smoking prevalence rates. Therefore, a clinical coalition was established during 2022, including the Director of Public Health, consultants in oncology, critical care and GPs to co-ordinate and improve GHA activity on the tobacco control agenda against the MPOWER framework. This framework assesses a country's approach to delivering the World Health Organization Global Framework Convention on Tobacco Control (FCTC). In December 2022 the Director of Public Health was invited to attend a WHO-hosted global online seminar to explore different countries' approaches to implementing article 5.3 of the WHO FCTC.

Public Health Gibraltar has supported and created campaigns where current smokers are supported to quit smoking. This has included STOPtober and World No Tobacco Day. It is currently running a confidential survey in secondary schools with the aim of assessing how many children are vaping. This survey has been supported by educational talks in the schools for both children and their parents and it has been well received by the Department of Education, parents and the general public. The smoking cessation clinic continues to be up and running in the Primary Care Centre. Public Health Gibraltar will continue to actively campaign in these areas.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for his exhaustive answer. Can I ask him, firstly, how many schools so far have been engaged and visited by these professionals in order to hear of the dangers and be made aware of the effects of smoking and vaping?

Hon. Prof. J E Cortes: Mr Speaker, I cannot confirm that. I am making a note and I will obtain the information and make it available to the hon. Lady. I suspect it will largely be in the secondary sector, which is clearly the age when, even from the statistics, most of the young people start smoking. But I will confirm that and send this to the hon. Lady. As I usually do, I will copy the Clerk so that he is aware that that has happened.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member once again. I would like to say that I currently have one child in each of the two secondary state schools here, and I know that they have not been spoken to, so that really leaves very little by way of this campaign having been launched.

I know we say it a lot, but it is a fact: this is election year. I think there are concerns by many parents especially on the vaping front, with their children, and I would ask him if they will commit to ensure that secondary schools are seen to as a matter of priority with a holistic team of professionals who will actually try to make a difference in terms of awareness campaign?

Hon. Prof. J E Cortes: Mr Speaker, as I have already said, we have legislated against vaping. The schools are very aware. The hon. Lady is privileged in having a child in each of the two schools, but the fact that her particular children may not have had the sessions does not necessarily mean that in such large schools they have not happened. But I will, obviously, obtain the information.

Clearly this a priority, this a concern. As a grandparent now of a child in the first year of one of the secondary schools, it is a concern to me and my family, as well as to her and her family.

I am confident that the new team of health promotion officers in Public Health who have come in recently with a great deal of energy are well on top of this matter and I will certainly discuss it with them again and with the Director of Public Health to ensure that we do as much as we can to discourage vaping.

I also mentioned before the possibility of other measures in relation to the disposable ones, which will be relevant because I suspect that the majority of young vapers will be using these colourful disposable ones, rather than the bigger ones.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

Just one more point, and if he has already covered it in his long answer I apologise – maybe I did not catch it. Can I ask the Minister, if he has not already said, whether they will be upping their media campaigns on TV and on social media, which really is where the youth are mostly engaged? Do they have plans or do they have a budget to increase the exposure on social media and TV primarily?

Hon. Prof. J E Cortes: Mr Speaker, that is the intention.

Q38/2023

National Theatre –

Funds raised and target budget cost

Clerk: Question 38/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Since its calls for funding for a National Theatre, how much has the Ministry for Culture raised and what is the target budget cost in terms of funds required to execute the build and delivery of the theatre?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, funds have been contributed or pledged via the National Theatre Foundation, which is independent of the Government and so it would not be appropriate for me to give the details of its fundraising activities and plans here. A number of donations, however, are already in the public domain and further sizeable contributions from sponsors are expected to be announced soon by the Foundation, together with details of further fundraising activities.

The project does not only include a 1,000-seat National Theatre, it also includes a new cultural hub with a 200-plus-seats studio theatre, an expanded exhibition centre and library, as well as catering and bar facilities. The estimates are currently being reviewed by cost consultants and once again it will be the Foundation that will place the information in the public domain.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister again for his answer and the information he has provided. Considering that I think it is in two manifestos already from the GSLP that they talk about theatre land ... I know they bought the Queen's with the intention of that being the beginning of the theatre district. All this in a manifesto to now the Government not contributing at all and the Ministry for Culture having to find donations, yet the Government helps by way of £100 million to the sporting fraternity. How do we go from two manifestos of the arts and culture and promising to provide a great big National Theatre – which I think would be

fantastic – to the Ministry for Culture having to raise everything itself through donations and £100 million being poured into football?

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Hon. Prof. J E Cortes: Mr Speaker, the Government has not contributed £100 million. This is not an area that I am an expert on, but I think it is well clear and it has been publicly stated that it is not a Government allocation.

2640 We are in the reality of a post-COVID financial situation. I am very confident that had we not gone into lockdown in March 2020 we would already have had the first performance in the new Gibraltar National Theatre. I am absolutely convinced of that, but we have to face reality. I am confident that the Foundation is making progress and that this will become a reality sooner rather than later. But the reality is that whereas COVID was not even on the horizon when we, for example, built our fantastic sporting facilities, it clearly was very much around the corner when
2645 we started this latest project. But I am still confident. I cannot give details on behalf of the Foundation, who are aware of my answer and are comfortable with the answer I have given, but they will be announcing things very soon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for his answer, but with
2650 respect he has not actually answered my question. The Government has not answered the question. We already had a stadium. The Government has not contributed £100 million, it has facilitated £100 million through its own National Savings Bank, effectively. So how can we square extra help – funding facility, however you want to put it – for a stadium for the sporting fraternity, which of course is important, yet nothing but relying on donations for us to expand our arts and
2655 culture?

Chief Minister (Hon. F R Picardo): Mr Speaker, arts and culture are funded around the world from donations in many respects. There is lottery money in the United Kingdom, which goes to sport and to art and culture.

2660 The hon. Lady says that she has not heard the answer from the hon. Gentleman to the question she asked. Well, first of all, the hon. Gentleman specifically said that there is not going to be £100 million provided by the Government for a national stadium, because there is not going to be ... Even the work that is going to be done under the auspices of the Savings Bank provides a development project in that amount to fund a stadium that costs less, but the development costs
2665 that, subject to the final costings etc., which Joe Bossano is dealing with.

The hon. Member also told her the projects that we were designing as Government projects when we were looking at this as a political party and preparing manifestos were designed in the context of a pre-COVID world. Let's just try to understand that, so hon. Members can see what we are talking about. The last surplus we had was £80 million. Four years down the line we would
2670 have had £320 million of surplus, which we have demonstrated we would have been investing back into the community. The theatre needs £15 million to £20 million. We would have been able to build the theatre from the surpluses we would have had if our economy had continued to perform as it was performing before COVID hit.

2675 We cannot be more honest with the hon. Lady. Once she gets the truth, there is no more honesty we can provide. That is not a lack of transparency, that is just the sum total of the reality that we are dealing with and every part of the world is dealing with – us in particular because we are small.

Our commitment to the arts and culture is not diminished. Quite the opposite, we have gone out of our way to find a way to finance and deliver this for the people who are involved in culture
2680 in Gibraltar, who are as important to us, as a Government, as the people who are involved in sports. Many of them are the same people. There is no degree of commitment from the Government which is different when it comes to sport than when it comes to culture. We have done so much for culture in the 11 years we have been here, we just have not been able to deliver

2685 this theatre. That is true, we have not been able to deliver this theatre. We are not running away from it. We are running towards trying to deliver it in a different way. What more can be asked?

Hon. Ms M D Hassan Nahon: Mr Speaker, why didn't the Savings Bank then fund any part of the National Theatre?

2690 **Hon. Chief Minister:** Mr Speaker, perhaps she should ask the Minister with responsibility for the Savings Bank, (*Interjection by Hon. Ms M D Hassan Nahon*) but the Savings Bank is not funding things. The Savings Bank is investing in things, and so it needs a return from the things that it invests in so that it can be made whole as to its capital and the returns that it needs. If the hon.
2695 Lady is saying seriously 'Why is the Savings Bank not involved in this project?' then what she is saying is, 'John Cortes, build a theatre,' – and you could do this, it is perfectly legitimate – 'and ensure that you build it New York style, that you have eight stories of luxury housing on top.' Then you have the theatre, and the Savings Bank gets its return and its capital back. In New York, all the theatres are in the basements of skyscrapers. Here, we seem to have an aversion to the development of housing around something in order to finance it. Even when you build flats around
2700 the stadium, people are saying, '*Claro now flats, claro para los mismos, claro*' Well, this the way that you fund things.

Hon. Members sometimes try to lead our community by the nose into believing a reality that is not extant anywhere else in the world, and perhaps if we were an oil-producing state we could do it, but we are not an oil-producing state yet.

2705 **Mr Speaker:** Next question.

Q39/2023

Music Festival –

Whether to be hosted by Government this year

Clerk: Question 39/2023. The Hon. Ms M D Hassan Nahon.

2710 **Hon. Ms M D Hassan Nahon:** Will Government be hosting the traditional Music Festival this summer?

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

2715 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, further to Question 621/2022, I can reconfirm that the Government does not envisage hosting the traditional Music Festival this year.

2720 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I apologise if I did not look at that. I think I missed that session due to an injury. Can I ask the Minister if this purely down to a cost factor?

Hon. Prof. J E Cortes: I think I said in my previous question that if a private entity wants to organise a festival of this nature at their own expense, we the Government, and my team in Culture, would be very happy to support it, but yes, the decision was taken in order to prevent costs at the time we are facing at the moment, as has been discussed today in answer to several
2725 questions.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q40/2023

School intranet problems –
Update

Clerk: Question 40/2023. The Hon. E J Reyes.

2730 **Hon. E J Reyes:** Has Government been able to solve the intranet problems recently experienced in some schools, which at times give problems in updating attendance registers and communications between staff etc?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

2735 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, ITLD identified the root cause of the issue and this has now been resolved. The schools' intranet and internet services are once again operating with normality.

2740 **Hon. E J Reyes:** Mr Speaker, if the information I have is correct, these problems seem to have been there since the very start of the current academic year. If it has now been fixed, why has it taken more than a term to identify and be able to solve this problem?

2745 **Hon. A J Isola:** Mr Speaker, the information I have is that there was an anomaly in the performance of a distribution switch. I am not sure how long it has taken for that to be established and then repaired. The corrupt file has been restored to a normal working version. I do not know how long it has been down or up for. That was not in the question, so I do not have the information here, but I am very happy to get back to him with that information as and when I am able to engage with the relevant team.

2750 **Hon. E J Reyes:** I appreciate, Mr Speaker, that the Minister obviously in his answer can only reply based on information given. Whilst I take up his offer and I will wait for him to be able to look further and come back to us, please can I ask the Minister to look into ...? The wording in my question is 'in some schools', so I am not referring to only one school. I know definitely one of the secondary schools is far more affected than the other, but it does affect both secondary schools and other schools. Some issues, as the Minister can imagine, are of extreme importance. Should
2755 an unfortunate emergency happen and we have to evacuate the building, unless we have an updated register, fire and rescue services could waste a lot of time searching for children who may or may not be in the building. Also, the morale of the staff – the way things work nowadays, you have this internal communication system, where one needs learning resources and so on. So I accept what the Minister saying, but I want him to look at the wider picture of all of the services
2760 that the intranet helps to facilitate when it is working properly.

2765 **Hon. A J Isola:** Mr Speaker, ITLD have dedicated individuals working in the schools, so all the issues that the hon. Member refers to are very much within their knowledge and care. It is precisely for the reasons the hon. Member has detailed – the importance of technology to schools – that we have people permanently based at the schools to ensure that these issues are dealt with and resolved as quickly as they possibly can be. That is why it was news to me that the hon. Member referred to the length of time. That is not the information I have, but I will go back and check. But yes, I can tell the hon. Member that ITLD treat the importance of technology in schools as a first priority and deal with it accordingly.

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Mr Speaker: Next question.

Q41/2023
COVID and winter flu –
Measures in place to prepare

Clerk: Question 41/2023. The Hon. E J Phillips.

2775 **Hon. E J Phillips:** Can the Government state what measures and resources were put in place to prepare for the double effect of COVID and winter flu on the Health Service?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

2780 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, to prepare for the double effect of COVID and winter flu on the Health Service, the Government of Gibraltar, in conjunction with the GHA, have again afforded the community of Gibraltar the uptake of COVID and influenza vaccines, commencing with vulnerable and high-risk groups, followed by the wider population. Other measures put in place are strengthened segregated primary care clinics for those patients with COVID or flu symptoms, which run
2785 simultaneously with general GP clinics to help avoid cross-infections or spread. A&E have implemented a 24-hour, two-bedded short-stay unit to accommodate patients who require medical review and are expected to be discharged within less than 24 hours of their arrival to the department, subject to set medical criteria. The introduction of an eight-armchair rapid-care unit has been put in place, creating a new pathway of care for patients with lower acuity presentations.
2790 The re-introduction of mask wearing in all GHA premises commenced in December to protect and reduce exposure of staff and patients visiting GHA premises or attending appointments. In respect of in-patient areas, the GHA carefully manage and monitor patients in line with infection-control best practice and care for patients in isolation, where necessary. These measures are not affected by resource restraints but are implemented in line with best clinical practice whilst always aiming
2795 to achieve best value for money.

Hon. E J Phillips: I am grateful for that very full answer by the Minister, Mr Speaker.

I was just wondering, insofar as the projection for the future, is it the case that these measures will simply be put in place at this time of the year where COVID, influenza A or other flu diseases
2800 occur? Will we simply just install those particular measures? And when will the GHA start ramping down on those particular measures that were implemented in response to the double effect of COVID and influenza?

2805 **Hon. A J Isola:** Mr Speaker, anybody who has switched on their television in the past three months and seen the quite horrific scenes in the United Kingdom will know just how much strain is put on our Health Services during this particular time of the year. What I am very pleased to see is that during this particular time we have managed to cope not well but extremely well, not just as a result of the infrastructure we have in the GHA but with the extra areas that I have just mentioned to the hon. Member to specifically help us deal with COVID and influenza at the same
2810 time. How long these will be going on for is an operational decision for the GHA to deal with it and is certainly not for me to engage in seeking to influence. It is entirely their call as to what they consider to be in the best interests of our community.

What I can tell the hon. Member is that a number of the areas I have mentioned we are looking at continuing with because they have worked extremely well in respect of, particularly, A&E in
2815 terms of some of the facilities we have made available to them. We think that could work more longer term. So there are things that we are learning from the extra work that we put into this particular winter season and we will be seeing if any of these can be utilised on a more permanent basis. As and when that decision is taken I will, of course, communicate it to the hon. Member.

2820 **Mr Speaker:** Next question.

Q42/2023
Knee operations –
Waiting time

Clerk: Question 42/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government advise the waiting time for knee operations?

2825 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
Mr Speaker, the waiting time for a knee operation is currently nine months.

2830 **Hon. E J Phillips:** Mr Speaker, that is consistent with some of the concerns that have been
raised with Members on this side of the House about the obviously extraordinarily long time in
obtaining surgical intervention in relation to knees in particular. We have been spoken to insofar
as a particular number of incidences where those purported to perform the surgery on the knee
are suggesting that those individuals should go private, as is the phrase being used, on the basis
2835 that they will find it very difficult to get that surgery done under the GHA. Obviously, those
comments that were relayed to us were very concerning because it related to individuals who
were performing those functions for the GHA, so I wondered whether the Minister had any
information about that or any complaints received by him in relation to practitioners seeking to
shunt individuals into the private sector to have these operations done – which will be done much
2840 more quickly, obviously, with a fee – rather than through the GHA, where these people, who have
rightly paid their taxes and contributions all their lives, should receive that care within a
reasonable amount of time.

Hon. A J Isola: Mr Speaker, a number of points. The first point I would make is that I would ask
2845 the hon. Member to let me have any information he has that demonstrates that, because that
would be extremely useful. It is totally unacceptable to Government and the GHA that that
practice should happen. At the same time as I say that, I say that the waiting time of nine months
is also totally unacceptable. As I mentioned to the Hon. the Leader of the Opposition when he
asked some questions on the hon. Member's behalf in recent sessions, I hope by the end of this
2850 quarter to have a systematic and detailed approach to reduce the waiting lists significantly, not
just here but across all areas where they are too high.

To give the hon. Member an idea, in 2019 the waiting list for the operation was four months,
in 2020 it was six months and in 2021 it was seven months. At the same time as I give you that
information, I would tell you that during COVID 119 knee operations were cancelled through
2855 COVID. We did not operate. We stopped operating. So it was always obvious that, post-COVID, we
had a lot of catching up to do. We did not have just the normal knee operations we were doing
before COVID, in respect of which we had a four-month waiting time, or six months in 2020, just
before COVID. So the nine months is actually quite logical but unacceptable.

I will revert before the end of this quarter with a strategy as to how we are going to deal with
2860 waiting lists to bring them back to what are acceptable levels, because I fully agree that the nine
months is unacceptable. I hope that helps.

Mr Speaker: Next question.

Q43/2023
Excess deaths –
Number in last 10 years

Clerk: Question 43/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the numbers of excess deaths for each year for the last 10 years?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, while I just prepare the documents that I want to pass over to my friend, in respect of the last answer I think it would be useful if I refer hon. Members to a similar comparison in the United Kingdom, where the average for these operations is actually nine months and in some UK areas it is from 13 months up to 25 months. Again, I assume, apart from the current issues they have, which we are all aware of, the added pressure of not operating during COVID has obviously exacerbated the problem there as well, but however unacceptable it is to us, it is, I think, relevant to note that it is nowhere near as bad as it is in other parts for the same reasons.

I will now hand over to the hon. Member a schedule stating the number of registered deaths in the past 10 years, broken down by month. We are not in a position to provide information on the excess deaths for each year. In connection to the above, the GHA has confirmed that the total number of COVID deaths is 111, of which 93 deaths resulted from COVID and 18 deaths with COVID. Furthermore, I am informed that excess deaths is a complex calculation to measure the scale of a pandemic. The GHA has advised that once the 2022 census results are published, they will be in a better position to provide an accurate analysis. In conjunction with this, there are other clinical coding measures, which also need to be properly validated. Once this is provided to me, I will revert to the hon. Member.

Answer to Q42/2023

2013	Deaths Registered
JAN	24
FEB	19
MAR	13
APR	20
MAY	24
JUN	26
JUL	14
AUG	17
SEP	19
OCT	22
NOV	15
DEC	17

2014	Deaths Registered
JAN	35
FEB	26
MAR	20
APR	17
MAY	22
JUN	17
JUL	19
AUG	25
SEP	21
OCT	20
NOV	21
DEC	19

2015	Deaths Registered
JAN	25
FEB	26
MAR	22
APR	21
MAY	19
JUN	19
JUL	15
AUG	22
SEP	16
OCT	19
NOV	12
DEC	25

2016	Deaths Registered
JAN	31
FEB	30
MAR	23
APR	20
MAY	17
JUN	22
JUL	16
AUG	18
SEP	22
OCT	23
NOV	24
DEC	25

2017	Deaths Registered
JAN	26
FEB	22
MAR	17
APR	13
MAY	28
JUN	23
JUL	17
AUG	24
SEP	29
OCT	27
NOV	26
DEC	36

2018	Deaths Registered
JAN	39
FEB	29
MAR	25
APR	28
MAY	27
JUN	21
JUL	21
AUG	23
SEP	30
OCT	22
NOV	21
DEC	28

2019	Deaths Registered
JAN	36
FEB	26
MAR	28
APR	22
MAY	15
JUN	17
JUL	20
AUG	21
SEP	17
OCT	23
NOV	16
DEC	30

2020	Deaths Registered
JAN	34
FEB	27
MAR	25
APR	21
MAY	12
JUN	16
JUL	23
AUG	22
SEP	23
OCT	25
NOV	26
DEC	17

2021	Deaths Registered
JAN	90
FEB	35
MAR	28
APR	21
MAY	12
JUN	27
JUL	11
AUG	24
SEP	17
OCT	19
NOV	25
DEC	21

2022	Deaths Registered
JAN	30
FEB	24
MAR	29
APR	23
MAY	17
JUN	18
JUL	18
AUG	33
SEP	19
OCT	14
NOV	18
DEC	20

Hon. E J Phillips: Mr Speaker, I appreciate it is a complicated formula. In fact, in various countries across Europe and the United Kingdom they eventually end up with a percentage that then is broadcast to various news agencies that report this. Recently, there has been a very significant BBC report on excess deaths, the number of which obviously has been amplified as a direct result of COVID. Just for the hon. Gentleman's information, I think the figures were, from memory, Italy 3.5%, the UK 3.2%, Spain 1.8% and in France I think it was 1.4%. Whilst I understand that you have to understand how that figure is arrived at, as he has rightly said, I think it is interesting statistically for our community to understand what that figure might be. These are figures that are publicly available across the world, so whilst I understand the answer he has given me and I understand that a lot needs to be fed into that, I think, as with many statistics that the Government publishes, it is important to understand what that rate is in our community, so I would be grateful if he might be able to give us an indication at some point in the future when that would be publicly available.

Hon. A J Isola: Yes, Mr Speaker, I agree, as I know the Member will agree, it is important that when we deal with these numbers we get them right. So I would rather take a little longer in ensuring that we make the appropriate calculations before making anything public, but in the coming months I would hope to be able to give him the details that he has asked for.

Hon. E J Phillips: Mr Speaker, I am satisfied with that answer, of course, and I have no supplementary questions in relation to this.

Just going back to the addendum to the other question that we asked the Hon. Minister, I know in this House we like to compare ourselves to other jurisdictions in terms of performance and I think on occasion it is fair to do that when you are looking at jurisdictions with similar geographies and size and population etc., and I know we look at our closest neighbour insofar as the Health Service is concerned. I think it is fair to say that we always want to exceed expectations insofar as healthcare and that should be the marker for all of us in our community and for the GHA as well. So I think it was slightly unfair to suggest that we need to compare the nine month, to use his own words, entirely unacceptable delay to that of the United Kingdom, when we have seen, all of us in this House, and many in the public, the horrendous state that appears to be going on in the United Kingdom concerning healthcare and the provision of it, with people in ambulances outside the hospitals waiting for hours and hours on end to get into the hospital. I tend to agree with him on the nine months. I think it is unacceptable. It has been going up from four, as he said, in 2019, right up to nine months. I would be grateful if he would give that reassurance that he will provide

us with that information as to how he is going to tackle, or at least the GHA is going to tackle driving down those waiting times across all the disciplines within the Health Service.

2925 **Hon. A J Isola:** Mr Speaker, I understand the point he makes in respect of the comparisons, but I think the UK is the closest medical system and service that we can compare ourselves to. I think we have always looked up to the UK Health Service as being the panacea of Health Services, and it has been for much of the time. Indeed, that is why we send many of our patients there, because we believe it is the best we can do for our people. And so to compare ourselves in terms of how
2930 we are dealing with some of the services to them I think is perfectly legitimate, but the reason I do it is not to prove legitimacy, it is to demonstrate that the problems we are having are not just the same in the UK but very much worse in the UK. So when you measure the reality of life – the pandemic is real and the impact of the pandemic is real, not just here but there and everywhere else – I think we have to look more sensitively and actually appreciate that we have not done that
2935 badly. We are always very keen to knock ourselves, and in instances like this I think we need to look and say, 'Okay, nine months is unacceptable, but actually, when you compare yourself to everyone else, we are doing pretty damn well.'

And so, to answer the last point the hon. Member made, yes, I will, within this quarter, come back with the strategy, something that the GHA and the senior management are actively working
2940 on to look at how we can reduce waiting lists across the entire spectrum of the GHA and what that will mean in terms of the cost, because there will be a cost in accelerating operations. Whether it is through more resources or subcontracting, outsourcing to other hospitals, for example, we will have to look at what all those are, but I will come back in the quarter with an idea.

2945 **Mr Speaker:** Next question.

Q44-47/2023

**GHA, Care Agency and Elderly Residential Services –
Agency workers and workers with renewable contracts of 12 months or less**

Clerk: Question 44/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, of the agency workers currently working within the GHA, how many of them have been working within that organisation for (a) less than a year, (b) more than
2950 one, two or three years?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
2955 Mr Speaker, I will answer this question together with Questions 45 to 47.

Clerk: Question 45/2023. The Hon. D A Feetham.

Hon. D A Feetham: Of the workers currently working within the GHA with renewable contracts of 12 months or less, how many of them have been working within that organisation for (a) less
2960 than a year, (b) more than one, two or three years?

Clerk: Question 46/2023. The Hon. D A Feetham.

2965 **Hon. D A Feetham:** Of the workers currently working within the Care Agency and Elderly Residential Services with renewable contracts of 12 months or less, how many of them have been working within those organisations for (a) less than a year, (b) more than one, two or three years?

Clerk: Question 47/2023. The Hon. D A Feetham.

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Hon. D A Feetham: Of the agency workers currently working within the Care Agency and Elderly Residential Services how many of them have been working within those organisations for (a) less than a year, (b) more than one, two or three years?

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Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, in respect of Question 44, of the agency workers currently working within the GHA, 108 have been working for less than a year, 45 have been working for more than a year, 27 have been working for more than two years and 12 have been working for more than three years.

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In respect of Question 45, of the workers currently working within the GHA with renewable contracts of 12 months or less, 17 staff have been working for less than a year, 17 staff have been working for more than a year, 18 staff have been working for more than two years and 17 staff have been working for more than three years.

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In respect of Question 46, of the workers currently working within the Care Agency with renewable contracts of 12 months or less, 33 staff have been working for less than a year, three staff have been working for more than a year, 22 staff have been working for more than two years and 19 staff have been working for more than three years. Of the workers currently working within the Elderly Residential Services with renewable contracts of 12 months or less, no staff have been working for less than a year, no staff have been working for more than a year, six staff have been working for more than two years and 26 staff have been working for more than three years.

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In respect of Question 47, within the Care Agency 137 agency workers have been working for less than a year, 88 for more than a year, 53 for more than two years and 39 for more than three years. *(Interjection by Hon. D A Feetham)* I am on Question 47 now. *(Interjection by Hon. D A Feetham)* Yes, the first part was in respect of the Care Agency, the second part was in respect of ERS, so now – *(Interjection)* ERS. No staff less than a year, no staff more than a year, six staff more than two years and 26 staff more than three years. Okay, Question 47, Care Agency? A hundred and thirty seven working for less than a year, 88 more than a year, 53 agency workers more than two years and 39 agency workers working more than three years. Care Agency. Within ERS, three agency workers have been working for less than a year, one agency worker has been working for more than a year, *(Interjection)* two agency workers have been working for more than two years, zero more than three years.

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Hon. D A Feetham: Mr Speaker, I thought that the answer – and everybody, all three of us, without discussing it, have actually come to the same ... We understood that in relation to the Elderly Residential Services, for Question 47 it was nought less than a year, nought more than one year, six more than two years, 26 more than three years. For the Care Agency I think it was 147 – I did not quite pick that one up – for less than a year, 88 for more than a year. I did not pick up more than two years ... 50-something and 39. Exactly. But he has now given an extra set of figures that I just ... We cannot rationalise it.

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Can he provide us with perhaps a copy of his answer and then we can move on and come back? Unless, of course, the Leader of the Opposition wants to deal with it in a different way.

Hon. A J Isola: Mr Speaker, Question 46 asks in respect of both the Care Agency and ERS, so there were two parts to answer Question 46. The first part is in respect of the Care Agency and the second part is in respect of Elderly Residential Services. That is the one with zero and zero. I

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then answered Question 47, (*Interjection by Hon. D A Feetham*) which asks also about the Care Agency and the Elderly Residential. So there are two bits to the answer to Question 46 and two bits to the answer to Question 47, which is exactly what I have given.

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Hon. K Azopardi: Sorry, I know I am cutting across my learned colleague's questions, but I think either he repeats the answers to Questions 46 and 47 or gives us a copy of the answer and then we can ask supplementaries when we have digested it. Whatever he prefers. We now understand what he has done, so either as a repetition or we can have a copy of the answer, whatever he prefers.

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Hon. A J Isola: Mr Speaker, I am happy to give a copy of the answer, which is probably the easiest way, but all I have done is answer the questions. I have not sought to do anything that very clearly, in exactly the same way ... You will see that there is one part to Question 44, one part to Question 45, and then two parts to Question 46 and two parts to Question 47.

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Mr Speaker: Are we going to photocopy them, Mr Clerk, so we can issue two or three?

Q48-49/2023

**Insolvency Act 2011 and Protected Cell Companies Act 2001 –
Intention to amend**

Q50-51/2023

**Insolvency Rules 2014 and
Notice of Specified Forms associated with Insolvency Act and Rules –
Intention to review**

Q48-49/2023

**Legislation limiting liability of professional trustees –
Intention to introduce**

Clerk: Question 48/2023. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, does the Government intend to amend the Insolvency Act 2011?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I will answer this Question together with Questions 49 to 52.

Clerk: Question 49/2023. The Hon. D A Feetham.

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Hon. D A Feetham: Does the Government intend to amend the Protected Cell Companies Act to bring it into line with the Insolvency Act 2011?

Clerk: Question 50/2023. The Hon. D A Feetham.

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Hon. D A Feetham: Does the Government intend to conduct a review of the Insolvency Rules 2014?

Clerk: Question 51/2023. The Hon. D A Feetham.

3055 **Hon. D A Feetham:** Does the Government intend to review the Notice of Specified Forms associated with the Insolvency Act and Rules?

Clerk: Question 52/2023. The Hon. D A Feetham.

3060 **Hon. D A Feetham:** Does the Government intend to introduce legislation limiting the liability of professional trustees along the lines of the law in Jersey under Article 32 of the Trusts (Jersey) Law 1984?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

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Hon. A J Isola: Mr Speaker, the Government understands that work is ongoing and that proposals may be made to Government in respect of these matters. Neither HMGoG nor the GFSC have received any such formal proposals as yet and will consider these if they are submitted. As the hon. Member knows, Government is always willing to give consideration to legislative proposals that are put forward by industry associations or professionals.

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Hon. D A Feetham: Mr Speaker, he knows that I practise in this area, probably to a larger extent than most practitioners because about 80% of the work that I do is insolvency related, and of course I steered the Insolvency Act through Parliament and also had a hand in the drafting of the Act. Can I say to him that there are aspects of the Insolvency Act, which I steered through Parliament, that perhaps it is time, now, we ought to be re-examining?

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I will just give the hon. Gentleman one example, if I may, Mr Speaker, with your leave: the definition of insolvency. Under our Act, the definition of insolvency is balance sheet insolvency, cashflow insolvency – it is in the alternative, both. In England, the definition of insolvency is a company that cannot pay its debts, and then you test that overarching question by the balance sheet test and the cashflow test. What is the difference? Well, there are many companies that can pay their debts but be technically balance-sheet insolvent. In fact, a lot of start-ups, for example, start their lives as balance-sheet insolvent. There are very large companies that may carry contingent liabilities that may make them balance-sheet insolvent but they can still pay their debts. Under the UK Act, those companies would not be regarded as insolvent. Under our Act there is an argument that potentially they are insolvent because we do not look at the overarching question of whether the company can pay its debts, we look at the insolvency test in the alternative, and that potentially can give rise to difficulties. I am not going to go through all the other difficulties, but for example the forms are a complete mess, I have to tell you. I did not have a hand in the forms, but they are a complete mess and indeed we are now relying on forms from the UK and essentially using those forms for the purposes of any application that needs to be made.

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If, as an Opposition, we can make proposals to the Government in this area, is the Government willing to consider those proposals – acting constructively as an Opposition, we are prepared to do that – and potentially consider the amendments in this area, bearing in mind, of course, that at least two of us on this side of the House do practise in this area?

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Hon. A J Isola: Mr Speaker, as I said in my answer, Government is always willing to give consideration to legislative proposals that are put forward by industry associations or professionals, so the answer to the question is absolutely, without any difficulty. What I will say to him is whether they come politically from the Opposition or privately as a professional, I will always give whatever proposals we receive the seriousness they deserve.

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The answer also said I am aware that industry professionals, the accountants who are consulting with other professionals in the industry, are going to be writing to us with some

3105 proposals. Whether those sit within what the hon. Member is thinking or not I do not know because I have not received those proposals yet, but I would certainly welcome his input and that of any of his colleagues who wish to make proposals to us, and we can consider them hand in hand with those we receive from the industries or through the Finance Centre Council, which is where I think it is going to come from because different associations within the Council are talking amongst themselves.

3110 So in short, yes, of course we will consider ... At the end of the day, we all want what is best for the jurisdiction in terms of our legislation and approach, and so I will happily welcome whatever representations he or any of his colleagues wish to make professionally or politically.

3115 **Hon. D A Feetham:** Would the Minister prefer that we make the proposals to him directly and then he can put them to the Finance Centre Council and other professionals, or would he prefer that we consult the Finance Centre Council before making any proposals to the Government in this area?

3120 **Hon. A J Isola:** Mr Speaker, I think it is probably easier if they send what they believe to be the position and we can then deal with the necessary individuals. I think they will probably set up a small working group that we will liaise with and show them to, as we will, of course, with the regulator, whom we always consult with on any legislative proposals that we may receive in respect of financial services.

Q53/2023

Micro Business Systems Ltd – Employment of clerks at GHA

3125 **Clerk:** Question 53/2023. The Hon. D J Bossino.

Hon. D J Bossino: Further to the answer to Q586/2022, please confirm that MCB is indeed a reference to Micro Business Systems Ltd, and if not, which company it is; the date, duration and amount payable under the contract between the GHA and MCB; were the services supplied by MCB the subject of a tender process before the contract was secured by that company; and how many employees does MCB have or has had working at the GHA?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

3135 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, with respect to the answer given to Q586/2022, MBS is an acronym for Micro Business Systems Ltd. As at 11th January the cost of MBS employees engaged as clerks at the GHA as per above is £91,009.29. As at 11th January there are nine MBS employees working at the GHA. MBS have been supporting the GHA in a number of short-term ad hoc administrative areas, including the implementation of the EDMS system in respect of the digitalisation, destruction and storage of medical records.

3145 **Hon. D J Bossino:** Mr Speaker, he will identify many of these questions as the subject of an email that I sent to him after our exchange in the last session because he invited me to write to him – I think it was just before Christmas; he probably did not have a chance to attend to it – and I have repeated many of the questions I had in that email correspondence.

I think what he has provided by way of a snapshot is what the state of play was as at 11th January. In terms of the future, does he have information as to the duration? He has

3150 answered what the amount payable has been up until now under the contract, but does he have information as to the duration and the date of that contract?

Hon. A J Isola: In respect of the future, these arrangements will cease because if you understand the numbers that I have just given, you will see that what they are doing is providing support. They are not full-time employees, they come in to do specific things in different areas.
3155 So for nine of them this financial year £91,000 will tell you that they are not, obviously, full-time employees working at the GHA. To facilitate that, engagement has been made with the firm and they have agreed to come on to the bank system at the GHA, where they will be called as and when they are required and used from there, so these arrangements will shortly, by the end of this month, cease.

3160 It is almost impossible for me to tell him what the duration of the contract is. The reason for that is it is very uncertain as to when it started. The arrangement with MBS has been going on for rather a long time. It is not a system that we are happy with, which we have now addressed, working through the bank system for administrative support specifically in this area. The first arrangement entered into with Micro Business Systems was actually in 2009. There was no tender,
3165 there was no contract; there is an arrangement that has been continued since that time. Obviously, it is unacceptable for us to be in that position. Not that they have not been providing a service to us in the years we have been working with them, but we wish to regularise this arrangement because it is not acceptable, the manner in which we have been working up to date. So what we are doing in the manner that I have already described is to ensure that the new way
3170 of working will be far more transparent in accordance with our existing processes and procedures and we will rejig the manner in which we operate with them from now on.

So 2009 was the first interaction with MBS. There was not a tender. I have actually asked the Procurement department in what other areas have we sought tenders, and it is it is a bizarre list that I have received from Procurement, which is: tender for the supply of dental laboratory
3175 services, tender for the electronic modernisation of the Gibraltar Health Authority, tender for the appointment of a project manager, tender for the provision of orthodontics and prosthetic technical services, tender for the supply of security services at the GHA and tender for medical malpractice insurance 2010-11. All of those are between 2007 and 2009. The Procurement department have told me that everything since then has gone through a proper tender system,
3180 so I am hopeful that the next time he asks me a question, and anyone else, I will be able to confirm to him that yes, indeed, it has been done during our time and it has been by tender.

Hon. D J Bossino: Can I just press further in relation to one aspect, just so I am sure I have fully understood what he has said? When he talks about duration, if I put it to him how I understand
3185 the position, maybe he can confirm whether I have understood it or not. Is it an open-ended contract? Is that the current situation? He mentioned the period of a month within which I think a particular workstream he expects will be completed. Clearly I have not understood what he said and I would ask him to enlighten me.

Hon. A J Isola: Mr Speaker, what I said was that in 2009 when the hon. Members were in Government, this work was contracted – I say ‘contracted’, taken on; there was no contract –
3190 there was no tender, so how long is that arrangement for? It does not really matter because the arrangement we have now entered into with them from the end of this month, from January, is that these nine who are currently working with us from time to time are going to be coming to us
3195 through the bank system, and that is a system that MBS are happy with. The employees will now be on the GHA bank and if they are needed they will be called in and come and work through that system.

Mr Speaker: Does the Hon. Daniel Feetham have any supplementaries on Questions 44 to 47?
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Hon. D A Feetham: Thank you very much, Mr Speaker.

In relation to the answers the hon. Gentleman has kindly provided to Questions 44 to 47, does he have a nationality breakdown? If he does not, I will ask the question again next time round, but does he have a nationality breakdown?

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Hon. A J Isola: Mr Speaker, I do, but not in a manner in which I can easily pass it over to him because, as you can imagine, there are many different nationalities that are providing different services to the GHA, Care Agency and ERS. What I will do is write to him and I will be happy for him to put any questions at the next session, if he wishes, in respect of that information. I do have it, but it is not in an order that I can easily either pass over or read to him.

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Hon. D A Feetham: Mr Speaker, I am happy with that. Is the Leader of the Opposition happy? Yes, the Leader of the Opposition is also happy.

In relation to Questions 45 and 46 there do appear to be quite a lot of workers who have been working on short-term contracts – in other words, on renewable contracts of 12 months or less – for more than two years, and also more than three years. In answer to Question 45, in the GHA it is 18 more than two years and 17 more than three years, and in answer to Question 46, in the Care Agency it is 22 and 19. Does he have an explanation for that, which can answer why there appears to be such a large number of people on short-term contracts over two and three years? It is almost as if those people have been here for a period of time that implies permanency.

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Hon. A J Isola: Mr Speaker, I think the answer in respect of each area may well be different. For example, within the answer the hon. Member has there are professionals from many different disciplines – nursing, ambulance, medical, admin, AHP, pathology, domestic – and in each of those cases there may be different reasons. For example, it is an objective of this Government – and, I am sure, of the hon. Members opposite – to, wherever possible, place locals qualified in positions within the GHA. So if somebody is now studying or going through their training programmes and will be ready in 12 months' time, it is absolutely right that we continue their contract, renewing it until the time that person is going to be coming back, and then we can have a local person coming into a position. That is why we spend money on training them through university and further education. So there are very many different reasons as to why we will have renewable shorter-term contracts.

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Another interesting point is that, for example, there are some doctors on fixed-term contracts that are continuously renewed more than three years – doctors, consultants – for, again, a host of different reasons. We are specifically focusing at this moment in time in our work on reviewing why we have consultants on renewable fixed-term contracts, and that is one of the areas we are looking to address in the short term.

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I do not want to give a reason in respect of the numbers he has in front of him because the reasons are different for each discipline. I will be happy to try to dig deeper into that with the GHA, ERS and the Care Agency to understand the thinking or the policy, if there is one, in respect of in which particular area we behave in what way. That may be of more use to him than my surmising what I believe the reasons to be, because at the end of the day operational matters are in their hands and not mine.

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Hon. D A Feetham: If I may say so, that is a fair answer. I do know that some doctors within their yearly contract terms would obtain a percentage that would reflect perhaps a lump sum that they would be getting as compensation for the fact that they may not eventually get a pension, for example. I understand that.

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May I ask the Minister, could he, when he writes to me about the other question that I have asked, also break these down? In other words, Questions 45 and 46, in the over two years and the over three years, what are the posts, essentially? When we see the posts, there may be additional questions that we can then ask and drill down in relation to that. Of course, if he is so kind as to

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also perhaps provide some steer in relation to the policy in some of these areas, that would also be useful to the Opposition.

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Hon. A J Isola: Yes, Mr Speaker, I will be happy to do that.

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

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Hon. K Azopardi: Mr Speaker, can I just ask also, in relation to Question 44 and in respect of Question 47, which deals with the agency workers...? There are quite a number of agency workers there. Does the hon. Member have information as to which agencies those workers are derived from?

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Hon. A J Isola: Mr Speaker, I will have to come back to him with that information because there are many of them that are specialist companies with whom we have one worker, so there are lots of them that are one, one, one, one, one, one, one. I will be happy to provide information in respect of what those disciplines are. There are some, for example, where nursing assistants are provided, which is an easy one to identify with a large number, but there are a significant number of them that are one each. I can get that information together.

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Hon. K Azopardi: Can I simply suggest to the hon. Member that if he is going to write to my colleague he includes that information and then we will have one consolidated answer – if that is acceptable to him?

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Mr Speaker: Next question.

Q54-55/2023

Seasonal flu vaccinations – Number administered by age

Clerk: Question 54/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: How many people have been administered the seasonal flu vaccine by the GHA to 10th January 2023?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 55.

Clerk: Question 55/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, how many people have been administered the seasonal flu vaccine by the GHA to 10th January 2023 broken down by the following age categories: (1) under 18; (2) 18 to 30; (3) 31 to 45; (4) 46 to 65; (5) over 65?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

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Hon. A J Isola: Mr Speaker, 6,359 people have been administered the seasonal flu vaccine up to 10th January 2023.

The number of seasonal flu vaccines that have been administered by the GHA up to this date, broken down by categories, is as follows: under 18, 1,089; 18 to 30, 142; 31 to 45, 417; 46 to 65, 2,026; over 65, 2,685.

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Hon. K Azopardi: Is the GHA – Government – satisfied with the take-up of the flu vaccine?

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Hon. A J Isola: Mr Speaker, the GHA every year makes a strong effort to encourage the people of Gibraltar to be vaccinated, not just in respect of flu but in respect of COVID and others. It is never enough is the answer that I think I have to give the hon. Member. The GHA would prefer it if more people were vaccinated, and that is what it is always prepared for. So it will continue to encourage with its campaigns that more and more people come forward and receive the flu vaccine.

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Hon. K Azopardi: Does the Minister have statistics on previous years to answer the question of whether these numbers are within the norm of the take-up of the seasonal flu vaccine?

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Hon. A J Isola: Mr Speaker, no, I do not have that information here. I would have expected, as an instinct, that it will be higher, but I do not have that information. I will happily have it made available to him.

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Hon. K Azopardi: And then finally, Mr Speaker, in relation to the category under 18, which is actually relatively high, and higher than I thought, can the Minister give us a bit more information as to why so many under-18s ...? Or is that part of some kind of schools vaccination programme?

Hon. A J Isola: That would be the only explanation, in my humble view, but that is just an opinion. I do not know the answer to that question. What I can tell the hon. Member is that if you look at 18 to 45, the under-18s are more than double that, so it is a significant number, but I will find out. I suspect it is an educational campaign that has led to that number.

Q56/2023
GHA Director General –
Extension of contract

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Clerk: Question 56/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Has the GHA or Government now agreed terms with the GHA's chief executive as to whether his contract will be extended or whether he will leave his post when his current contract expires?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the position in respect of the Director General remains as per my answer to Question 424/2022.

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Hon. K Azopardi: Mr Speaker, it has been a bit of time since then, and from recollection I think the hon. Member said to us that his contract expires ... well, if it is January now I think it expires in two, three or four months, something like that. Obviously, if he is going to go, and assuming that the GHA wants to retain a chief executive, it will take some time for someone to be recruited, so a decision would need to be taken almost immediately for that process to be engaged. An

advertisement and recruitment process may itself take a few months, and the selected individual might need to give three or six months' notice if they are occupying another post. So what is the GHA doing, in the context of all that, to try to get a degree of certainty or finality on the decision-making process? I appreciate it is not the GHA that needs to take a decision because I think the hon. Member indicated last time that it is the preference for the individual to remain, but equally there needs to be a decision one way or the other, because otherwise we are going to wake up one morning and his contract will have finished.

Hon. A J Isola: Mr Speaker, yes, it is something that we are actively engaged with the Director on. The GHA is very keen to retain him, as is the Government. It is a question of how long he stays for. He has always viewed his appointment, as I said last time, as interim. What I have no doubt about is that we will not be left in the lurch. In other words, he will continue to support us for as long as it takes, if we are not able to agree a longer term, to see us through the period in which we need to find a replacement. But I would certainly, were he to be leaving shortly, want to have him sitting with me making that decision, because of the knowledge he has attained and the understanding he has of the GHA, in any recruitment process.

Hon. K Azopardi: Yes, Mr Speaker, but if the GHA wants him to stay and he wants to stay, what is the issue that is holding this up? I see the hon. Member shaking his head, so I will give him an opportunity to answer.

Hon. A J Isola: Well, Mr Speaker, I have always said the Director General has always seen his appointment as interim. This was never a permanent appointment. If you look at the original press release, that was made quite clear. That position remains the same, so the work ongoing is to seek to persuade him to stay longer, nothing more than that.

Hon. K Azopardi: In the discussions with the GHA, does he at least accept that as we get closer to the expiry deadline and if the GHA runs out of time ...? Is it the attitude of the GHA and of the individual concerned that he will at least accept a short-term appointment to allow a recruitment process of someone else to happen?

Hon. A J Isola: Mr Speaker, I think the support of the Director General to the GHA is such that, as I mentioned before, I do not believe he would leave us in the lurch and he would help us through that process were we to be in that position. I do not want to pre-empt where we will end up, but I think it is fair to say that he will continue to work with us to ensure that we are not left in any way exposed or that the GHA in any way finds itself without some direction and leadership.

Q57-58/2023

GHA Medical Director –

Reason for resignation; expected date of new appointment

Clerk: Question 57/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what was the reason for the resignation of the GHA Medical Director?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 58.

Clerk: Question 58/2023. The Hon. the Leader of the Opposition.

3390 **Hon. K Azopardi:** Mr Speaker, when does the GHA expect a new Medical Director to be appointed?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

3395 **Hon. A J Isola:** Mr Speaker, I refer the hon. Member to a public statement made by the GHA on 3rd January 2023.

3400 **Hon. K Azopardi:** Mr Speaker, as far as I recollect, that statement did not really provide answers to these questions. It communicated that the Medical Director had decided to stand down – resign – but it did not explain the reasons for it, nor did it explain in any great detail what the process was or the expectations on the timescale of a new Medical Director, so I gave the hon. Member an opportunity to answer that.

3405 **Hon. A J Isola:** Mr Speaker, the question asks what was the reason. The reason was that he resigned. I am not able to give any more information. I have not been involved in that process at all; it is a matter entirely for the GHA as to its discussions with its own Medical Director.

In respect of the recruitment, the statement on 3rd January said ‘the recruitment process for a new Medical Director will begin next week’. It has begun. There is a deadline for those positions to be applied for, so the process has already started and I hope it will be dealt with satisfactorily and expeditiously by the GHA shortly, quickly.

3410 **Hon. K Azopardi:** Yes, so the Hon. Minister has just confirmed that his original answer, which referred me to the statement on 3rd January 2023, did not actually answer the question I had put, because the 3rd January statement says that he has resigned but I have asked for the reason for the resignation.

3415 Is the Government not aware of the reason for his resignation? Did he not give reasons for it in his discussions with the GHA? If someone as important as the Medical Director, who occupied a post as Medical Director, who then did not occupy a post as Medical Director during such time as there was litigation ongoing, then suddenly is restored as Medical Director and resigns ... Are we being asked to believe that the Minister for Health did not ask what the reason for the resignation was?

3425 **Hon. A J Isola:** Mr Speaker, I think the hon. Member needs to understand the basic premise of my appointment as Minister for Health, which is in respect of matters of policy. All operational matters, including the appointment of nurses, doctors and consultants, are in the hands of the GHA and the senior management team of the GHA, which has a board to whom they are answerable. So it has nothing to do with me, the resignation of any member of staff, whether it is a cleaner, a nurse or the Medical Director. If the hon. Member wants to understand what the reason for somebody resigning is, ask them. I am certainly not going to get involved in speculating as to what could or could not have been the reason for an individual resigning. So in respect of that part, it is an operational matter entirely in the hands of the senior management of the GHA who has that responsibility.

3430 In respect of the recruitment, the statement says ‘the recruitment process for a new Medical Director will begin next week’ and it did, so that process is in train. That is what the statement said on 3rd January 2023, so I do not know what more I can tell my hon. Friend.

3435 **Hon. K Azopardi:** Mr Speaker, the GHA employs more than a thousand people, so obviously, if someone down the chain decides to leave their post I do not expect the hon. Member to ask, but if the chief executive – the Director General, as they call him – were to resign tomorrow, he would

say, 'Well, why?' If someone as important as the Medical Director – he is, at the end of the day, in charge of the clinical directorate of the GHA, central to the implementation of, in effect, the delivery of healthcare in Gibraltar – resigns, is the hon. Member really saying that when he heard that the Medical Director had resigned he did not ask why?

Hon. A J Isola: Mr Speaker, the question would have more credence if I was told that he was going to resign and I wanted to see if I could in any way interject to stop him from resigning, but that is not what I was told. I was told, 'He has resigned, it is a matter of fact and arrangements are being put in place as quickly as possible to ensure that the GHA continues to operate to its full strength and capacity as quickly as possible.' So on 3rd January the statement is issued, recruitment starts the following week, and I hope that by the end of this month the closing date will happen, applications will be in and the senior manager at the GHA will do what they have to do, which is execute their professional judgement and employ a new Medical Director.

If the hon. Member is saying that I should be involved in the resignation or reasons for the resignation, should I also be involved in the recruitment of his successor because it is an important position? Of course not. I do not for a second believe that I should be involved in the recruitment of the next Medical Director of the GHA. It is entirely for the senior management team of the GHA to exercise their professional judgement as to who is best prepared and equipped to carry the GHA forward as its new Medical Director.

Hon. K Azopardi: Mr Speaker, I am asking a very simple question. I am asking him: when he found out that the Medical Director had resigned, did he ask why?

Hon. A J Isola: Mr Speaker, if he wants the details, when I found out I was in Portugal suffering from a very bad tummy bug. I was informed, I accepted the information that I received and I asked to be sent a copy of the press statement as and when it was issued, which is what they did.

Hon. K Azopardi: Mr Speaker –

Mr Speaker: If I can interject, let's make this the final ...

Hon. K Azopardi: Mr Speaker, I have asked repeatedly. The answer might be he is not prepared to tell me, but I do not want to know where he was in Portugal. What I want to know is: if he is informed that the Medical Director of Gibraltar has resigned, is he saying that he did not ask why he had resigned? Is he really saying that he did not ask why he resigned?

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is here to answer questions about things for which we are responsible. If the Medical Director had been sacked, the hon. Gentleman could ask us why he was sacked, because we, as the Government, with the GHA, even though the GHA is operating independently, will be responsible for him being sacked. But if the Medical Director of the GHA has resigned, that is a decision made by him for which we are not responsible. Therefore, it is not something on which we should be asked to answer a question because it is not something that the Government has done, it is something that somebody else has done and has a consequence and effect on the Government. The hon. Member has said to him, 'I wanted to know how a new one was going to be recruited,' etc. He is asking us about the decision-making processes of a third party.

Hon. K Azopardi: Sorry, can I just ask with this final –?

Mr Speaker: May I interject? I decide how many supplementary questions and when we stop, not the Leader of the Opposition. I will allow this last supplementary.

Hon. K Azopardi: Mr Speaker, of course you decide, and nothing I have said has suggested otherwise. Let's be clear about that.

3495 Mr Speaker, if I may roll this up in this way, because we focused on the resignation ... I have asked several times now. I find it surprising that the answers the Hon. Minister has given, and indeed the answer the Hon. the Chief Minister has given now still does not provide the answer to the question, which is ... I would have thought that actually the answer would have been relatively straightforward, that if someone as senior and as important to clinical governance, patient standards and clinicians' duties as the Medical Director had resigned, you would have thought the natural reaction of anyone at the head of the political Department is to simply ask why. Not
3500 because you have a role in decision making, but because you have wanted to find out why, given that he has been restored to that role after an element of controversy. I would have thought that that is normal.

3505 In relation to the expectation as to the appointment of a new Medical Director, the process has started, but when do they expect a new Medical Director to be in post?

Hon. A J Isola: Mr Speaker, I hope for the GHA to be able to announce a new Medical Director in February.

Mr Speaker: Next question.

Q59/2023

GHA Medical Director –

Reason for resignation; expected date of new appointment

3510 **Clerk:** Question 59/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What procedure is followed when a patient is referred to another medical centre as a sponsored patient?

3515 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
Mr Speaker, I am informed by the GHA that when a referral is deemed appropriate and approved by the Clinical Tertiary Referral Board the following steps are taken. A referral is approved by the consultant and an appointment at the relevant hospital is obtained. Once the appointment is confirmed, the patient is informed. Sponsored patients are then notified of the appointment and the patient is advised to contact the Sponsored Patients office to make the necessary arrangements: flights, including return, if possible to plan in advance depending on the procedure; ground transport, if appropriate and required; accommodation in Calpe House or other, if required, when visiting a UK tertiary centre. The following are then reimbursed via the SP office upon presentation of receipts: public transport from the accommodation to the centre and return, and a food allowance of £25 per night between patient and escort that can be claimed in Calpe House or upon return via the Sponsored Patients office. Additionally, patients who have not booked in advance can book return flights either via Calpe House if they are staying there, or via
3520 the Sponsored Patients office if staying elsewhere. The service via Sponsored Patients is available 24 hours a day, seven days a week via the on-call arrangements.
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3535 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer. Can I ask him, regarding the Tertiary Referral Board, is it functional as it was 10 months ago, or is it any different? I have several reports from constituents who had a referral approved 10 months ago

by this Tertiary Referral Board, and now a new board is refusing, changing or not accepting previous treatment. Is the Minister aware of this? I think what we would all want is a uniform procedure with a wide range of individuals being a part of the board and being able to decide on such important treatment plans in a way that is consistent for the patient.

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Hon. A J Isola: Mr Speaker, the Clinical Tertiary Referral Board is a board of clinicians who look at cases before them and make a clinical judgement, nothing more, nothing less. I do not know if it is the same board today as it was 10 months ago. I do not know if the people sitting on the board 10 months ago are the same people sitting today. I do not have that information, but if the hon. Lady will write to me with the details of the case of the constituent she has, then I will happily look into it. I have never had, in my time looking after the GHA, any difficulty at all from any constituent in respect of the Tertiary Referral Board. I would be very happy to have from her whatever case she has and see if we can assist further, but the Tertiary Referral Board is a purely clinical board with no one other than clinicians looking at what is best for the patient.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I appreciate his answer, but what I was trying to say is that there are plenty of patients I have come across in recent months who talk about this lack of continuity of care because of the difference in pathways that are now being taken by this board, so I suppose ... I am meant to be asking a question, but I will just reiterate that I will be writing to the Minister to understand a little bit better how the system works.

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Hon. A J Isola: Yes, Mr Speaker, I am happy to do that. I have to say that I have not had a single complaint in respect of the work of the Tertiary Referral Board. They are a team of professionals who execute their work diligently and professionally, so if there are any issues that have arisen I would be happy to hear from the hon. Lady in respect to these.

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Mr Speaker: Next question.

Q60/2023

GHA Unit General Manager – Recruitment process

Clerk: Question 60/2023. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: At the GHA, what was the process for the recruitment of the Unit General Manager post?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, there is currently no recruitment process in place in respect of the position of Unit General Manager.

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Hon. Ms M D Hassan Nahon: Mr Speaker, can the Minister confirm that there is a post that is filled under that title?

Hon. A J Isola: Mr Speaker, I do not know the answer to that question. The question is what was the process for the recruitment, and what I am saying is that there is no recruitment process.

3580 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I do not want to misinterpret, but my question is that there is a post of Unit General Manager, a post that I had not heard the name of before, the title, and therefore I wanted to ask how that post came to be. I do not know if we are talking apples and pears here. Is there a post that has been filled? Does that post exist? Have I got it wrong, or is that a post that is current?

3585 **Hon. A J Isola:** Mr Speaker, there was a Unit General Manager in respect of hospital services in the past, there was a Unit General Manager in respect of the PCC in the past, and there was a Unit General Manager in respect of Mental Health Services in the past.

3590 **Hon. Ms M D Hassan Nahon:** Mr Speaker, would it be wrong for me to ask the Minister if it is correct that there has been a recent appointment at the GHA in the Hospital for Unit General manager?

Hon. A J Isola: Yes, Mr Speaker, the hon. Lady would be wrong.

ADJOURNMENT

3595 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn to tomorrow at three o'clock, on the third Thursday of the month, to deal with Chief Minister's Questions.

3600 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Thursday, 19th January at 3 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 19th January at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

3605 This House will now adjourn to Thursday, 19th January at 3 p.m.

The House adjourned at 8.43 p.m.