



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.36 p.m. – 8.17 p.m.

Gibraltar, Monday, 16th May 2022

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The Gibraltar Parliament

The Parliament met at 3.30 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Monday, 16th May 2022.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th and 23rd September 2021.

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

Mr Speaker signed the Minutes.

ANNOUNCEMENTS

Tribute to Joe Garcia, Editor of *Panorama*

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

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

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the whole House, I know, will have been saddened greatly by the untimely passing of Joe Garcia Snr, the well-known editor of *Panorama*, in the past weeks. He was the doyen of journalism in Gibraltar. He had been recognised for his work with a state honour from Her Majesty the Queen, an MBE, and this very House had bestowed upon him the Gibraltar Medallion of Honour for his huge contribution to journalism in Gibraltar and to Gibraltar generally as a result.

20 Mr Speaker, anybody who knew Joe Garcia Snr knew that he was the embodiment of the commitment to a British Gibraltar and to all of the things that we hold dear in Gibraltar. He was a defender of everything Gibraltarian and everything that all of us love about this place. He was also a close confidant of successive Chief Ministers, myself included; I am genuinely sorry that I will have been the last to enjoy the benefit of his wise counsel.

25 The Government felt this loss greatly, not least because Joe was the father of Joseph, the Deputy Chief Minister, and we extend our deepest condolences to the whole of the family, to Lorraine his daughter, to Lydia his wife and to all the grandchildren. I know that the whole House

will join me in extending condolences to the family and to the Deputy Chief Minister in particular.
(*Banging on desks*)

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

Hon. K Azopardi: Mr Speaker, may I associate the Members on this side of the House with the comments of the Chief Minister?

Anyone who thought of journalism in Gibraltar thought of Joe Garcia. He was, for many decades, the foremost figure of journalism in Gibraltar. We all knew him well. Anyone who was in politics knew Joe, knew that he was a fearless advocate for the truth. In his writing he would not take prisoners and he would criticise anyone on any side of politics; that is the way it should be when people do independent journalism. He was always known to be independent and fearless and I am sure he would have liked to have had that reputation, which he indeed merited and earned through so many decades of reporting not just locally but also internationally for other well-known papers around the globe.

Our condolences also to the Garcia family – to Joseph, of course, and the whole family. We all felt his loss.

When I first knew Joe, it was not just in journalism. Of course we had his little foray into politics – that was the first time I knew him – but of course his reputation, his rightful reputation, was built through a long career in journalism, of which he and his family should be undoubtedly proud, and I associate us with the remarks of the Chief Minister. (*Banging on desks*)

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I too would like to take this opportunity to mark the passing of Joe Garcia and offer my condolences, yet again, to his family, especially to his son, the Deputy Chief Minister, who is, of course, present in this Chamber today.

Mr Garcia's fruitful career spanned an impressive five decades, throughout which he had every opportunity to chronicle some of the most relevant events of our recent history. I, personally, remember, as a child, almost every Saturday morning, after synagogue, being taken by the arm to the headquarters of the *Panorama* offices to listen to Mr Garcia's latest musings, where most politicians or journalists would be very interested to know ...

With his bold and personal touch, Mr Garcia brought diversity and colour to our media from the pages of his *Panorama* paper, which he founded and turned into a household name. He excelled as a political analyst and commentator, and for this reason it is right that he is remembered in this Chamber which he so greatly influenced with his passion and his hard work.

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

Mr Speaker: The Hon. Sir Joe Bossano.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank (Hon. Sir J J Bossano): Mr Speaker, I think I am the Member of the House who has known him longer than anybody else, because of our generation being the one that was faced with the Brussels Agreement and the Lisbon Agreement before that. He showed what came first, because for many years we were on opposite sides in local issues, as he was the editor of the *Evening Post*, which was very close to the AACR, but when the Brussels Agreement came along he actually broke ranks, as it were, and, at the time when the opposition to Brussels was a minority view in Gibraltar, Joe Garcia was supporting that minority view because he thought we were right; he thought it was the wrong thing for Gibraltar to have subscribed to the agreement. Time has proved that he made the right choice, but he had the courage of his conviction and of his love for Gibraltar and he put that above everything else. Therefore, Gibraltar has lost a great defender. Independent of his skills as a journalist, as a Gibraltarian he was 100% a

defender of the Rock. There were not many like him. There are not many more, I think. (*Banging on desks*)

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Mr Speaker: The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I rise only to thank the Hon. Members who have spoken here this afternoon and also those who have written to me or called me separately in private. Also, on behalf of my mother and the family, I want to thank the many people who have sent messages of support and condolence in the last difficult four or five weeks.

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I think he wanted to be remembered for his contribution to journalism, certainly, as has been said, as editor of the *Gibraltar Post* and later also of *Panorama*, but I think primarily he would want to be remembered for his international links, his international connections, and for projecting the identity of Gibraltar and the Gibraltarian abroad, outside our shores, and also, obviously, our right to self-determination.

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

Mr Speaker: The Hon. the Chief Minister.

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Hon. Chief Minister: Mr Speaker, I am grateful for the words of all hon. Members and I would recall that in the short foray that Mr Garcia made outside of journalism he was able to mentor four of the current Members of this House – two much more successfully than the other two aspirants, something that was always a great cause of mirth for him in later life.

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Mr Speaker, with that and with a smile on our faces, I call that the House should now hold a minute's silence for Mr Garcia.

The House observed a silence.

**Future relationship with the EU –
UK-EU treaty negotiations –
Statement by the Chief Minister**

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful for leave to make a Statement today on our continuing negotiations for a treaty between the United Kingdom and the European Union on Gibraltar's future relationship with the EU.

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As hon. Members and the general public are aware, we have been embarked on these negotiations since October of last year. We were unable to commence sooner, as the European Union mandate for the negotiations was not finalised until early in that month. As we know, the European Union is a union of laws, and, as a result, its negotiators are unable to negotiate other than to a mandate agreed by its institutions. This is as provided for in EU doctrine.

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The process of negotiation has involved eight negotiating rounds to date: the first was held in Brussels on 11th and 12th October 2021; the second in London on 10th, 11th and 12th November 2021; the third, again in Brussels, on 2nd and 3rd December 2021; the fourth in London on 14th and 15th December 2021; round 5 was in Brussels on 1st and 2nd February 2022; round 6 in London on 1st and 2nd March 2022; round 7 in Brussels on 30th and 31st March 2022; and round 8 in London again, last week, on 10th and 11th May 2022. I anticipate that we will likely need two more rounds of formal negotiation at least, and the first is now likely in early June if the parties can agree relevant dates.

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120 I think it is important to set this out, as the record needs to reflect these matters. Although, of course, the rounds are already public, we have not had a meeting since the rounds commenced in September and so I think it is important that *Hansard* should reflect those dates.

125 It is also important to reflect on the fact that rounds 2, 3, 4 and 5 were held whilst the so-called Omicron variant of the COVID-19 pandemic was rampant throughout the European Union and the United Kingdom. That made travel harder and uncomfortable, and I want to specifically thank all members of the United Kingdom and EU negotiating teams for travelling at that time. The nascent normality that we seem to be going through at the moment I think has made us all be blessed with forgetfulness as to how difficult it has been during some periods of the pandemic, and it was no less difficult during the last throes of the pandemic when Omicron came and travel once again became very restricted.

130 These eight rounds to date have already covered all areas which are the subject of the negotiation, I am pleased to say. In fact, I must tell the House that the complexity of this negotiation is, frankly, unimaginable. The EU treaties, as all EU lawyers well know, are all very detailed and complex. We are, in effect, touching every single aspect of the basic building blocks of the European Union and considering whether, and if so, how each of those should apply to Gibraltar going forward.

135 The House should nonetheless be aware, as I have already said publicly before, that helping us through this process the United Kingdom has deployed huge resources to assist Gibraltar in this negotiation. Literally hundreds of individual officers of the UK Civil Service have been deployed to assist Gibraltar in areas of specialist competence – from the Home Office, who deal with issues related to mobility, to matters relating to the expertise of officers of Her Majesty’s Revenue and Customs, where Gibraltar has not had experience of being in the free movement of goods zone of the European Union in the past and the issues that arise in relation to indirect and direct taxation of goods, and we have been able to tap in to the expertise of HMRC. Led by the Foreign, Commonwealth and Development Office, we have seen remarkable resources deployed from across Whitehall just to assist us in every aspect of the negotiation, in particular in the preparation for each round of the negotiation, and that is something for which we must be grateful and understand that those resources have been made available to us.

140 Also, on the EU side we have seen similarly large teams involved, with subject matter experts from each relevant directorate involved in the rounds of negotiations. We could not have advanced matters as much as we have without the experts in each field making themselves available. There is nothing easier and yet more dangerous than people who think they know about a subject engaging in a negotiation about it, and therefore it is fundamental that we have the subject matter experts on each side so that we get this right if we are able to make an agreement.

145 The Gibraltar team of officials could also not have been more ably led than it has been by the Attorney General and Chief Legal Adviser to the Government, Michael Llamas QC. No one in Gibraltar has the remotest hint of his depth of understanding of EU law and the relevant EU structures. We could not have achieved what we are achieving in this negotiation without his involvement in leading the technical teams in the discussions. I should also set out my condolences to Mr Llamas, who has suffered the loss of both his parents in the period of this negotiation and indeed in the last few months. A hard professional time has been made tougher all round by extenuating personal circumstances, but he has not faltered for one moment. He has been extraordinarily well supported by Daniel D’Amato in the Gibraltar Office in Brussels, who has really become an indispensable part of our team on this issue.

155 The work has involved senior civil servants from Gibraltar being present in the virtual negotiating rooms and demonstrating the depth of their commitment to Gibraltar in their preparations and contributions in the fields in which they are each the subject-matter experts for Gibraltar. All of our subject-matter experts in the public sector have been involved from Gibraltar.

160 The United Kingdom team, led by UKMIS Ambassador in Brussels Lindsay Appleby, and Foreign Office lead Robbie Bulloch, have gone above and beyond each day as we have strategised and worked together to progress matters.

175 Although in the past – but not in my time – the Convent and Convent Place may not have always batted together, I am very pleased to say that our fourth official, or our 12th man in our team, has been the quite remarkable Sir David Steel and his Convent team. He really has been a key mentoring and reflecting influence for me in particular, if not for the whole of my team.

180 Mr Speaker, we could have the best negotiators on our side, but if the EU or Spain had the worst, then we would not be able to make any progress. We are lucky to have a great EU Commission team across the table from us. Clara Martinez Alberola leads a committed team with whom we are enjoying working, even when we inevitably disagree on the many ways to do or say the same thing – but that is what a negotiation in good faith is about, after all. I want to thank the EU negotiators for having had the patience to understand from us the things that make Gibraltar different to most places. We are still working through the list, as you can imagine. I hope they are enjoying this process and learning as much as we are.

185 The same is true of our interaction with our Spanish opposite numbers, with whom, as I have told the House before, we have built a strong rapport from which to hopefully resolve these historic issues in a way that everyone wins on the non-sovereignty aspects and no one loses on the sovereignty aspects. That is the extraordinarily difficult balance that we are seeking to strike. I therefore reiterate my thanks to the respective negotiating teams involved.

190 In terms of progress of the talks, I am able to advise the House today that considerable positive engagement in the past four weeks has led us to be very pleased with where we are today. Of course, nothing is agreed until everything is agreed, and at the moment we are not able to say that we have agreed any text; we are simply refining principles in great detail. But we have done so, and this morning I have updated the Cabinet on the progress we made last week, which has been satisfactory to all of us at this stage. I have also subsequently briefed the Leader of the Opposition and the Hon. Ms Hassan Nahon.

195 On many areas, there has already been agreement around basic principles for full agreement to follow. The areas that remained most open in principle relate to aspects of mobility of persons and aspects of mobility of goods. The main issue has centred around mobility of persons. The key has been resolving how we would be able to give effect to the practical arrangements necessary that will arise from the delicate balance reached in the New Year's Eve Agreement.

200 Spain is the neighbouring member state and is, today, already responsible for Schengen checks as individuals seek to enter Schengen via Gibraltar at the Gibraltar-Spain frontier at La Linea. We, therefore, agreed in the New Year's Eve Agreement, which we debated already in this House, that Spain will have the responsibility for the Schengen checks as people enter Schengen via the entry points in Gibraltar. At least for the first four years, she will carry out those checks with the assistance of Frontex. The question, however, is how to do that in a way that is safe, secure and agreeable to Gibraltar and the UK, and Spain and the European Union, from day one.

205 Of course, we have the many years of disputes and restrictions etc. to deal with as we assess each other's positions. The location and manner of the carrying out of the Schengen checks has been a key issue throughout the negotiation. That means working to agree in detail where relevant people will be, what they will do and who they will do it to. As such, we have also had to determine what each relevant agency will do in carrying out such checks. The key, however, is that there will be no such checks at the frontier between us and Spain. That is to say that where the checks are currently carried out, there will be no checks. That will bring an end forever – at least during the period of application of the treaty, such as it may be – of frontier queues and checks as we know them today.

215 Of course, we also want these issues not to create unnecessary additional burdens for passengers arriving at Gibraltar Airport and Port, so we are working very hard indeed to get this right. Again, the complexity of the negotiation cannot be overstated in this regard, but neither should the potential fruits and benefits of it for this community be underestimated. By seeking mobility of goods and persons we are seeking, in effect, to carve a niche for ourselves in the infrastructure of the EU which cannot in any way threaten the integrity of the single market or the security of the Schengen area. That much is obvious. But those personal mobility and goods

mobility issues are not everything. We continue to seek to finalise agreement in other areas. What
225 I would say, though, is that some of the subsidiary points that are not the totemic ones will also
have some important underlying aspects for us which will need to be resolved in a way that we
are satisfied, after scrutiny, do not cause us any unintended issues. Those are coming into scope
now, but the detail behind the current positions is not one we can go into. I say that knowing, as
I do, that people want the detail because the devil is in the detail – in the detail of the principles
230 agreed, which are essentially those seen in the New Year’s Eve Agreement, and in the detail of the
texts to be finalised in the treaty and the ancillary documents that we will agree around a treaty.

I appreciate the public’s patience as we seek to ensure that we strike the right balance. The
details will all be made public when everything has been agreed in principle. Nothing will be finally
and irrevocably agreed in secret, but what we cannot do is negotiate in public. If we do that,
235 although we may satisfy a lot of curiosity we will also fail to find final agreement in any area. So I
am sorry to say that we cannot say more. We cannot go into more details because we want to
give the opportunity to finalise this deal the best chance possible. This is not because our instinct
is not to be transparent but because our obligation is to a higher purpose than ourselves and even
our own political reputations and fortunes. We have to do the right thing for the Gibraltarians and
240 all residents of Gibraltar. We have to do so even if in doing so we have to take arrows and bullets
from our own side for our alleged lack of transparency.

In that respect, I would say this. In our view, a lack of transparency arises when a government
can say something without a negative repercussion to the nation but chooses not to do so, even
if that is as a result of seeking to avoid embarrassment for itself. We are not in the realms of such
245 a lack of transparency. We are respecting the confidentiality of a process which depends on
discretion in order to be able to succeed as we consider would be in the best interests of Gibraltar
and its people and residents. I think most people understand that this is a process where all
relevant teams have been treading softly. We are walking on a tissue of diplomacy that still
remains untrampled. If we get to the end without tearing it, it will allow us the twin objectives of
250 making a success of our future relationship with the EU whilst not turning one atom away from
the steadfast reality that we are and want to remain exclusively British in every regard. I want to
emphasise that in fact no one is asking us to explicitly or implicitly give up the latter, by the way.

Mr Speaker, many of our citizens and our businesses will ask what is the current state of play.
The straight answer to that is that we are within touching distance of a historic treaty: a treaty
255 between the United Kingdom and the European Union; a treaty that, if we can get there, will
create renewed optimism in the European idea itself. It will create opportunity for our further
economic development and the further economic development of the region around us, and
perhaps even beyond, reaching across the Straits.

I want to be clear that the shared prosperity we talk about is about business development, not
260 about Gibraltar paying for the creation or maintenance of Spanish infrastructure. The new
arrangements, if they can be agreed, will put cross-border co-operation on a more definite and
secure footing. In doing so, it will be protecting our post-1986 way of life, whilst at the same time
safeguarding all of our fundamental political interests and not asking any other party to
compromise theirs, as already provided for in the New Year’s Eve Agreement.

We are moving at a good pace now. We can see the contours of the final agreement between
the UK and the EU that will be turned into a treaty text. The positions we are landing on are
becoming clear and concrete proposals on the table. We are reaching the point of being able to
point to legally safe and secure solutions on the different parts of each of the most important
points. That will enable the UK and the EU to consider draft texts for the agreement in those areas.
270 I believe we are now close to being able to start consolidated treaty drafting in coming weeks. I
entirely agree with Spanish Foreign Minister Albares in his assessment that we can be confident
that this will move forward as quickly as possible.

What I can also assure the House and the community as a whole is that we are not, for one
moment, going to spring an agreement on anyone. Neither will we pretend to declare an
275 agreement can be ratified by the United Kingdom on behalf of Gibraltar without consultation. We

have already said that we will not give Gibraltar's consent to the United Kingdom's ratification of the treaty without the agreement of the Cabinet and the agreement of this House after a debate on a substantive motion – that is to say an amendable motion, not a motion to note. So this House will debate the terms and substance of the agreement if the Cabinet approves a deal.

280 Mr Speaker, I know that the uncertainties of the past six years have unsettled many. Some have heard rogue voices from outside Gibraltar, in different places, challenge the nature of our British sovereignty. Let me, once again, be exceedingly clear. The future of Gibraltar is exclusively British. Nothing in the negotiations has called this into question or challenged any of the basic tenets of British sovereignty over Gibraltar, and we are not being asked to do anything which
285 might cross that objective of ours. As former Spanish Secretary of State for Europe Mario Aguiriano said, Spanish negotiators know that if they raise the issue of the sovereignty of Gibraltar, the UK and Gibraltar will simply leave the negotiating room. We have not closed our files and left the table because no such thing has been raised or asked of us.

Of course we are looking always to ensure that there is no detail that involves any aspect of jurisdiction or control that will erode sovereignty being brought into play. As I have said in every
290 Statement I have made on this matter in this House, nothing will ever cleave Gibraltar from the United Kingdom. Nothing will ever rip us from Britain. No one is even trying, although I recognise that it is sometimes easier for some to try to battle the monsters of the past to avoid fighting the real challenges of the present. We will not fall into that trap, our people will not fall into that trap,
295 because cheap jingoism will not resolve the Brexit conundrum that Britain has served up for us and which we are negotiating *with* Britain and not *against* Britain, as some might have done.

The European Union is built on compromise and we will need to compromise in some areas, of course. Some things will change and will be done differently as we will have freedoms we did not have before, as in movement of goods and people. For us, the compromises on the table cannot
300 concern compromises on British sovereignty, jurisdiction or control, but they will include practical measures to secure fluidity that will make us all safer and more secure if we become a de facto part of the Schengen space.

In fact, our people know that Gibraltar is, today, closer to the UK than it has ever been before, socially, politically and economically. The latter is important as we have secured access to the
305 United Kingdom market in services that is the envy of many. We will never put that at risk. That has been, perhaps, the greatest political achievement of the Government I have led in the international sphere. It has been the repair, the consolidation and the strengthening of our relationship with the United Kingdom, in which we have found an understanding and willing partner. It is in that work with Britain that the Government as a whole can already see the contours
310 of that deal which we think is likely to become a treaty text which is safe and secure for Gibraltar and within what we would all consider to be acceptable, but we will, of course, have to see the final draft treaty text before deciding.

Mr Speaker, I also want to say something about the issue of Northern Ireland, as I know that it is something which is very live in the news media. It is not for me to comment on the substance
315 of matters affecting Northern Ireland, and I will not do so, but it is clear that many external issues have buffeted our negotiations in the past six years since the result of the Brexit referendum. The most high-profile issue, of course, now is how matters relating to Northern Ireland and the disputes over the application of its protocol may affect our negotiation.

I want to be clear and set out that both our negotiations are entirely different. There are
320 common parties in the UK and the European Union, but there are also underlying disparate parties in Spain and Gibraltar. In one – that is to say in relation to Northern Ireland – the parties are arguing over what they have already agreed and how to implement it, or not. In another – that is to say in relation to our negotiation – we are negotiating our agreement conscious of the need to give it sufficient clarity to avoid issues going forward. That view has been echoed by the United
325 Kingdom, which has consistently made the point that the issues arising in respect of Northern Ireland and those which arise in relation to Gibraltar are entirely different. Importantly, it is also the position of the Kingdom of Spain, at whose suit the European Commission has launched this

negotiation. On Friday, the Spanish Foreign Minister, Jose Manuel Albares, made clear that Gibraltar and Northern Ireland presented the EU with two separate negotiations. 'They have
330 nothing in common other than the fact that on the other side of the table is the same party,' he
said. Perhaps even more importantly, the Foreign Secretary of the Republic of Ireland, Mr Simon
Coveney, in the same press conference, alongside Sr Albares, was also forthright and clear in
separating the issue of the disputes arising in respect of Northern Ireland and the very positive
ongoing talks on Gibraltar. Mr Coveney specifically said that they were completely separate
335 negotiations. He insisted, as we do, as the UK does and as Spain does, that they should be
negotiations that are kept that way, as has been done at every stage throughout the Brexit
process. The European Commission has previously made similar statements through different
spokespersons.

Before I sit down, Mr Speaker, I should remind the House of an underlying reality that we
340 cannot minimise. On the morning of 24th June 2016 our political world changed forever. We must
understand that, as we reach the final throes of this process. We must understand that Spain
remains a member state of the EU and we are not. We must understand that things we had the
right to do in Europe before, we are now not entitled to. My obligation from then has been to
steer a course to continued prosperity and to seek a path to future prosperity in an exclusively
345 British Gibraltar. We have a plan for being outside the European Union now and a plan for being
outside the European Union in four years' time, if needs be. Our better plan is the plan that sees
us enter into arrangements with the EU so long as the circumstances for those arrangements are
right and remain right. We are leaving no stone unturned to negotiate a safe, secure and positive
agreement for Gibraltar's future relationship with the EU. We will continue to work night and day,
350 in good faith, to achieve that.

Mr Speaker, I am happy to clarify or answer questions on any part of this Statement that hon.
Members might think is useful.

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

355
Hon. K Azopardi: Mr Speaker, on this side of the House we entirely understand that the world
changed for Gibraltar on 24th June 2016. Brexit was indeed a seminal moment for us. We have
said already, on this side of the House, that it was important to be bold and imaginative when
considering our future, but in doing so, of course, while we should use imagination and boldness,
360 we also need to make sure that we protect the fundamentals to make Gibraltar sustainable
economically and politically as we go forward. I am sure we all have that in mind also whenever
we speak on issues such as this.

I welcome that the Chief Minister has, at the end of his Statement, talked about the differences
between the Northern Irish situation and the negotiation with regard to Gibraltar. We certainly
365 hope that that will not prove to be, in any way, a hindrance to reaching an agreement for Gibraltar.

On this side of the House our position has been, for a very long time, that there should be a
safe and beneficial agreement reached for Gibraltar: safe on the sovereignty aspects and on the
fundamentals; beneficial economically and politically and going forward towards a bold and
imaginative future and a new relationship with the EU that is safe for everyone in Gibraltar.

370 May I just ask, in terms of clarification of a number of aspects ...? I will ask the questions ... I
asked some of them this morning at the briefing I had with the Chief Minister, but some of the
points that I raised this morning I am sure people will have in their minds, so I will give him the
opportunity to clarify those aspects, if he feels he can. He can make a judgement call, because I
also understand that there may be issues of detail where he does not want to stray, but there may
375 be other issues which he can address quite safely.

The devil is, of course, in the detail, as he rightly says, and we share that view. The Chief
Minister has previously said – again, we agreed – that there are many aspects of the EU mandate
that are unacceptable. Can he say that the agreement they are working towards will not involve
unacceptable aspects for Gibraltar, based on that EU mandate?

380 In terms of process, may I just ask him ...? He gave an indication as to timing, but may I also
delve a bit deeper, perhaps? He indicated that they are looking towards a discussion about the
principles but then going away to draft the treaty text. Does he have a general view – a view only
at this stage, of course, because negotiations are dynamic and I appreciate that things change, but
does he have a view as to how long the process will take, so that a treaty text would be published?
385 Would it be that the treaty text that is published is in draft? I understand that it is subject to
ratification, but that is not what I am asking. What I am saying is are they intending to publish
treaty text that is draft without the parties, i.e. the EU and the UK, having entered into the treaty
subject to ratification, or is it that they are intending to enter into it in terms of some signing but
subject to ratification, which, of course, will require, as he indicated, ratification?

390 In terms of the process in Parliament, presumably that will take place after the treaty text is
published. After that moment – and he says that he is going to take a substantive motion in
Parliament – is the Government's current thinking to give the people of Gibraltar an opportunity
to also express a view on the treaty text and what is on the table in, for example, a referendum?
Or is it something that is, as far as the Government is concerned, off the table? Or is it something
395 that dynamically would depend on the draft treaty text whenever negotiators land on a final
settled version? Can I ask him about that thinking?

May I ask him to assure the people of Gibraltar, and indeed the residents, that the deal that
the Government is working on is a deal for all residents of Gibraltar, irrespective of what kind of
ID card or civil registration card colour they hold?

400 May I also ask him, because it has been a while since this Parliament has met and indeed since
he briefed the Opposition informally ...? I think the last informal brief we got was in November
last year. Can he explain perhaps a bit more, without delving into the granular detail, which I
accept may be subject to detailed discussions on which it may be problematic to give a blow-by-
blow account, but can he confirm that what they are trying to negotiate is a deal not just on
405 mobility and on goods but a wider deal that will also encompass other aspects of Gibraltar's
relationship with the EU going forward – so things like the environment, things perhaps on judicial
co-operation, things on other aspects, social services, indeed health ...? Does it contain other
aspects of benefit to the citizens? Is that the objective, or is it something a bit narrower and a bit
less wide?

410 On the checks at the Frontier that the Chief Minister mentioned in his contribution, he said
that the objective, or at least the result, if there is an agreement, would be that there would be
no checks at the Frontier. Does that mean that as a consequence ...? Can we also have his
confirmation, or at least an indication, of what is the current desire or state of play? Is it that the
consequence would also be that, by there being no checks at the Frontier, the police and customs
415 checks would be eliminated on both sides? In other words, on our side Borders and Coastguard
and the Customs, and on the Spanish side Policía Nacional and Guardia Civil? Is that what he
envisages would be the result? And has there been a discussion about that?

In terms of checks, can he perhaps expand a bit more in terms of what the customs checks
would be at the Port and Airport? He has spoken about mobility and we understand the debate
there is with Frontex on the immigration side. Can he speak a bit more about the customs checks
420 at the Port and Airport and how he would envisage that would be done and who would do those
checks?

Mr Speaker, I appreciate that is a long list of questions, but I am sure listeners who are listening
to the Ministerial Statement made by the Chief Minister after so many months, understanding
425 that the Chief Minister cannot be explicit about the granular detail, will want some level of
reassurance as to where the Government is heading on a number of issues.

When he speaks about issues of mobility, he may also want to address the issue of security in
terms of the border by eliminating checks. What is his view on that? The patrolling of waters: will
there be patrols?

430 I return to the initial point on which I started my contribution seeking clarification. We all want
a safe and beneficial agreement for Gibraltar. Uncertainty, as he himself has pointed out, is

unhelpful. It is certainly better to keep talking than for there not to be talking at all, but six years on from this process the people of Gibraltar would, I am sure, welcome a prompt clarification and conclusion to this process and, hopefully, an arrival point which guarantees a safe and beneficial agreement to Gibraltar.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I must tell the hon. Gentleman that I do not think it is relevant to refer to six years as the period of negotiation: the negotiation commenced eight months ago. And so he will forgive me for saying that a lot of what he has asked me to do – which no doubt is designed, if he will allow me to descend into the politically colloquial, for him to be able to extract and put on his social media page to show that he asked me these things and that he was talking about being safe and beneficial in what we bring back to Gibraltar – is exactly what I have already referred to. I have referred throughout my intervention to us bringing a treaty which is safe and secure on all of the issues of sovereignty, jurisdiction and control – that is to say the fundamentals – so I do not understand what it is that he says is the level of reassurance that I have not given that he is seeking to extract with his questions, which I will try and deal with insofar as I am able to.

The hon. Gentleman says that uncertainty is unhelpful. Well, we can all agree with that – it is such a blanket statement that it is impossible to disagree with it – but the hon. Gentleman needs to, obviously, temper the remarks that he makes with the political reality in which we are dealing. He understands, as I know, that of course it is possible to do an agreement quickly. It is unlikely to be safe or secure if one accepts the first text that is put to one, but if one does the work of ensuring that the treaty text that we bring is safe and secure and as finessed as it can be, to be improved, to be as beneficial as possible to the people of Gibraltar, then that cannot be quick.

He will forgive me for saying that it is becoming a little difficult to accept that the Opposition believe that everything can be done quicker, better and cheaper than the Government does it. Whether we are dealing with these or any of the other matters that hon. Members will ask us about today, their principle seems to be ‘We would have done it quicker, we would have done it better and we would have done it cheaper.’ Given that slogans are successful when they involve three words, I would recommend that they take forward to their campaign for the election – which, according to Mr Clinton, is to be held this month – the slogan ‘Better, quicker, cheaper’. What I cannot do is deliver a treaty that is as safe and secure as can be and as beneficial as can be and do it as quickly as we would like.

Hon. Members will know that one of the reasons my Government is unable to deal with other issues is because we are dealing with this issue. That is an opportunity for them to make political hay because if we are not there because we are doing this, they can be there in all of the other areas of politics. But what we cannot do, in facing the allegation that uncertainty is unhelpful, is accept responsibility for not being able to have brought the treaty sooner, because this is a process. We could have brought a text immediately and not recommended it, or we can do the hard work that is required to finesse this negotiation that delivers, as I have said, the success for all parties and the non-loss for all parties to be safe and secure, but we cannot do that and meet the hon. Member’s slogan that uncertainty is unhelpful, and we need to resolve that.

Having said that, I am going to go through the list of issues that he has asked about. I will start by saying that if in any of the areas that he had asked about today I felt it was possible to give more detail, I would have given more detail, and if I have not given more detail it is because the issue is either not yet agreed or not ripe for announcement because it is in the stew of gelling, if I might call it that, Mr Speaker.

The hon. Gentleman asked me, given how unacceptable we have all said, on the British side, the European Union mandate was, whether we would be seeking to agree things which are unacceptable. I am not going to get into the detail of the negotiation, but I will say that if I bring a text to this House and describe it as safe and secure it will not contain things which are

485 unacceptable. This is a negotiation, and negotiations are about give and take, but I have already indicated that compromise can only happen in areas which do not go to the fundamentals, do not go to sovereignty, jurisdiction and control, do not go into those issues, so the hon. Gentleman, I think, can make of that what I hope he understands from what I am saying.

I am not going to venture into saying how long I think it will take for a treaty text to be prepared because a treaty text could be prepared, probably, in a week, but whether that treaty text would be acceptable, or whether indeed the treaty text itself will require negotiation and finessing, is obviously something that I cannot predict. But as we all know, matters relating to Gibraltar often require a keener eye on every letter and word than they would if we were simply dealing with a commercial negotiation, so I am not going to venture to give my estimate. The hon. Gentleman knows I have given him my view privately, but I am not going to venture to put out there a timetable that creates an expectation, because people might then think that they should hold us to it and there is nothing to hold us to at the moment because this is a live, ongoing negotiation.

The hon. Gentleman asked me whether we would publish the text before it is ratified or agreed. Of course the text must be published before it is ratified. The process of ratification in the European system and in the British system requires publication, and, in Europe, in the official journal, and in the United Kingdom the process involves laying in the library for a particular period of time – and we anticipate the debate in this Parliament before then. That is the process that leads to the agreement of the treaty. All you have, otherwise, is the agreement of negotiators that they have reached the end of their negotiating mandate and have resolved a text which can be recommended to the ratifiers in the process of ratification. There is no agreement of a treaty which is not the ratification process; there is simply the negotiators and the executive saying, ‘This is the text that we put forward for ratification.’ I do not anticipate, therefore, that what would be published would be a draft at this stage, but it may be that a draft is published or that a draft leaks. A draft is not agreed.

The difficulty, of course, with publishing a draft is that all sides will then have their positions publicly put. On the European Union side there will be, if only the people in Spain take an interest, 45 million opinions about it; if the whole of the European Union takes an interest, 450 million opinions. On our side, of course, there will be 32,000 trenchant opinions, each of them probably slightly different, and potentially 60 million British opinions. You cannot negotiate on that basis. The executive is tasked with taking on the process of negotiation and then bringing the text for ratification. The Cabinet will certainly be seeing all of the drafts of the treaty because the Cabinet will be determining whether after each draft we continue to go to seek a next draft, what we seek to amend etc., which is the process that we have been undergoing, and I expect to informally be continuing to brief hon. Members.

510 May I just say, Mr Speaker, that the hon. Gentleman says that the last time we briefed him was last November: in fact, it is not. He might care to check that we briefed him again on 22nd November, we briefed him again on 6th December and we briefed him again on 18th January this year, and as he knows, after that process there was also a slower period in the negotiations, as I have told him today. (*Interjection*) I am told that those were the days when we did the briefings.

525 The hon. Gentleman asked me whether we would envisage giving the people of Gibraltar a say. Well, I think I have already answered that question on television. I have set out the circumstances where I believe, how I believe and when I believe a referendum should be provided for in respect of these arrangements beyond the hardening period, if we might call it that.

Of course, what we are negotiating will be for the benefit of all residents. That is to say whatever colour or hue of identity card a resident of Gibraltar enjoys, they will enjoy the benefits and fruits of the treaty that will be negotiated; they will enjoy the benefits of complete fluidity between Gibraltar and the Schengen space. That, of course, is exactly how I expressed it in a public statement that I made some three or four weeks ago in relation to issues which are being faced by holders of blue identity carnets at this stage, and that is already in the public domain. I welcome the hon. Gentleman giving me the opportunity to confirm that here today, because there is no

question of the Government failing to have in mind the difficulties that are today being experienced by blue ID carnet holders and which in the past have been experienced by holders of other ID cards in Gibraltar. There are not just blue and red ID card holders, there are other colours of ID card which are held by individuals who have had difficulties in the past and in respect of which we have made representations, as we have made in respect of blue ID card holders.

This is an issue on which we have to, of course, recognise that today the Schengen border code applies for access to any part of the Schengen area for holders of British passports resident outside of the Schengen area, as we all are who reside in Gibraltar. And so we need to understand that we are benefiting, at different stages since the Withdrawal Agreement became the final Act, from administrative concessions granted at this Frontier, when there is no obligation to do so, and we have to be careful that we do not do anything that creates a level playing field between all holders of all colours of identity card before we have the treaty, because that level playing field might be a negative one rather than a positive one.

Mr Speaker, I know that the hon. Gentleman has questions on this subject on the Order Paper for later this week. I would just gently counsel that although it is easy to play to a constituency at this moment in the short term, it is in the interest of that constituency and the whole of the single constituency that is Gibraltar that we get this right for everyone and that we get it right as soon as possible on the basis of getting it right when we are satisfied that we have reached the end of the negotiation and we have the safe and secure arrangements that we want to bring forward.

The hon. Gentleman said, as an aside, that it had been some time since Parliament met. Yes, Parliament met last in September, and I think, if the hon. Gentleman goes back to the list of the rounds of negotiations that I gave him, every month since September we have been involved in the negotiations and we have also been involved in the Omicron variant etc. I think it is hugely important that in the view that we all have of how magnificent Gibraltar is, we should also remember how small Gibraltar is and how small its administration is. Despite views about whether the number should be bigger or smaller, it is a small administration and the people who prepare the parliamentary sessions and the people who appear in the parliamentary sessions are also the people who prepare and appear in the negotiations and are involved in the thinking and in the negotiations around the rounds. Each round of negotiations between the European Union and the United Kingdom also involves other rounds of contact at a technical level between the United Kingdom, Spain and Gibraltar and between different, variable geometries of that in a way that ensures that by the time you get to the round you are closer than you were last time and you are engaged in positive discussion. So I think it is important that when we look at the fact that Parliament has not met for that period we do understand that and that it is just sometimes impossible to stretch our resources further in order to be able to meet our obligations, although all our constitutional obligations are met. Indeed, as I think I said in an exchange of press releases with the hon. Member, we probably met more in the month that we have met very little than we met when hon. Members were involved in calling meetings of this House, although that is no consolation to us – we have oft wanted to ensure that we can meet every month, but since Brexit and since the pandemic it has just become impossible.

Mr Speaker, the hon. Gentleman asked me whether this is just a deal on mobility and goods or whether in fact we were going to take the benefit or obligations of *acquis* in other areas. The reality is that a deal on mobility of persons and mobility of goods is a deal that touches just about every area of the *acquis*. If we understand what Europe is about, as we all do, it started off as the European Coal and Steel Community and became the European Economic Community and the European Union in order to permit the movement of people and the movement of goods, and really most of the *acquis* is about that, about how you provide for that fluidity in a way that does not have corrosive or disruptive effects in the other areas to which you are free to move or move your goods. Schengen covers the passport-free movement of people, which creates the fluidity, but the whole *acquis* is about free movement and the free movement of goods. Why do I say that? Because a deal that seeks to provide that level of fluidity that we wish to achieve in effect requires you to plug into different parts of the treaty, take some parts of the *acquis* there is this – LPF, as

590 it is known in the lexicon of technical European negotiation, level playing field provisions. Level playing field provisions are to ensure that if somebody is producing in one place and selling into a market, there is at least the basis of a level playing field compared to production in another place, so that the competition is as fair as it can be in the context of the environmental impact of production etc. In Gibraltar there is no production, so that is a reason why there are some aspects of what we might otherwise have to take that we do not have to take.

595 For many years, the argument in relation to the transposition of directives – one of the big issues in the 1996 elections, no less big in 2011 when the list of directives outstanding that we inherited was longer than the one in 1996 – was about whether or not one had to transpose directives in Gibraltar that dealt with rivers or dealt with what are known as Article 100A issues, which were issues relating to goods which were on the market when they had free movement of goods. We were not in the free movement of goods *acquis*, but goods could move to Gibraltar
600 from the EU, just not with the benefit of no taxation.

So, all of those issues, if they were live when we were not in a free movement area involving goods, are very live now and we need to ensure that we get that balance right in a way that is going to be wholly beneficial to the Gibraltar economy. That is why I talk about enhanced prosperity for Gibraltar and shared prosperity between Gibraltar and the region, which is what
605 hon. Members will have heard me talk about before. Which areas? All of that is live within the negotiations.

In terms of checks at the Frontier, I have said before, on a number of occasions, that if you go into a free movement area with the Schengen zone, what you are doing is getting rid of the regular checks on people as they cross the frontiers between those states which have come together to
610 share an immigration protocol. Because you share the immigration protocol, you then do not check each other's members. There would therefore be that regular check disappearing between Gibraltar and Spain. Nonetheless, that does not need to mean less security; in fact, it can mean more security because security can be handled in different ways. The security of the state is not an issue that is up for grabs in negotiations with Schengen. We will be more secure in the future,
615 I am confident, even than we are today.

The hon. Gentleman asked me whether there would be joint patrols. That is not something that anybody has raised with us. I know that they have mentioned it before, but it is not an issue that has been raised with us. Therefore, in terms of security, I believe that the sum total of the arrangements that will be provided for will make Gibraltar much more secure when it comes to
620 security and much more secure when it comes to the inability of others to be able to create a stranglehold at the current crossing point between Gibraltar and Spain, as has traditionally been the case since 1986 when the Frontier was open. We have always, in this House, referred to the Frontier as the potential barometer of the relationship between Gibraltar and Spain because of the length of the frontier queues suggesting a higher or lower level of tension.

625 On customs issues relating to the Port and Airport, I am not able to say much at this stage because the negotiation is still a live negotiation, but I would say to hon. Members that they will, I believe, when we have finished this process, see that there will be very little change in the context of the excellent work that our customs officials do at Gibraltar Port and Gibraltar Airport. This is not an area like the Schengen area, where responsibility is vested in a member state; this
630 is a different sort of relationship, and so there will be very little to talk about there in terms of the job that our customs officers do today. I envisage very little change in that respect, indeed an enhancement of the role that they will undertake because of course these arrangements are all sought to be entered into for the purpose of, as I said before, enhancing Gibraltar's prosperity – that is to grow what it is that Gibraltar does, grow what it is that our economy provides for, in a way that shares that across the area around us. There will be so much more activity generated by
635 not least the optimism that this treaty, if it is possible to enter into in a safe and secure and beneficial way, will provide – then the economic opportunities will be obvious to the economic actors who I think will want to take them.

640 Mr Speaker, I think I have dealt as fully as possible with all the issues that the hon. Gentleman
raised. He knows that I have been able to tell him a little more in some areas in private simply
because at this stage, for all the reasons I have already stated in my earlier intervention, we cannot
provide more public information. Indeed, it is a live negotiation, so a lot of the things that I might
be able to say to him in private about where we are tactically and strategically I am obviously not
able to say here because, although I am full of praise for the work done by our negotiating team
645 and indeed the negotiating team across the table, they are still across the table. We have not yet
shaken hands, hugged each other and declared that we think we have reached an agreement that
we think we can recommend. This is still live, and therefore, with the utmost of respect to those
sitting on the other side of the negotiating table, I am not going to be able to say more at this
stage.

650

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

655 As much as I appreciate the information provided to me and to the Leader of the Opposition
by Government in private briefings and the Chief Minister's update today, here in Parliament, I
think the people of Gibraltar need clarification on how the Government plans to manage the day-
to-day frictions that will continue to arise in this exceptional moment that we are living in, and
into the final stretch of negotiations.

660 Together Gibraltar and I have always been very supportive of the work of our Government
throughout these negotiations. We have gone as far as to make statements protecting the work
of our negotiators from what we consider to have been past attempts at populist rabble-rousing
on the subject. We are willing to be supportive of Government in this titanic and historic duty, and
all we ask in return is that MPs are briefed on developments in a timely fashion and that the people
of Gibraltar are informed effectively and accurately of anything that may impact their day-to-day
665 lives.

Despite the Chief Minister's explanations on confidentiality, the Government is, regretfully,
failing to manage day-to-day issues that are causing enormous disruption to people's lives, like
the issues faced by the Ambulance Service some months ago at the border and all the problems
being faced by blue ID holders today, which, as comprehensible as they may be in both of these
670 cases, instead of having properly been guided and supported by their Government, people are
being informed of policy changes by Spanish authorities at the Frontier and then told to turn
around and go back home.

This situation has caused enormous grief to a lot of Gibraltarians, and while we understand
that our Government is not always responsible for these unfortunate developments, we believe
675 that Government is responsible for duly informing and supporting its citizens in advance of any
problems they might encounter at the border. I would, therefore, like the Government to clarify
if they have plans to improve communications on these operational matters with the Spanish
Foreign Ministry and the Spanish border authorities, and if it has put in place contingencies to
better inform the public of anything that might affect them directly.

680 Lastly, Mr Speaker, just to clarify again, despite the reasons given by the Chief Minister for no
meetings in this House and the need for resources, why is it that Ministers who do not necessarily
deal directly with Brexit cannot attend Parliament to answer questions on things like housing,
transport and education, like we see so often in the Houses of Parliament, in Westminster, when
Prime Minister Johnson is not present? Or are all his Ministers involved in these negotiations with
685 him simultaneously?

Thank you, Mr Speaker.

Mr Speaker: The Hon. the Chief Minister.

690 **Hon. Chief Minister:** Mr Speaker, I thank the hon. Lady for that intervention. It is, of course, absolutely patently true that we have fallen out on many issues but not on this one, and I am very grateful for the fact that she has continued to plough her positive furrow in respect of this issue. I would just, please, ask her not to call it a 'titanic' task. I am a little superstitious when it comes to superliners that end up in Davy Jones's locker.

695 The reality is that it is sometimes very difficult for the Government to have in place what the hon. Lady calls a strategy for communication to alert people to the things that are about to happen at the Frontier and that people have only learnt about as a result of events at the Frontier, when the Government itself only finds out from events at the Frontier.

700 The Government itself sometimes finds that the less positive angels of some of the people who are involved in negotiations take over and steps are taken at the Frontier which are not conducive to the result that we want to achieve. Gibraltar is large and has many millions of citizens in the way that we sometimes see ourselves, but we are just 30,000 people and we have many different views as to what should happen at 9 a.m. in the morning with Frontier workers, depending on what is happening at the Frontier, let alone an administration the size of that which is currently

705 tasked with the responsibility of protecting Europe's Schengen frontier with Gibraltar.

There are rules which now apply to Gibraltar which, in some instances, are being applied at the Frontier, and that sometimes is happening without warning. I do not want to hide that from people. I think we were explicit in saying that at the time, that these things happen. The minute

710 that they come to our attention we raise them with those who are our interlocutors. We sometimes can blunt the effect of that, we sometimes can stop the effect of that; we sometimes cannot change something which has happened as the result of another ministry that is not the one that we are negotiating with having responsibility for things and feeling that their legal obligation under the European rules requires that they do one thing or another. So it is not possible for us to have a strategy to deal with those things, because those things are not things

715 that we have on the radar to deal with.

There are many theories that one can have as to how those things happen, who knows they are going to happen and when they are going to happen. I would not want to delve further in that respect in public, other than to say that this is, of course, a live negotiation and different parties think that they have different levers and different parties think that different levers work in

720 different ways and will have different effects. The thing that I would leave in the public domain is that anybody who knows the Gibraltarian and sees the trajectory of the Gibraltarian people from 1967, and the 1960s when the restrictions started – anybody who analyses that will know that seeking to put pressure on a Gibraltarian or seeking to use a lever which somehow makes something uncomfortable for a Gibraltarian is not going to result in a Gibraltarian buckling; it is going to result in a Gibraltarian doubling down and wondering whether the party that is also the subject of a negotiation is as trustworthy as they believe. Indeed, knowing the Gibraltarian as I do, a policy of generosity is going to get people further with us all, a policy of respect is going to get people further with us and will lead to a better outcome which will be safe, secure and beneficial for Gibraltar and the Gibraltarians and for those who will benefit alongside us when our prosperity

725 is enhanced and shared.

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It is also important to note, as I said earlier, that unfortunately there are some things that, at this moment, it is not possible to do anything other than complain about, and we have to complain about them knowing that it is not that somebody is taking away a right for us to do a thing. This is the big difference in Gibraltar politics today in the relationship with the United Kingdom and our

735 joint relationship with the European Union. From 1973 to 2019-20 we were members of the European Union and we had the right to do things, just like everybody else had. Obstacles were put in our way and our right to do things was curtailed. That was improper and that was the battle. From 2020 onwards we do not have the right to do things and we are seeking to negotiate to have a treaty right to do those things in a different way that does not cross any of the fundamental issues that we need to protect on sovereignty, jurisdiction or control, but enables us to once again

740 have rights to do those things and to be able to assert those rights. In the interim period, which

arises for the reasons I have explained in my answer to the hon. Gentleman – not because we have not worked hard enough, not because we have not wished to resolve things – of course things are happening which we are dissatisfied with because they are no longer the benefits that we enjoyed until 2020 and had the right to do. We have to be careful, as negotiators, not to permit anything which anybody might have designed as an element of pressure to somehow skew the outcome of the negotiation or the way in which we carry out that negotiation towards the fundamental objective that we are seeking to fulfil.

There may be some – not in Gibraltar, not in Brussels or in London, but perhaps some in Madrid, not those we are negotiating with – for whom the best outcome would be that we should not have a treaty and that an element of pressure at our Frontier affecting a group of people, not the majority, might lead us to throw our toys out of the negotiating pram and not achieve the negotiating objective that we have sought to achieve and which we consider can be delivered in a safe, secure and beneficial way which does not affect our sovereignty, jurisdiction and control. So we have to be careful that we react in the right way and that we react in a way that is proportional and responsible, and although we are the smallest in the room we have the obligation, because it is our interests that are on the table principally, to be the most mature, the most adult in the room, and that is of course what we are going to do and how we are going to discharge our function. Everybody is behaving maturely and as adults in the room. Everybody is behaving in a way that is designed to deliver the right result.

I think the hon. Lady understands what I am trying to say, so that she sees that we are not failing to do anything that is designed to protect a collective that could be done, but we are unable to make assertions as of rights which are being vitiated, because this is not a case of rights being vitiated.

The British government has upwards of 150 Ministers in it, and countless civil servants. They are going to lose 10% of their Civil Service in the next few years but it is much more sizeable than us, even to scale. The issue with coming to Parliament to answer some questions but not others is that our Rules do not provide for it. Once a Parliament is called, hon. Members can file questions on any matter they wish involving any Ministry. We have not sought to curtail that in any way. We have not sought to change the way that hon. Members have the right to ask questions. That would have to be something that emerges from Select Committee when we have time to meet in the further parliamentary forms that we wish to see imposed. At the moment, when I sign the notice for hon. Members to have a meeting of Parliament, we are all, ironically, entitled to file such questions as we think are appropriate. Therefore, Mr Speaker, hon. Members could have filed questions to the negotiating team, to the team dealing with other matters, and therefore it would have been impossible to hold a meeting as the hon. Lady suggests. Neither have Opposition Members got in touch with us to say, 'We are happy to come to Parliament and only file questions in respect of housing or financial services.' It is also very difficult because in the way that our administration works, the Parliament team is in No. 6 Convent Place; the other ones, who handle all the questions and distribute all the questions ... every answer needs to be checked etc. So, although at first blush it might seem like you can have parliamentary sessions which only involve some Ministers coming to answer questions only on their issues, we would have to sit down together to agree a mechanism for that to happen in order for us to be able to do that and for me to be comfortable in calling a general meeting of the House and knowing that hon. Members were not going to ask questions of the Ministries that I will be responsible for.

I am open to that. I do hope that we are now at the end of the period of not being able to have meetings of the House, because I think the rounds of negotiation are likely to now happen before the summer. The COVID pandemic has lifted, which was also a difficult issue to deal with. People might think that Omicron was not as bad as it had been in the past, and it was not, but it still required a lot of work from Civil Contingencies and No. 6 etc., so there was a lot going on.

Even in the context of last year, when we had fewer meetings, I think we had more meetings than hon. Members had when they were in government in any year, let alone in that famous year when they only had one meeting. That is no excuse, because I want a Government that calls a

795 meeting every month. Hon. Members know – I have said it before – I am in Government not
because I have a deep desire to be an executive; I am in Government because I enjoy being a
parliamentarian. Coming here and debating with them gives full vent to what I enjoy most about
being in Parliament. So we haven't not called meetings because we have wanted not to call
meetings, we have not called meetings because we have literally not been able to commit to the
800 dates to be here. But the hon. Lady raises an interesting point, and if we felt that it were not
possible to call another meeting for an extended period I am quite happy to sit down with her and
with the Leader of the Opposition to agree a new set of informal parameters, if only for a short
period whilst negotiations were to continue and they were to continue to be protracted, where
they could ask questions of Ministries which were not the Ministries of the Deputy Chief Minister,
of me or of other Ministers who might in any month be involved in the negotiations.

805 To answer the question also more widely, as I have said, senior officials from most
Departments have been involved in these negotiations because there have been issues of
transport and there have been issues of housing, there have been issues of health, there have
been issues that affect financial services and standards etc. So we have all been involved at
different stages. Preparing for the rounds and preparing to be present virtually in the rounds, in
810 some cases, or being present in person in the rounds or in the ancillary talks around the rounds
has taken up time across the board in the public sector, not just principally No. 6 where the Deputy
Chief Minister and I are based.

I hope that that answers all of the questions that she has raised at this stage. From my notes, I
think it has. Can I suggest the next time she refers to a cruise liner in describing this process she
815 refer to the *Love Boat* instead of the *Titanic*?

Mr Speaker: The Hon. Roy Clinton

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

820 I only have two areas of clarification which I wish to seek from the Chief Minister. The first is,
quite simply, he mentioned the two more rounds to come and the next one would be early June,
but I am not sure if I caught when the next round after that would be. Does he have a date in
mind, or is there a timetable which would give us an indication of when the next round would be
after that round in early June? And is there an end to these rounds, or will they continue until such
825 time as we reach an agreement or there is not an agreement?

Secondly, Mr Speaker, I would ask the Chief Minister about the customs union element of the
discussions. He has made reference to various points, to how things will have to be done
differently for goods and also the desire to remove the stranglehold at the Frontier, which of
course is not just about passports but can also be about customs checks. In terms of how the
830 customs checks will be going on and who will be doing them for what purpose, I would be
interested to learn if there is anything the Chief Minister can share with us, but specifically I would
be interested if the Chief Minister can confirm one thing that I know both the Chamber and the
Federation are concerned about, which is that when we talk about the customs union there will
be no VAT-type system or VAT itself introduced, although I appreciate there may be some
835 alternative in mind, but specifically the EU-type VAT system which I know the Federation and
Chamber are concerned about. Sir Joe has publicly stated that he does not believe that that will
be the case, but I think it would be appropriate if the Chief Minister could confirm that to this
House.

Thank you, Mr Speaker.

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Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful for the hon. Gentleman raising those two very
distinct issues, which I can deal with quite quickly, I hope.

845 First of all, whenever we have fixed a round for negotiation, we have not often envisaged that
there would be another round unless ... I think in one instance we felt it was necessary to have
two days for a particular thing, break, and then the following week come back for another two
850 days on another thing, and those were then ascribed two different rounds. We are going into the
round in June, and then, once that round is over, we will determine whether what is needed is
another round or whether what is needed is more contact at disparate technical levels between
the technicians in different areas, who can then come together and have a different sort of
meeting, which is more a technical, legal drafting meeting, rather than a round. The rounds are
places where we are discussing things in principle etc. We will see, Mr Speaker. It may be that we
855 need one more round after June, that we need 20 more rounds after June or that we need a
hundred more rounds after June, or none. It is not possible to say at this stage.

Do we continue with rounds until we reach agreement or we end? Well, I think that question
answers itself: we continue with more rounds until we reach agreement or we end, although we
do hope that when we end, we end with a treaty text that we can recommend, that the Cabinet
approves, that I can bring to this House, that the House can approve and that can then go to the
860 process of ratification. This is a 'how long is a piece of string' question, and therefore I am unable
to give any more clarity at this stage.

In terms of the customs union, the hon. Gentleman is the only person this afternoon who has
referred to the customs union. I have not referred to the customs union at all during the course
of my Statement. I have referred to movement of goods. Movement of goods is not a customs
865 union, although that is one element of what a customs union can involve. We are talking about
the ability to get goods in and out of Gibraltar without a check at the frontier between Gibraltar
and Spain, which has been a vexed issue. Ninety eight per cent of our goods enter through the
Spain-Gibraltar frontier. It is worth pausing to think that 98% of our goods have entered through
the commercial gate. What we are talking about is having different systems for the movement of
870 those goods. I would say to the hon. Gentleman that he should reflect on the fact that I have not
used the terminology of the 'customs union' on purpose; there is a reason for that.

The hon. Gentleman knows that the EU's negotiating mandate seeks that VAT should apply in
Gibraltar and that the Government, from the first moment, has said that we do not accept that
that should be a proportionate way of dealing with price differentials in the context of our
875 economy and the European single market. The Government's position has not changed and will
not change, but this is a live part of the negotiation. It is, I think, also fair to say that the European
Union's position has not formally changed either, and if we are able to reach an agreement then
that will be reflected in the agreement that is provided for and is published. The hon. Gentleman
looks quizzical but there could be nothing simpler: two parties go into a negotiation with
880 conflicting positions, they maintain their conflicting positions until they are able to surface an
agreed alternative position, and that is what we are talking about here.

The Federation and the Chamber will be briefed by the Government privately on Wednesday –
I think that appointment has already been fixed with some and is in the process of being fixed
with others – and I look forward to being able to share the Government's views with them.

885 Sir Joe Bossano has now been in politics in Gibraltar for 50 years and – rightly, in my view,
Mr Speaker – says what he wants when he wants and how he wants and should never be
prevented from doing so. He is aware of the Government's position, he is aware of what the
Government is negotiating, and if he has thought it appropriate to make a statement about the
Government's position which might go a little further than I am prepared to go today, I fully
890 support and endorse his right to say it and what he said.

Mr Speaker: Does any other hon. Member wish to make a contribution to seek clarification on
the Chief Minister's Statement?

PAPERS TO BE LAID

895 **Mr Speaker:** We proceed to the next item on the Order Paper.

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

900 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2021 and the Ombudsman’s Annual Report for the year ended 31st December 2020.

Mr Speaker: Ordered to lie.

905 **Clerk:** The Hon. the Minister for Digital and Financial Services, Health Authority and Public Utilities.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I have the honour to lay on the table the Financial Services Resolution and Compensation Committee Financial Statements ending 31st March 2018, 31st March 2019 and 31st March 2020.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

BUSINESS, TOURISM AND THE PORT

Q10/2022

Shore-to-ship power –
Government position

910 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 10/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state its position on shore-to-ship power?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I can confirm that HMGoG is committed to incorporating shore-to-ship power projects as part of the overall strategy to increase the sustainability of the Port. Initiatives linked to providing shore power facilities will form part of the Net Zero Strategy workstreams going forward.

925 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer, although it is not much of an answer because I think it was in their 2019 manifesto where they stated ‘We will provide shore power’, and whilst it is important for our community to understand and recognise ... I think we would like a bit more reassurance as to how those commercial discussions are going.

I think there was a very strong commitment in the ‘Green Gibraltar the Child Friendly City’ manifesto of 2019, which set out quite clearly what the commitment was, and I wondered

whether the Minister can give us an update as to how those discussions are going and whether they have found a location for doing shore-to-ship power.

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Hon. V Daryanani: Mr Speaker, the hon. Member will appreciate that this is quite a complex situation and it is something that we have been working on.

As he will probably know, a lot of the ports around the world have set themselves a target of 2050 when they hope to achieve net zero. I am not saying that we have not spoken yet, internally, about targets – we are looking at things, we are discussing with the stakeholders; they have their views – but I think we are in a situation where we are on the right path with one of the aims to have shore-to-ship power.

There is the issue of electricity, of course. It would demand a lot of power in the area, so we are looking at the infrastructure involved – there are costs involved, very high costs, I must say – but with the world looking at a target of 2080 I think we have a lot of time to deal with this and I hope, as we move along over the next few months, I will be able to give you a little bit more information on this.

Hon. E J Phillips: Mr Speaker, I am grateful for the answer insofar as the route home in relation to this particular issue.

I wonder whether the Government has given any thought to renting out a particular site to a commercial entity for the use. He speaks about the cost, which will be very significant, and the complexity of the particular project, which I do not underestimate, but I wonder whether the Government has given any thought to renting a particular location that would allow for a commercial entity to do that, because that could be fairly significant revenue into the Government.

Hon. V Daryanani: We are considering a lot of different options at the moment, but we have not yet identified a specific area or a specific property.

Q11/2022

Cruise liner visits –

Policy re disembarkation and onshore excursions

955 **Clerk:** Question 11/2022. The Hon. D J Bossino.

Hon. D J Bossino: Further to Written Question 36/2021, please provide details of the current policy in respect of cruise liner visits, in particular in relation to the disembarkation of passengers and their participation in onshore excursions.

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, in line with policy at the rest of entry points to Gibraltar, we have scaled down the restrictions and conditions placed on passengers wishing to disembark cruise liners in order to carry out shore excursions.

All vessels calling at our Port are still required to provide the Port Authority with a COVID declaration form where any confirmed or suspected cases of COVID-19 on board are listed. This is in addition to the standard Medical Declaration of Health, as mandated by IMO requirements, which has always been a requirement for all ships calling at the Port.

Any passengers listed on the COVID declaration as positive are required to stay on board and not join a shore excursion. This is in line with the industrywide protocols already put in place by

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the cruise liners themselves, whereby any passengers who are identified as being positive are isolated in their cabins to avoid dissemination among the rest of the passengers.

975 These procedures, which have been developed in close consultation with the Director of Public Health and Civil Contingencies as well as with the cruise liner industry, ensure that this important activity – namely cruise calls and the consequent passenger excursions – can be carried out in a safe manner.

Hon. D J Bossino: I thank the Minister for the very full reply.

980 The scaling down aspect: is it that they do not require a valid PCR or lateral flow test? Is that understanding correct?

May I also ask him, with the Speaker's permission, are these requirements home grown? In other words, are they Gibraltar requirements, not as a result of any international obligations?

985 **Hon. V Daryanani:** Mr Speaker, first of all, we do not require a PCR test, but the cruise lines themselves have testing facilities on most of their ships now, so they carry out tests regularly. I am told that every 48 hours some of them require them to be carried out, or 72 hours, so they are constantly checking on their passengers, so that if they have any issues they can deal with them and isolate them immediately in the middle of the cruise. As you can imagine, it would be a disaster, otherwise, if they suddenly had people walking around with COVID.

990 Yes, our rules are pretty much what most ports in the Mediterranean have, and we have tried to mirror them.

Hon. D J Bossino: I appreciate this is a very difficult question for him to answer, and perhaps even impossible at this stage, but does he have information as to whether there is going to be a further scaling down of those rules? We have seen a lot of cruise liners coming to our shores, which is obviously a welcome sight, and I am sure that that is something he will want to sell as part of his ongoing marketing of Gibraltar's Port.

1000 **Hon. V Daryanani:** The scaling down is not really something in my control. I would have to see how things are moving and we will react according to the health situation.

Q12-13/2022

Airline links –

Update

Clerk: Question 12/2022. The Hon. D J Bossino.

1005 **Hon. D J Bossino:** Please provide updates with regard to the hoped-for airline links with Ireland.

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 13.

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Clerk: Question 13/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state what the current state of play is with regard to flight connections to Gibraltar Airport in respect of Wizz Air, Eastern Airways and Volotea airlines.

1015 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Hon. V Daryanani: Mr Speaker, the Government is in continued discussions with regard to the possibility of opening air links with Ireland.

1020 Regarding Wizz Air, I refer the hon. Member to the joint statement issued by the airline and the Government on 6th December 2021.

Eastern Airways made a substantial loss on flying to Gibraltar last year. In our discussions with them earlier this year they suggested that the only way they could make the routes work was if the Government subsidised the operation. We took the prudent decision not to do so.

1025 I have clarified the Volotea situation on numerous occasions in Parliament, in the press and live on television. Nothing has changed.

Hon. D J Bossino: So, Mr Speaker, the position with Eastern Airways is that basically it is not coming to Gibraltar – is that correct?

1030 And presumably with Volotea there has not been a renewed attempt by the Government to try and attract that airline or any other Spanish airlines – is that the position?

I will then ask a question in relation to the Irish connection.

1035 **Hon. V Daryanani:** Mr Speaker, regarding Eastern Airways, I do not know whether the hon. Gentleman has heard what I said: we took the prudent decision not to do so, so that is where the matter ends.

With regard to Volotea or any other Spanish airline, the treaty has not ended yet.

1040 **Hon. D J Bossino:** And in relation to Ireland, can he provide any more substantive updates? I think he mentioned ongoing discussions and we still had an intention to bring that air link to Gibraltar.

I am reading from an article, and I cannot say the source because I do not know where it came from, but he does say that he is hoping that we can do something with Ireland and he makes a reference in that context to the air link he was successful in securing vis-à-vis Scotland. Presumably that is not predicated on any deal with the EU. Can he confirm that?

1045 **Hon. V Daryanani:** Ireland is Ireland, and it could be Belfast or it could be Dublin. I do not know which article he is referring to, but it has nothing to do with the link with Scotland. We are talking to two or three different airlines about the possibility of different routes to Ireland, but obviously at this moment in time I do not really have anything further to add.

1050 **Hon. D J Bossino:** By a point of clarification, I ask a question, with your permission, Mr Speaker. In fairness, he does not say it has a direct link to the Scottish connection, so to speak. Just to confirm that.

1055 **Hon. V Daryanani:** That is right, Mr Speaker, it has no link to the Scotland route.

**Q14/2022
Floating hotel –
Likelihood and location**

Clerk: Question 14/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update as to whether Gibraltar is likely to see a floating hotel establishing itself here; and, if so, where the location would be.

1060 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, the Government has been approached by a number of potential operators of a floating hotel in Gibraltar. Nothing concrete has been agreed.

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Hon. D J Bossino: Mr Speaker, a couple of questions, if I can elicit this further information. This arises, as he will recall, from news that Gibraltar had received that there was a potential floating hotel – I think there was a brochure with a location at the Small Boats Marina: a barge which was situated in Medway in Kent. It did not look particularly attractive, I must say. In that context, I think Government said that that particular barge was not coming to Gibraltar. But he said that the Government had been approached back in October by a number of potential operators of luxury floating hotels. He says that not much progress has happened, but can I ask him now many have approached him and what does he think is the likely prospect of that happening?

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1075 **Hon. V Daryanani:** Mr Speaker – *(Interjection by Hon. Chief Minister)* Ah, right.

Mr Speaker, the Member opposite will understand, as a lawyer, client confidentiality. I cannot give out information on who has approached or who has not approached. It is very difficult to say because we are approached by many investors, not only to bring a floating hotel but to carry out lots of different business in Gibraltar. These things take time, more so when we are still in a pandemic, when people are thinking twice about making investments. We are discussing with a handful of possible investors. Let's see where the discussions take us, and when and if we have anything concrete we will make the announcement and then he will know.

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Hon. D J Bossino: Mr Speaker, that is fair enough. He knows full well that instinctively I will not ask him to reveal any confidences. I fully appreciate that, but I have simply asked for numbers so that the Opposition and the public can gauge what level of interest there is out there for this particular line of business. I have asked him for the number, that is all, rather than just 'many' – but with all due respect to him.

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1090 **Hon. V Daryanani:** A handful, Mr Speaker.

Hon. D J Bossino: Mr Speaker, that is not really an answer. A handful is not a precise number. I am not asking him ... perhaps I *am* asking him to be a bit more forensic about it. He is playing around with words. Does he have that information? If he does not have that information in the House today, it is fair enough, but I am asking him specifically is he willing to provide that answer, or is he suggesting that even that information is of a confidential nature which cannot be expressed across the floor of this House?

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Hon. V Daryanani: Mr Speaker, I feel uncomfortable providing really any information because there are people here who have put money into looking at things and how they want to do things, and I do not feel comfortable in providing whether there is one, whether there are two or whether there are three. I am happy to speak to him behind the Speaker's Chair, if he wishes.

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Hon. D J Bossino: I will accept that offer, Mr Speaker, but I really do think that it is information which does not transgress the issues that he has raised in any way, shape, manner or form. I suspect that he does not have the information, but let's see. I will have a word with him.

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It is a pity, unfortunately, when this offer is made, that the people of Gibraltar do not get the information which ought to be made public. I simply do not understand why that in itself is confidential in nature.

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Mr Speaker: Next question. *(Interjections)*

Hon. V Daryanani: I do know the number because I deal with them directly, so do not say that I do not know. I do know how many people have shown interest.

1115 **Mr Speaker:** Let's proceed. Let's continue.

Q15-18/2022

**Minister for Tourism's foreign visits –
Delegations, costs, meetings, new business secured and duration of trips**

Clerk: Question 15/2022. The Hon. D J Bossino.

1120 **Hon. D J Bossino:** Please provide the following details relating to the Minister for Tourism's visit to Seatrade Cruise Global in Miami. It is five pieces of information I would like: (i) who comprised the Government's delegation; (ii) the total cost of the trip, broken down into air travel costs, lodgings and entertainment; (iii) who the Minister met; (iv) what new business has been secured as a result of the trip; and (v) the duration of the trip.

1125 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I shall answer this question together with Questions 16, 17 and 18.

1130 **Clerk:** Question 16/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide the following details relating to the Minister for Tourism's visit to Edinburgh. It is (i) to (v) and exactly the same information. I am not sure if Mr Speaker wants me to read it out again for the sake of *Hansard*.

1135 **Mr Speaker:** For the sake of *Hansard*, you should.

Hon. D J Bossino: (i) Who comprised the Government's delegation; (ii) the total cost of the trip broken down into air travel costs, lodgings and entertainment; (iii) who the Minister met; (iv) what new business has been secured as a result of the trip; and (v) the duration of the trip.

1140 **Clerk:** Question 17/2022. The Hon. D J Bossino.

1145 **Hon. D J Bossino:** Please provide the following details relating to the Minister for Tourism's working breakfast in London in March last year: (i) who comprised the Government's delegation; (ii) the total cost of the trip broken down into air travel costs, lodgings and entertainment; (iii) who the Minister met; (iv) what new business has been secured as a result of the trip; and (v) the duration of the trip.

1150 **Clerk:** Question 18/2022. The Hon. D J Bossino.

1155 **Hon. D J Bossino:** Please provide the following details relating to the Minister for Tourism's visit to the CONNECT Route Development Forum in Tampere, Finland: (i) who comprised the Government's delegation; (ii) the total cost of the trip broken down into air travel costs, lodgings and entertainment; (iii) who the Minister met; (iv) what new business has been secured as a result of the trip; and (v) the duration of the trip.

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

1160 **Hon. V Daryanani:** Mr Speaker, in relation to Question 15, the Government's delegation was comprised of Mr John Reyes, Chief Executive of the Ministry of Business, Tourism and the Port; Mr John Ghio, Captain of the Port; and myself. The cost of air travel was £9,664.14, and lodgings was £3,254.28. There was zero cost on entertainment. I took the opportunity to meet with several leading cruise line executives. The duration of the trip was three days in Miami and overnight in London, due to flight timings.

1165 In relation to Questions 16 and 17, the Government's delegation was comprised of Mr John Reyes, Chief Executive of the Ministry of Business, Tourism and the Port; Ms Maxine Sene, Press and Communications Officer of the Ministry of Business, Tourism and the Port; Ms Tracey Poggio Magnus, UK Head, Media & Marketing, Gibraltar Tourist Board; and myself. The total cost of the trips were as follows: £1,300 return Gibraltar-London; £1,793.60 London-Edinburgh. Lodgings were £990 in London and £882 in Edinburgh. Entertainment was £940 – reception in Edinburgh. 1170 In London, I met with travel writers from *Business Traveller*, *Conde Nast Traveller*, *BA Highlife* and *Travel Bulletin* amongst others, and the editor of *Business Traveller*. In Edinburgh, I met with travel agents and the local Scottish press. The duration of the trip was one day in London and one day in Edinburgh.

1175 Finally, in relation to Question 18, the Government's delegation was comprised of Mr John Reyes, Chief Executive of the Ministry of Business, Tourism and the Port, and myself. The cost of air travel was £3,387.23 and lodgings was £1,117.67. There was zero cost on entertainment. I took the opportunity to meet with several airline executives. The duration of the trip was two days in Finland and overnight in London on the way back, due to flight timings.

1180 **Hon. D J Bossino:** Mr Speaker, it has cost a lot of money in terms of expenditure – particularly, obviously, the US trip, as one perhaps would expect – but it will require more analysis.

The issue that I feel he ought to try to answer, and I am not sure that he has in terms of one of my subsidiary questions from the main question, is what business he has been able to secure from these trips. I appreciate that there is always a tension with these things – or, at least, there ought to be – that before the Government decides to expend money which it can probably ill afford given the current economic and financial situation we are in, and this is on their own admission, it chooses wisely where to exert its efforts and invest, both in terms of financial investment – I apologise that there is a bit of a long preamble to this – in terms of financial investment and in terms of the Minister's and his team's time in relation to this. 1185 1190

Can he tell me, firstly, whether he can provide an answer to the fourth subsidiary question I asked, as to whether he has been able to secure any new business for Gibraltar; and in relation to all of these trips that I have mentioned, whether he thinks any of them are not worth pursuing any further, or whether he intends ... which ones he wishes to pursue further or which new ones he is thinking of pursuing further for the sake of attracting new business to Gibraltar? In other words, really what I am asking him is whether he has a plan in relation to marketing, and, if he does, what it is and whether he sits down with his team, and how often he does, to assess whether that plan and his trips are proving fruitful in any way. 1195

1200 **Hon. V Daryanani:** Mr Speaker, he complains when I do not go marketing to Madrid; now he is complaining that I am marketing elsewhere. He needs to – (*Interjection*) I am just making a point.

Chief Minister (Hon. F R Picardo): [Inaudible] hipocresia [Inaudible]

1205 **Hon. V Daryanani:** Exactly, I am asking him.

What the hon. Member needs to understand is that the one who is taking the decisions is me, because I am the Minister for Tourism. He is not in Government and I cannot be expected to do what he thinks I should do, because that is not how it works.

1210 Regarding new business, let me tell him that new business does not just happen with one
meeting or two meetings; it can take years. He asks whether I am going to pursue going to these
conferences. To give the example of CONNECT, it was the first time the Government of Gibraltar
has been to this conference. It was a decision I took because I felt that, considering we are
1215 negotiating a treaty, there might be a possibility that air transport might form part. If it does form
part of the treaty, then it will open up different possibilities for Gibraltar, so that is why I chose to
go to CONNECT. Of course I will assess whether I go next year. I might or I might not – it all
depends.

Insofar as Seatrade Global is concerned, I was told that Gibraltar has been going for 25 years.
It is the most important cruising conference in the world. Let me tell him that I am glad I went
because it showed me how much interest there is in Gibraltar and it showed me how much inroad
1220 we have made by the way we are marketing and the way we are promoting our Port – the constant
cruise calls which are promoted on social media and the top executives of all major cruise
companies stopping me and asking how Gibraltar was doing. Of course, this shows that we are on
the right path, so I will continue going to Miami and, actually, to any cruising conference that I feel
will help Gibraltar, because I am extremely keen on making sure that Gibraltar becomes the
1225 premier cruising destination in the Mediterranean.

Hon. D J Bossino: Mr Speaker, unfortunately his reply look I am really trying with the hon.
Member. He and I have had our differences. Clearly, we continue to have them, it seems. He just
needs to learn how to answer in a reasonable way and fully, and I am afraid to say ... I will not rise
1230 to the bait. I am not sure he is even trying to place a bait before me. I really do not think so; I do
not think he is that clever, to be honest. The hon. Member has not –

Mr Speaker: I think that is out of order.

1235 **Hon. D J Bossino:** Happy to withdraw it, Mr Speaker

Mr Speaker: And apologise.

1240 **Hon. D J Bossino:** And I apologise to him.

Mr Speaker: Thank you.

Hon. D J Bossino: Mr Speaker, what he has revealed to us in that reply is that he does not have
a plan. He alights, in respect of one of the questions I asked, which is the Seatrade cruise place to
1245 be in Miami, which he rightly points out our Government used to attend and they have continued
with the practice ... That is an obvious reply and I am glad that he went. He mentions the CONNECT
conference that he went to. He has not answered, for example, in relation to that particular one,
where he is treading on new ground, whether he has made the analysis as to whether he thinks
he will be going in the future.

1250 Let me ask him a specific question. He tells us, and I quote, that the one who takes the decisions
is him, and presumably he is the one who intends to continue to attend these conferences and
meetings etc. The specific question is what he envisages in relation to the newly appointed CEO,
who happens to be my brother but that is totally irrelevant. Does he intend to allow the new CEO
1255 to take charge of these things, or will he be the one to continue to lead in relation to these
marketing trips?

Hon. V Daryanani: I am not going to rise to the bait, whether or not he knows that he laid it.

1260 What can I say? The Member opposite has become a one-trick pony, Mr Speaker. People are
tired of his negativity, his immaturity and his pessimism. He has become so predictable –

Hon. D J Bossino: ‘Immature’ – that cannot be parliamentary, Mr Speaker.

Mr Speaker: Yes, I think the Member is absolutely right. You cannot say things like this.

1265 **Hon. V Daryanani:** Immature? It has been said across the House on a number of occasions, Mr Speaker.

Mr Speaker: No, no, no, I think you should withdraw that particular word. (**Hon. D J Bossino:** And apologise.) And apologise, yes.

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Hon. V Daryanani: I have heard it on many occasions. I would never use a word that I thought I could not use, Mr Speaker. (*Interjection*)

1275 **Hon. Chief Minister:** Mr Speaker, I think the Government considers that that language is parliamentary, but we always take your advice, and although it might be parliamentary, if it is not temperate ... We would always seek to ensure that we have a temperate debate across the floor of the House. You rightly pulled up the hon. Gentleman on that side, so on this side we will follow your advice, of course.

1280 **Hon. V Daryanani:** So, Mr Speaker, I withdraw that comment.

Hon D J Bossino: And apologise.

Mr Speaker: And apologise.

1285

Hon. V Daryanani: And apologise. (*Laughter*)

1290 **Hon. V Daryanani:** I apologise, but the hon. Member has said many things to me that need apology, Mr Speaker, and ‘immature’ is one of the ... Anyway, Mr Speaker, I will follow your ruling, of course.

He is the only one who does not want to see business in Gibraltar, or it seems that he is the only one. He does not want to see me go out and try to achieve to bring business to Gibraltar. The industry and the stakeholders all – (*Interjection by Hon. D J Bossino*) Mr Speaker, it just shows you the lack of respect he has for this Parliament, but what can I say? As I said, all he wants ... He does not want me to go out there and try to bring new business to Gibraltar, but he will not stop me from doing so. I will continue working hard to make sure that we can bring Gibraltar back to a strong economy. He does not understand that I am ...

1295 I am sorry that I have to repeat this, Mr Speaker, because he constantly repeats the same thing. All the comments that he makes are damaging to Gibraltar. It is not like before when you made comments and they were just for local consumption. Today, people abroad, executives who follow Gibraltar, who work with Gibraltar, see these comments being made on social media by politicians, by Members of the Opposition, and they ask me, ‘The other politicians in Gibraltar, don’t they want to see new business for Gibraltar?’ I say, ‘Well, I suppose they want to, but in their desperation to win the odd vote here and there, this is the game that they play.’ In other countries, when it comes to this type of message, politicians tend to work together to promote their economy, but we know what the hon. Member Mr Bossino is here for: he laps up the oxygen of controversy for his own political gain.

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1305 Finally, Mr Speaker, I would just like to say one thing. I am told that the Member opposite is the spokesman for ‘Style of Government’. Well, before he aspires to Government, he should look first at his style of Opposition: destructive, uninspiring and toxic.

1310

Mr Speaker: This is going to be the last supplementary.

1315 **Hon. D J Bossino:** Mr Speaker, I have used this adjective to describe it in the past and I have not been called to order, re not him but what he said, and it is a load of fluff. He has not answered the point and he has certainly has not answered the specific point in relation to the CEO and the role he is going to play.

1320 Can I ask him this? This is a point of detail, and he did provide it in his reply but I would ask him, because I was not able to take a note, did he say that Maxine Sene – who I do not know, but he mentioned her name – is part of the press office team? Is that what he said? And, if so, is that his press office or that of No. 6? And, if the latter, why did he take her on the Edinburgh trip? It is not very clear to me.

1325 **Hon. Chief Minister:** Mr Speaker, just to clarify, because these are issues that affect across the Government, press officers often travel with Government Ministers when there is a need for them to do so. They have travelled to the United Kingdom and they have travelled to the United States of America on a number of occasions. They have sometimes travelled to Spain and other places where it is considered appropriate that members of the press should travel with members of the Government for the purposes of being able to record a message or to deliver a message in a more effective way for Gibraltar's ends. I do not think this is something we originated, I think it is something that originated ... I am not going to say in their time, I am going to say in the past. I think that is just the way that things have oft developed in history. There is nothing new there, and I am surprised that the hon. Gentleman is asking about it.

1330 But I wanted to clarify the question that he has asked repeatedly – I think he has asked it three times. The hon. Member, I think, wishes that it should be answered on behalf of the whole Government because it is a question about how Government functions. Of course, when a chief executive officer is appointed to a role, he is a chief and executive officer. That is to say he is in executive control of a Department. The Minister becomes responsible for policy when there is such a person involved and that person runs the mechanism.

1340 So, Mr Speaker, what Mr Bossino is asking is whether Mr Bossino will be allowed to run the Department. Mr Bossino should know that as soon as Mr Bossino arrives, Mr Bossino will be the one making the decisions, so that Mr Bossino can ask whether Mr Bossino has done something right or not, and then ensure that the Minister is not the one he blames for everything going wrong. It will be the fault of Mr Bossino.

1345 **Mr Speaker:** Next question.

**Q19 and Q21/2022
Gibraltar Tourist Board –
Changes to staff complement**

Clerk: Question 19/2022. The Hon. D J Bossino.

Hon. D J Bossino: Well, let's see.

1350 Please state whether any changes have been made recently to the staff complement at the Tourist Board; and, if so, please provide details of what these are.

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

1355 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, I will answer this together with Question 21.

Clerk: Question 21/2022. The Hon. Ms M D Hassan Nahon.

1360 **Hon. Ms M D Hassan Nahon:** Why has a vacancy been seen circulating in the Gibraltar Tourist Board when a senior member of staff has been transferred out and the filling of posts from those who have retired has been abolished?

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

1365 **Hon. V Daryanani:** Mr Speaker, the Government does not comment on any internal transfers. The Government is unaware of what vacancy the hon. Lady is referring to.

1370 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I find it hard to believe that the Minister can answer in such a way, because there has been quite a bit of commentary on a particular senior member of staff who was quickly and swiftly asked to transfer. My question leads to the concerns and the impact that this has on the morale of the staff, given their loyalty and their pride in the role over many years. I believe that the Minister knows exactly what I am asking about, and I would ask him to perhaps enlighten this House and the community, and perhaps even his staff, on Government plans to retain a happy and motivated staff at the Tourist Board.

1375 **Chief Minister (Hon. F R Picardo):** Mr Speaker, all moves of civil servants and members of the Gibraltar Development Corporation, of which I am the Chairman, are handled through the Department of Human Resources or the secretariat of the GDC. All of the officers who are clerical officers of the Civil Service and the GDC are freely transferrable and are often transferred.

1380 Sometimes when these transfers occur, the sorts of sentiments that the hon. Lady refers to are the first sentiments that seem to come to the fore, but in my experience in Government, and indeed in Opposition, a new leader soon settles in with the team and the team soon follows and supports their new leader, and the individual who has moved, although not wishing to move on, usually moves on to do an excellent job somewhere else. Excellent leaders are excellent leaders wherever you put them. That is the benefit of having a professional Civil Service and what having the GDC as a supplier of services to the Civil Service has enabled us to do.

1385 I am very confident in the changes that have been made during the course of the change of financial year, where the Minister for Economic Stability and I, together with the Financial Secretary, have been working with each Department head, not just on issues relating to other charges in Departments but also on personnel changes, and we will see that produce the efficiency that Gibraltar requires.

1390 We do not routinely – and neither did they when they were in government, Mr Speaker, and I assume no one will in the future – comment on specific moves of civil servants across the floor of the House. We have always considered that that is a matter which touches and concerns the dignity of the individual in question, and therefore we support the continued excellent work that the officers of the Hon. Minister for Tourism’s Department are doing, as well as those who were in that Department, who did excellent work and are now moving to do excellent work elsewhere.

1395 That is the nature of the Service. It is an established principle in the Civil Service – and it would be one which I think would find common agreement between Members on all sides of the House – and should not change, to ensure that Gibraltar’s administration has the business efficacy that it needs to have and always has had since it was created.

1400 **Hon. D J Bossino:** Mr Speaker, I would like to be a bit more specific. The hon. Member said – and there has been an alignment in terms of the answers that we have heard from both Ministers in relation to this – that they do not comment on internal transfers, but can I gather from what the Hon. the Chief Minister has said that there have been moves within the GTB? And, if so, can he confirm that that is the case?

The specific point that I make is that this issue has been the subject of comment in social media. Without mentioning names – because the Hon. the Chief Minister is absolutely right that this House has, in the past ... Indeed, when I have asked questions in my previous incarnation in the

1410 previous Parliament, I asked a particular Minister for details of the employees in his Department
and he gave me a whole spreadsheet with names, and then that was actually commented on by
the Speaker at the time, Mr Canepa, that he should not do that, provide names. I think that is
absolutely right, so in follow-up questions I did not refer to the names. But I will refer to this
particular message that I received, and indeed many people in Gibraltar received in relation to ...
1415 I think it is of public interest to not ignore this. It is out there. I do not propose to quote the entirety
of it. I can assure Members I have no intention of mentioning any names – although they are out
there in the public – out of respect to those individuals, but I will just read two paragraphs. The
title is ‘What’s happening in the GTB?’ So there is concern. What I ask the Minister to do, once I
have read this, is to assuage any concerns that there may be in relation to, as the hon. Lady says,
1420 morale etc. This post says, and I quote:

Employees have been transferred, unwillingly, at the Minister’s whim, from the GTB to posts that they are not suited
for.

This is the second paragraph, albeit the third one in the text, and there are about seven or eight:

Valuable and longstanding members of staff are not being used for their strengths. Essentially, they are being
ignored and almost ostracised.

I would like the hon. Member to comment in relation to that, if he can.

Hon. Chief Minister: Mr Speaker, this is a message which I received as well. It is a common
1425 things, these days. If you want to get attention, you circulate a WhatsApp to everyone in your
address book, everyone in your address book circulates it to their mates, and before you have said
Bob’s your uncle 32,000 Gibraltarians have read the same WhatsApp message and then started
to send it to each other – so I think I got it about 32,000 times!

1430 It is not dissimilar to the sort of thing that used to happen before WhatsApp was the chosen
method of communication. I have also seen similar messages posted in places on social media and
in the past I have seen very similar messages which I have had regard to when I have been in
Opposition and which I have understood the nature of when I have been in Government. That is
to say that there are people who are moved from where they are who do not wish to be moved,
and then wish to recriminate on the basis that they have been moved.

1435 These are decisions which are taken for the very opposite of the reason that the hon.
Gentleman has quoted from the WhatsApp message. In other words, there is no question of
valuable and longstanding members of staff not being used to their strength and essentially being
ignored or ostracised; it is quite the opposite. And it is not the case that the Government considers
that people have been moved to posts for which they are not suited; quite the opposite.

1440 We have a higher regard for the people in question than the person who sent the WhatsApp,
because we do believe that they are eminently well suited for the things that they are now going
to be asked to do, which are not the things that they were doing, because we believe that they
are really well qualified, we believe that they are excellent professionals and we believe that they
can turn their hands to what it is that they are being and will be asked to do.

1445 It is not true that people are not being used to their strengths and are being ignored and
ostracised, although anybody whose opinion might not be the one pursued on a particular
occasion might take the view that that is the case, that because what they have asked should be
the case does not happen they being ignored or ostracised. I would simply say that, quite the
opposite, because we might not agree with something that a particular individual may
1450 recommend on one occasion, it does not mean that we will disregard that person’s opinion or
advice in other matters where we might agree, or where, in fact, that person’s opinion may lead
us to a better decision to be made in a particular area.

1455 Mr Speaker, in fact I am grateful to the hon. Gentleman for raising this because it has demonstrated in glorious technicolour exactly what I have said to the House before: that they are sometimes led in their questioning by rumour and tittle-tattle. Here, the rumour and tittle-tattle is set out explicitly not in something which is metaphysical, but in something which is physically able to be seen by all of us. They are acting on the basis of an anonymous WhatsApp exchange, giving it the credibility of raising the issue in this Parliament, actually reading out this physically set-out rumour and part of the innuendo provided for, and in that way Mr Speaker seeking to create dissent and to, I assume, seek to curry political advantage. In, fact what is happening is that the Minister – in keeping with other Ministers, because this has happened across the Service – is making changes, with the support of my Office and the support of the Human Resources department and the GDC secretariat, to ensure that we deliver, in the way that we consider is best suited to deliver, the policies that we are elected to deliver. *(Interjection)* We are maximising the resources that we have in the way that is best designed to deliver efficiency, and I thought that they supported us in that.

1460 The individuals mentioned in this WhatsApp – and we have all read it, so we see the names – are individuals the Government holds in the highest regard, who have done an excellent job wherever they have been. There are individuals who are not named here, who are equally highly regarded by the Government, who are also moving to other areas and will do an equally excellent job wherever they go. Some of them will work more closely with me going forward, rather than with the hon. Gentleman; other people who have worked closely with me will be working with the hon. Gentleman; and new people from outside will be working even more closely with the hon. Gentleman in discharging the functions that they will have come to discharge to Gibraltar.

1470 It is quite remarkable to see an Opposition not just operate on the basis of rumour and tittle-tackle but actually stick their colours to the mast, to the objective existence of this anonymous rumour and tittle-tattle, and I am very grateful to the Hon. Mr Bossino for having done so, because I no longer have to portend that that is what they are doing when asking questions and can actually point to the fact that they did so.

1480

Mr Speaker: Next question.

Q20/2022

Gibraltar Tourist Board – CEO salary, benefits and location

Clerk: Question 20/2022. The Hon. K Azopardi.

1485 **Hon. K Azopardi:** Mr Speaker, further to the Government's announcement regarding the identity of the CEO of the GTB, can we have details of his salary, other financial or contractual benefits and where he will be based?

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

1490 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, Mr Kevin Bossino, the new CEO of the GTB, will be paid a salary of £140,000 per annum. Mr Bossino will be working between Gibraltar and London, as required. A flexible arrangement has been agreed with him.

1495 **Hon. K Azopardi:** Can I just ask about that aspect, the between Gibraltar and London? Is it that the new CEO is not actually going to be based in either Gibraltar or London? Is he going to be based in both? How is that going to work? Can the Minister provide a bit more detail about that?

Hon. V Daryanani: Mr Speaker, as I have just stated in my answer, we have a flexible arrangement with Mr Bossino.

1500 Never had I expected that a Gibraltarian would tick all the boxes I was looking at. This is a demand-driven situation, so it might be that he will spend more time in London at some points, then in Gibraltar. It all depends on where he is required.

1505 You need to understand that Mr Bossino is coming to Gibraltar and this is one of the situations that he wanted to ... He was happy to be based in London principally, but obviously he has a family in Gibraltar and he wanted that to be taken into account, and we have done that.

Hon. K Azopardi: Mr Speaker, the hon. Member should not underestimate the Gibraltarian so much. **(A Member:** Hear, hear.) When I look at the jobs that the Government put out, I hope, first, that the Gibraltarian does get it. I am sure there are lots of talented Gibraltarians out there.

1510 Does the hon. Member not know where Mr Bossino is going to live? Really, that is what I am asking. Surely, in the discussions on reaching a flexible arrangement, he must have established where he is going to be living.

Hon. V Daryanani: Mr Speaker, what I was not expecting was a Gibraltarian to apply for a job, to live in London. That is what I was saying. He will now live in both Gibraltar and London. That is the point I am making. He will work in London and he will work in Gibraltar, so he will live in London and also live in Gibraltar.

Hon. K Azopardi: Mr Speaker, how much of the year does he expect Mr Bossino to be living in London for?

Chief Minister (Hon. F R Picardo): Mr Speaker, that is an issue which is indeterminate. After the first year of operation we will be able to tell the hon. Gentleman, without the fear of misleading the House inadvertently, how much of the time Mr Bossino has spent in Gibraltar and how much he has spent in London, and then we will have an empirical set of answers that we can give hon. Members.

1525 The hon. Member has made clear that we expect Mr Bossino to be working in London as much as in Gibraltar, whereas before – and this is the issue they are trying to get to – the head of the GTB was based in Gibraltar. We expect him to be spending a lot of his time in London. Whether that will be the majority or not ... Let's not crystal-ball gaze. Let's make an assessment after the end of 365 days, and then we can tell them where he has spent the most time.

Hon. K Azopardi: Mr Speaker, is it not actually the case that they have changed their view, and having put an advert out for someone who was going to be based in England and having found the right person – who happens to be a Gibraltarian – to do that job, that person is going to be based in Gibraltar, although that person may, of course, work in England from time to time? Of course you have to go to England, which is an important market for us, but in reality that person will be based in Gibraltar.

1535 If that is the case and the position has changed, we welcome it, because that person should, in fact, direct tourism policy from Gibraltar.

Hon. Chief Minister: Well, I am afraid, Mr Speaker, in that case hon. Members will not welcome this, because it is anticipated that actually Mr Bossino will be doing a lot of his work in London and from London.

1545 Mr Bossino is not moving back to Gibraltar. He is going to be moving to Gibraltar and to London. He will be based in London for a considerable part of his time, and it may be that that is the majority of his time. We will know whether it is or not at the end of the year, and then Mr Speaker we can be accused not of changing our minds but of having permitted the flexibility to make

1550 decisions that Mr Bossino is asking that Mr Bossino should have, to ensure that Mr Bossino is the one making the decision even as to where he should be.

Let's be very clear, Mr Speaker. The hon. Gentleman has demonstrated in his last question that all he was doing with his purported forensic cross-examination was seeking to make a cheap political point. Point made. Target missed.

1555 **Mr Speaker:** The Hon. Roy Clinton.

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

1560 Just two questions. Could the Minister advise the length of the contract? And if I recollect correctly – and I am happy to be corrected – I believe the Minister, at the time when he said this person would be based in London, said it would actually achieve a net cost saving. If that is the case, could he tell the House what that net cost saving is?

Hon. V Daryanani: Mr Speaker, the net cost saving will be announced during the Budget.

1565 The contract is an indefinite contract. *(Interjection)* Yes. I do not have the contract with me, but ... I would need to check that, but ... Yes, it is better that I check it and I will write to him and let him know.

Mr Speaker: Next question.

INDUSTRIAL RELATIONS, EMPLOYMENT, HOUSING AND SPORT

Q32/2022

Youth clubs –

Opening hours and statistics re regular use

1570 **Clerk:** Question 32/2022. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government provide updated details of the opening times at the youth clubs, together with statistics of how many youngsters are using these facilities on a regular basis?

1575 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite the information requested.

Answer to Q32/2020

Laguna Youth Club

Tuesday 4.30pm to 7.30pm

Wednesday 4.30pm to 7.30pm

Thursday 4.30pm to 7.30pm

Attendance: between 20 to 40 young people

Plater Youth Club

Tuesday 4.30pm to 7.30pm

Wednesday 4.30pm to 7.30pm

Thursday 4.30pm to 7.30pm

Attendance: between 20 to 30 young people

Youth Centre

Tuesday 4.30pm to 7.30pm

Wednesday 6.00pm to 9.00pm

Thursday 5.00pm to 8.00pm

Friday 6.00pm to 9.00pm

Attendance: between 20 to 35 young people

Dolphins Youth Club

Tuesday 5.00pm to 8.00pm

Wednesday 5.00pm to 8.00pm

Thursday 5.00pm to 8.00pm

Attendance: between 25 to 50 young people

Weekend opening is on a Youth Club rotation basis.

1580 **Hon. E J Reyes:** Mr Speaker, I am grateful for the schedule the Minister has provided. My first quick look at it shows that there is actually no opening during weekends per se, be it the summer or winter schedule. Can the Minister expand upon why this policy of not opening or making the premises available for youngsters' use during the whole weekend?

1585 **Hon. S E Linares:** No, Mr Speaker, the youth clubs are open during the weekend. It says, in the answer to the question, that weekend opening is on a youth club rotation basis. At the bottom it says on a 'rotational basis'. That means that there is always one youth club open. It is to do, basically, with programmes that they might have. Sometimes, if the programme is in the Dolphins Youth Club, they open the Dolphins Youth Club during the weekend on a rotational basis, like it says.

1590 Every weekend there are programmes. Sometimes it is not even on a rotational basis. Sometimes you get two or three youth clubs doing projects during the weekend. The only thing is that they are not time specific. That means that we would not put it there, opening from 7.30 to 9.30, or whatever; it is on a case-by-case basis, depending on the programme.

1595 **Hon. E J Reyes:** Mr Speaker, from what I gather, I think that extra bit of information ... No youth club is open on a Monday. On a Friday afternoon or evening there is only the Youth Centre available. And, if I have interpreted correctly what the Minister was saying in his supplementary answers, as and when a youth club may have an activity it may open during the course of a weekend, but that seems to be specific to the particular youth club for specific use by a youngster taking part in a project, so any other youngster who happens to have time off and wishes to attend a youth club during the course of a weekend – Friday, Saturday or Sunday – does not seem to have
1600 a choice of any of the four there. Am I right in that interpretation, Mr Speaker?

Hon. S E Linares: Mr Speaker, over the course of the last 12 months, the world has faced uncertainty with regard to the global pandemic. Gibraltar was no exception. This affected the nature of the work we embarked on at the Youth Service, particularly on weekends, where under usual circumstances we provide opportunities to young people to travel abroad and into Spain for activities that cannot be sourced within Gibraltar. Up until last month, we had been unable to undergo any activities in Spain, or any other country for that matter. However, the Youth Service team adapted as best as possible in order to provide opportunities to young people locally.

We endeavour to ensure that the work we do and opportunities we offer are meaningful to the young people and yet also within the parameters that Government provide, up until recently.

1610 With the above in mind, the Youth Service ensured that the following work was carried out on weekends: Youth Day – a day to celebrate the youth of Gibraltar; movie afternoons hosted at each of the youth clubs; trips to local cinemas; bowling at the Kings Bastion Leisure Centre; cooking; overnight stays at the Gibraltar Retreat Centre; team-building activities; interclub football and basketball tournaments hosted by the Dolphins Youth Club; arts and crafts themed sessions; visit to the Royal Gibraltar Regiment; guided tours at the Alameda Gardens; visit to the Alameda Zoo; Upper Rock tours; paddle-boarding; kayaking; visit to the Northern Defences; Nautilus Project workshops; and collaboration works with various charities. And there are many more I can read, Mr Speaker.

1620 I think the young people are very well catered for during the weekend, so if any young person would like to come on a Friday, Saturday and Sunday to any of the youth clubs, there are many activities that they can do.

Hon. E J Reyes: Mr Speaker, the Minister obviously has read out all the information provided to him on the question arising, but he still has not really answered what I was asking. The youth clubs are not open on a Monday. On a Friday there is only the Youth Centre open from six to 9 p.m., and because there is no other official opening time advertised as such in any youth club – and not even the Minister can provide it in this Parliament – for any youngster who wishes to entertain himself by going to a healthy and safe environment, like a youth club, during the course of let's say this Saturday or this Sunday, the information is not here.

1630 Can the Minister say what time it is open or just admit that it is not open? You know what youngsters are like, they tend to act on the spur of the moment, so a youngster, at five o'clock on Saturday afternoon, can he or can he not go to a youth club and find it open for his use?

Hon. S E Linares: Mr Speaker, the youngster can find out in school. All the youngsters are in schools and therefore it is through the school system that they know exactly when these things are happening. Even at the weekend there are loads and loads of things that are happening and therefore the youngster will know, not only through his or her peers, that the youth clubs are functioning.

1640 If a youngster, at five o'clock in the afternoon on a Saturday wants to go to any of the youth clubs, they will find that the youth club might be closed, but they can go to the next youth club and see if it is open. But anyway, they all know about the activities that are happening because all these activities are well published not only in social media ... They can go to youth.gi and they will get a vast array of projects which they can get into. For example, if they turn up to the Victoria Stadium, the Nautilus Project is running there. That is not a youth club but it is run by the Youth Service in conjunction with the Nautilus Project.

1645 I understand that the hon. Member is going to say that one young person has not found out whether there is any project, that they go to the youth club and it is closed. Yes, unfortunate.

Mr Speaker: Next question.

Q33/2022

**Play park facilities –
Reason for delays to repairs**

1650 **Clerk:** Question 33/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can Government explain why there seem to be delays in carrying out repairs at facilities provided in children's play parks?

1655 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
Mr Speaker, given the retirement from service of several members of staff and discussions regarding the future maintenance of parks and playgrounds, there has been a slight delay in addressing some repairs. However, I am glad to report that this has been resolved.

1660 Moving forward, GJBS will be taking over the actual maintenance and repairs, but these will ultimately continue to be under the responsibility of the GSLA. Officials from both sides have been working together with the new maintenance regime, which started on Monday, 9th May 2022.

1665 **Hon. E J Reyes:** Mr Speaker, I heard clearly the Minister saying – what he is admitting – that because there was some retirement ... Contrary to this, does the Minister not realise that that perhaps shows poor succession planning to ensure that there is as little disruption as possible?

1670 Mr Speaker, may I declare a vested interest? As a grandparent of three young children, I am a very regular user of these play parks, and may I add that each weekend I tend to find that things have got slightly worse rather than slightly better, and in some places they are unsafe, or bordering on being unsafe. May I please urge the Minister to ensure that whatever plans he has in the future are implemented as soon as possible and to ensure that there is constant reporting on and updating of facilities for the sake of us grandparents, but more importantly for our grandchildren, with which I think Mr Speaker will concur?

1675 **Hon. S E Linares:** Mr Speaker, I am happy to say that the GJBS system is now working very well.

1680 It was not a question of succession; it was a question of having a team in the GSLA itself. Having said that, I am happy that the hon. Member uses the playgrounds and I am happy to inform the hon. Member that in every single playground there is a hotline which he can now call to report anything that might be dangerous, and he should do so immediately so that it can be made safe immediately for it to be repaired as soon as is reasonably possible. That is exactly what is happening now.

Thank you.

1685 **Mr Speaker:** Next question.

Q34/2022

**Lathbury and Europa sports facilities –
Management arrangements and plans re operation and maintenance**

Clerk: Question 34/2022. The Hon. E J Reyes.

1690 **Hon. E J Reyes:** Can the Minister for Sports provide updated details in respect of the present management arrangements in operation at Lathbury and Europa sports facilities, together with details of future long-term plans for the operation and maintenance of these facilities?

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
Mr Speaker, my answer remains the same as my answer to Question 509/2020.

1695

Hon. E J Reyes: Mr Speaker, I was somewhat hoping that there had been some sort of progress. Does the Minister have any idea by when we can have an update or a change in information, so that I can then make a note and see when next to ask this question across the table?

1700

Hon. S E Linares: Mr Speaker, I would say very soon because we are very close to sorting all these contracts and memoranda of understanding that we are trying to get together. I hasten not to give him a date, but it is going to be very soon and it will not take more than six months, I would say – even though I am giving you more or less a date. I am sure he can come back in six months and put a gun to my head on why I have not done it, but I am sure it will be done before then.

Q35/2022
Island Games facilities –
Expected completion dates

1705

Clerk: Question 35/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports update this House with details of what facilities still require completion or remedial works at all the facilities built or refurbished in connection with the 2019 Island Games, together with details of their respective revised expected completion dates?

1710

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
Mr Speaker, in respect of facilities built or refurbished in connection with the 2019 Island Games, please note the following.

1715

Lathbury Sports Complex: the swimming pool is now nearing the end of its testing and commissioning phase. This is a slow process given that it identifies any issues with the integrity of the structure, and if and when identified these are addressed with minimal amount of water loss. The turf field is complete and we are now awaiting the arrival of the specialist subcontractor to complete the top layer of the athletics track. All being well with personnel arrival and other minor issues, everything should be complete by the end of June. This was due to the unprecedented weather conditions, especially the mud rain we encountered.

1720

Europa Sports Park: the facility is complete with the only item pending being the ball-stop netting on the north side of the ground. The contractor will be in Gibraltar imminently to complete this final area. However, irrespective of this, temporary safety measures have been implemented, which means that the facility is practically in full use.

1725

Hon. E J Reyes: Mr Speaker, the Minister, in his answer, has ended by referring to the Europa sports ground. Yes, I tend to go round that area quite a lot. May I bring to his attention, in case he has not noticed it – but I think he has, due to the proximity to his own place of residence – that it is not only the netting on the north side but also that on the east side that does not seem to be correctly in place. Perhaps there is less danger of a ball going that way, but the Minister may not have been provided with full information.

1730

1735 In all the things that he has given us that are ready or almost ready, there has been no reference made to the actual wicket in the cricket area. The Minister and I both shared some time out there recently. Can he confirm whether that new wicket as arrived?

Also, whilst I am on my feet, Mr Speaker, can the Minister confirm that he is fully satisfied with the repair completed in respect of the dip at the southern end of the rugby playing area?

1740

Hon. S E Linares: Mr Speaker, the hon. Member has touched upon two issues. The slope has already been fixed and should be finished with the turf on top very soon, which is when the contractor should be here. By the way, I wanted the contractor to be here last week and I was having discussions – only discussions, and I will say that – with the contractor, because I am the one who is more allied with the contractor than anybody else. Be that as it may, that has already been fixed.

1745

As to the wicket, we have another company that will be putting down the wicket, which is the company that has been identified by the cricket ... itself, because the one that put it down originally was not good enough and we told them as much, to the same one that has put down all the other part of the turf. The cricket fraternity was not happy with it, so we told the contractor, because they did not have the specialist wicket, that we would contract, with the Cricket Association, another company – at their cost because they were supposed to have put the right wicket. So we are now waiting for the new contractor. They are still playing on the one that is currently there, but they are not happy with it, so it is going to be lifted and the new one put down.

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1755

**Q36/2022
Employment Tribunal –
Cases pending**

Clerk: Question 36/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide updated details of how many cases are pending to be processed by the Industrial Tribunal, together with details of dates when individuals first applied to the tribunal with their grievance?

1760

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, the first part is a bit semantic, but it is the legal terminology, so I would just say I would first like to make the hon. Member opposite aware that it is the Employment Tribunal and not the Industrial Tribunal.

1765

As at 11th May 2022, there are no applications that the Employment Tribunal staff have received that have not been processed by them.

1770

Hon. E J Reyes: Mr Speaker, if there are none pending to be processed, how many are pending to be completed to finalise the whole process?

Hon. S E Linares: Mr Speaker, there are currently a total of 85 cases which are going through the Employment Tribunal process. This includes the allocation of the chairperson and mediators, applications that are undergoing hearing or directions, and applications that have been heard and are awaiting judgments from the chairperson.

1775

The status of these are follows: awaiting appointment of the chairperson, 47; awaiting appointment of a mediator, none; awaiting mediation outcome, nine; awaiting response, five;

1780 undergoing hearing or directions, 23; and awaiting judgment, one. It says here 'awaiting appointment of chairman by due date' and I have a whole list, which is since 2019, 2020 and 2021.

The Employment Tribunal has specific procedures set out in the legislation for different stages of the process under each of the different timeframes. If the hon. Member would like, I will pass him the figures from the three dates, if he wants.

1785

Hon. E J Reyes: Yes, Mr Speaker, I would be grateful for that, and it is probably better for this House if the Minister can forward to me that information at his earliest possible convenience.

1790 **Hon. D J Bossino:** May I ask a supplementary on that question, Mr Speaker? Does the hon. Member – and I appreciate that he may not have that information in front of him ... Has he made a comparison with the figures from previous years to see how the – I think the correct nomenclature is 'Employment Tribunal', is doing in terms of processing all these cases?

1795 **Hon. S E Linares:** When I said I would pass the hon. Member ... I meant not as a schedule, but I have a supplementary, Mr Speaker.

Mr Speaker: You had some information that you agreed to give the hon. Member.

1800 **Hon. S E Linares:** Yes, I will pass that information to the hon. Member. It is together with my supplementary –

Mr Speaker: Right, which you want to extract?

1805 **Hon. S E Linares:** Exactly, yes. I just want to give him the list. Okay?

Mr Speaker: Yes.

Hon. S E Linares: Thank you.

1810 I have, actually, a press release prepared in order to publish exactly what we are going to do with the Employment Tribunal. I did not want to do that and I have stopped it because of the questions the hon. Member has asked. I did not want to be told off – rightly so – by the Speaker for publishing it before I came to this House, but I can tell the hon. Member that we are in the process of already choosing a chairperson and mediators, and all the set-up is currently being done, and it will be stated publicly exactly what we are doing.

1815

Mr Speaker: Next question.

1820 **Hon. D J Bossino:** Mr Speaker, this issue may be a subject of record both in this House and indeed, I think, in the manifesto of the parties opposite. I think the intention is that, when he talks about alighting on a decision in relation to the chairperson, we are dealing with a permanent individual. Is that the case?

1825 **Hon. S E Linares:** Yes, there will be a permanent and also a supply, so in case the permanent chairperson is not available for whatever reason we can also tap into people who will be on a supply list to cover.

Mr Speaker: Next question.

Q37/2022
Nature Reserve staff walkout –
State of play

Clerk: Question 37/2022. The Hon. D J Bossino.

1830 **Hon. D J Bossino:** Please state what the state of play is with regard to the Nature Reserve staff who carried out a walkout recently.

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

1835 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, as the Minister for Industrial Relations, I have met with the unions and their representatives in relation to their concerns. The Government proposed to work collaboratively with the unions to identify efficiencies, invite proposals from each of the workforce in relation to revenue and savings and providing a value-for-money service — a vision that all stakeholders
1840 subscribed to. In the interim, the status quo will prevail. To this end, the unions ceased all industrial action within this sector.

Hon. D J Bossino: I am grateful for his reply. I think it is very similar, in fairness, to the press release that the Government issued at the beginning of the month.

1845 Would he agree with me that what happened that day with the closure of the Nature Reserve, on that Friday, was a sad state of affairs? And in that context, may I ask him what measures he has in place, given his new responsibility as the Minister for Industrial Relations, to prevent this type of incident occurring again?

1850 **Hon. S E Linares:** Yes, Mr Speaker, it was very unfortunate because I could not deal with it – I was in the UK and I was in a conference, so I dealt with it via WhatsApp and tried to get the press releases and all the issues that occurred ... It is unfortunate, but now I am having a very good working relationship with the unions, in which the unions, before they start ...

1855 I have told the unions that I think it is not only fair for me but for them and for the workforce not to come on a Friday night saying to me that on Monday they are walking out. I have told them that I need to get to grips, and I am getting to grips with all the issues. We will be sitting down systematically, issue by issue, and seeing how we can resolve them before it gets to this point, but unfortunately it did this time.

1860 **Hon. D J Bossino:** Yes, Mr Speaker, especially when we are dealing, in effect, with the coalface in terms of our tourist industry and all the rest of it, which has gone through sufficient stress and trouble as it is.

1865 In the press release and in his reply to this Hon. House he talks about efficiencies, but can he be a bit more particular in relation to that? Is he able to tell this House what the underlying issues are? What are the issues that the employees want to resolve from the Government side?

1870 **Hon. S E Linares:** It is one of those things, Mr Speaker, that have been simmering for a long time, and I am trying to sit down with them to negotiate how best we can do the whole ... For example, up the Rock, how we can work out who does what, when, and overtime and promotions and all these issues. It is no good for me to now say which one I can resolve or not. I need to sit down with the union in order to see how best we can do it.

Value for money: they can also give me or the Government ways in which we can make more revenue. They have told me, 'Minister, do you want to know how to make more money out of this? We can do this, this or this to make more money.' These are very interesting things that I

1875 would like to discuss and negotiate with them, to see how best we can have a service which the
taxi drivers and everybody else will be happy with as well. So it is a question of negotiating.

Hon. D J Bossino: Mr Speaker, I appreciate that and he has been very kind to respond. I think
1880 the issues are basically in terms of conditions, pay, responsibilities and duties, in effect – it is quite
wide ranging. Is he able to tell this House when he expects that to be resolved?

Hon. S E Linares: How soon? I do not really know. I am only negotiating with them. I am already
1885 sitting down with the unions. I am going issue by issue from all of the Departments that want to
come and speak to me about it. I am open as from now, so it is happening already.

Mr Speaker: Final question.

Hon. D J Bossino: Mr Speaker, I am grateful.
1890 Is one of the issues a manpower issue? Can he state whether that is the case, and does it impact
on the negotiations? I am simply asking him to highlight whether that is one of the live issues
between the parties.

Hon. S E Linares: I would not know, Mr Speaker, until I negotiate with them, so I cannot answer
1895 that question. I would have to sit down and ask them whether there is an issue or not, but at this
moment in time I would not know.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am conscious that you have been in that chair,
1900 although we have been able to be in and out, for a number of hours now, and I wonder whether
it might be a convenient moment to offer all Members and yourself a 10-15 minute recess.

Mr Speaker: The House will recess until quarter to seven.

The House recessed at 6.30 p.m. and resumed its sitting at 6.45 p.m.

Q38/2022

Housing for special needs individuals – Plans to earmark

Clerk: We continue with Question 38/2022. The Hon. D J Bossino.

Hon. D J Bossino: Thank you.
1905 Does the Government have plans to earmark housing for use by special needs individuals; and,
if so, what are these?

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
1910 Mr Speaker, the Government has always had plans for individuals with special needs. These
individuals have always been assessed by professionals and referred to the Housing Department
for support and assistance with their respective applications. Once they are identified as needing
1915 housing, the Housing Department engages with the occupational therapist and other relevant
professionals in order to adapt these flats to their individual needs.

The Housing Department will continue to endeavour to make the lives of individuals with special needs as easy and comfortable as is reasonably possible, working together with professionals to allocate and reallocate flats depending on an individual's needs.

1920 **Hon. D J Bossino:** That is not the information that I am receiving. It is not that I am challenging the system, as he has put it. What I am being told is that there are flats allocated and identified almost on a permanent basis, rather than on a case-by-case needs basis as the Minister has just put it to me and to the House. He is shaking his head, so no doubt for the record he will deny that.

1925 Can he give an indication as to how many extant applications need to be dealt with in the process that he has kindly set out for this House?

1930 **Hon. S E Linares:** Mr Speaker, it is virtually impossible to say how many there are, as in numbers, because, as I have said in the last line of my answer, we will work together with professionals to allocate and relocate. That means that if there is a family that needs more care as the person with special needs grows and gets older, then we will adapt and relocate as and when needed. If a family has children ... and I say 'children' openly because they may become adults, and that is where the problem might lie, where the family might not be able to live in that flat because of the needs of then the adult. So we are always open to see... if we need to improve by relocating them somewhere else, where we can completely adapt for their needs, we will do so.

1935

Hon. D J Bossino: Maybe if I phrase the question in a different way ... I think I understand what he is saying. Rather than in terms of applicants, can I ask him to state how many cases his Department is dealing with?

1940 And secondly, if I may, Mr Speaker, the issue which has been brought to my attention – but he tells me that there are not flats specifically allocated for this purpose – is that there is a flat, I am told, in Engineer Lane, and one in the Upper Town, which are simply not fit for purpose in terms of mobility and access and all the rest of it. I would ask him to address that point as well, if he would, in his answer.

1945

Hon. S E Linares: Mr Speaker, he says in Engineer Lane. I do not recall having any housing stock – (*Interjection*) There is no housing stock in Engineer Lane that I know of.

1950 How many? As and when it is needed. Only recently I had a case where it came to our attention that the family were struggling in the flat where they living, because of space, for example, so we are now working actively with the family and with the professionals in order to relocate that family somewhere else, where they can live more comfortably. This goes beyond housing lists and all that. We will do that as a matter of urgency because I will prioritise that.

1955 If somebody is in need and they come to us and ask for a relocation, for example, I am not going to wait a year and a half or two years for the person to be up on the list. It becomes medical/social, and all the professionals will work for that family to be relocated as soon as it is possible.

1960 **Hon. D J Bossino:** Is he telling this House that he does not have ...? I really do genuinely ask this by way of clarification. Is he telling me that when a case like this arises it is categorised in the current list – as he said, medical/social – as opposed to a specific category dealing with special needs?

1965 The reason why I am pressing him on this is simply because in Gibraltar we tend to find that there is a dearth of statistics in relation to all these issues, so it is a question, really, of assessing what type of demand there is. For example, if we are dealing with two, then we know that that can probably be very easily accommodated by the Government, but if we are dealing with thousands – I know that for the purpose of this example I am exaggerating – then obviously we need to take, as a community, I think, a policy decision in order to address this issue.

1970 **Hon. S E Linares:** Mr Speaker, it is a question of assessing the disability and the needs of the person. If the hon. Member says that suddenly there are a thousand, then we would have to build a thousand houses specifically for the people with disabilities. It is not the case that it is thousands; it is a handful. One or two have recently cropped up and, as I said, the Housing Department will work closely with the family, together with professionals, to see how we can help with improving the lives of those people with those disabilities.

1975 **Hon. D J Bossino:** I just want him to answer, really by way of clarification ... I do not think he has addressed the specific point. So you have a family that comes to you, or because of the various institutions' dealings with that family they decide together that this individual – who, as he said, was a child and becomes an adult – is able to, more or less, have an independent lifestyle and therefore accommodation; we have a case that the Government, his Department, needs to deal with. What I am asking is once you have that case, what happens to it? Where is it catalogued? 1980 That is all I am asking. Does it become medical/social category on the standard housing list? Or is there a special category for special needs individuals?

1985 **Hon. S E Linares:** Mr Speaker, I still insist it depends on the urgency and how bad ... and how quickly we can allocate that family a better place to live in. So it is not a question of having a list of 20 families wanting better ... We will do it as and when it is needed. The professionals will come to us and say there is a family that is having problems because the child is no longer a child and the child has more needs, and therefore we will identify it and actively try to relocate them to a better place.

1990

Mr Speaker: Behind the Speaker's Chair have a word with the Minister and perhaps arrive at some way of moving this forward.

1995 **Hon. D J Bossino:** Yes, Mr Speaker, I am conscious that we need to move the business of the House, but unless I have ... The Speaker understands the point I am making and, with all due respect to the Member, I do not think he is addressing the point, but maybe behind the Speaker's Chair I can ask him – or WhatsApp him – whether there is a special classification of a case once it is brought to the attention of the Government. That is all. The answer has not come back with a yes or a no. He has alighted on and explained the process behind it, that is all.

2000

Hon. S E Linares: Mr Speaker, I can answer the question. Everybody with a disability is classified automatically, and then, on that classification, as and when they need it –

2005 **Hon. D J Bossino:** In your Department, in Housing?

Hon. S E Linares: Yes, in Housing, by their disability – *(Interjection by Hon. D J Bossino)* Right. So we identify them by the disability and therefore, if the person is living now in a place and they need something else, and we need to either adapt the house ... As opposed to relocation, it could be adapting the flat, making the flat more user friendly for the person who has the disability.

2010

Hon. D J Bossino: Finally, Mr Speaker, until we have got a place where there is a classification, the term is not 'special needs', it is 'disability'. If I ask a question at the next meeting of the House as to what that number is, unless it is available online – it may be – the hon. Member would be able to provide that: is that the case?

2015

Hon. S E Linares: Yes, Mr Speaker. There is no issue at all. I do not know what the issue is. I have explained to the hon. Member exactly how we work.

Mr Speaker: Next question.

Q39/2022
Government flats –
Reason for drop in allocations

2020 **Clerk:** Question 39/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an explanation as to why there is a drop in the number of allocations for Government flats and when it is expected that that number will rise to previous levels.

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, the number of flats allocated is determined by the availability of stock, i.e. flats returned to the Housing Department from their previous tenants. If there are fewer flats returned then there are fewer flats allocated.

2030

Hon. D J Bossino: Mr Speaker, I thank the Minister for the answer. The reason why I asked the question is ... and I have not done a full analysis of the last 10 years, but over the last three or four years I have noticed a drop, particularly in this last year, when you do a comparison month by month with the previous years, and then from 2018 onwards you see a drop in the number of allocations.

2035

For example, in 2018 – this is the online information, which I am sure the hon. Member will be aware is available in Table H7 – we have 226 flats, then in 2019 it drops to 192. It is not a particularly big drop, but then in 2021 it is 151. Obviously, we have not seen the full effect of the 2022 figures, but the figures for January and March, which are four and six respectively, are particularly low when the average of allocations is around about the 12, 15, 16, 17, 18 mark.

2040

He has given a wide explanation. If that is the case, then that is the case; there is no other extraneous reason to explain what for me appears to be a drop, perhaps not particularly significant but nevertheless a drop. It could be the fact that we have had COVID and that has had an effect, but if that is the answer, fair enough; it would not be the answer that he gave me originally.

2045

Hon. S E Linares: It is the answer that I have given him and it is to do with the pandemic. It is both. I have fewer flats to give because fewer flats have been able to be fixed, due to the pandemic. Therefore, the numbers obviously have dropped because people have not been able to fix the flats because of the pandemic.

2050

We have had the Housing Works Agency running around doing all the good work that they have been doing with the pensioners in the pensioner flats. They have been working with them to take things to ... Everything that has happened in the pandemic – I am not going to go through it all but it is to do with that. As the hon. Member knows, we are quite proud of the number of flats we turn around every year. There has been a drop, and in fact the dates that the hon. Member mentions – January to March – are when we were at the height of the pandemic. It was then that we were having the pandemic and therefore why it drops, but I am hoping that now we will pick up again and we will go back to the numbers, and even better.

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Hon. D J Bossino: Mr Speaker, that is fair enough and it fills me with hope that that is the case. I am glad that he has identified the pandemic as the reason for that reduction in numbers. He expressed the hope himself that it would improve.

2065

Now that we have some modicum of normality, as the Hon. Chief Minister was referring to earlier, when does he expect that number to see an increase? I think I speak for many Members

on this side of the House. I am sure he also receives many complaints from individuals out there who are in dire housing circumstances which require a resolution sooner rather than later.

2070 **Hon. S E Linares:** Mr Speaker, yes, I am hoping, and we are getting back to normal but again this is a question of supply and demand. It is a demand-led thing. I know the demand is high, but we will be dealing with it.

I can also say to the hon. Member that once we build the houses we will have quite a lot of stock to be able to give because people who are in Government houses have been categorised as
2075 category 1, where they will be given the choice of buying a house and therefore returning the house to Government.

Hon. D A Feetham: Mr Speaker, can the Minister, in his experience, provide an estimate of how long it takes from the moment when somebody is told by his Department, 'We have allocated
2080 a flat to you' ...? The flat is normally not identified. That is, essentially the procedure. It then goes to the Housing Works Agency in order to fix it up. It goes out to be fixed. It may be fixed by a company, I do not know, but it has to be fixed ... for that flat to then come back to his Department so that it can then at least be seen by the person who has been told that they have been allocated a flat?

2085 I have, and I have written to the Minister about this, an example of somebody who received a letter more than four months ago being told 'You have been allocated a flat' – the flat has not been identified – 'but we cannot show you the flat because it needs to be fixed up.' It is May already, this was actually before Christmas, and that person has not even been shown the flat, so I am just asking how long do these things normally take.

2090 **Hon. S E Linares:** Mr Speaker, I cannot say. I cannot answer that question for the simple reason that there are flats that need a lot of work and there are flats that need hardly any work. These are people who we say are earmarked a flat and – I have explained this in the House before – we do chains ... For example, the person he is talking about, who will move into whatever flat is going
2095 to be allocated ... Yes, it might take four to six months, but once they are allocated a flat I have to get that flat from that person and see if I can move somebody in again, because we move people around to satisfy their needs. Therefore we do these chains, and sometimes ... I would prefer to be able to do that within a month, but realistically it does not happen. It is a question of identifying what ... I can tell the hon. Member that sometimes the flats, the way they are returned leaves a lot to be desired, but that is another issue for another day. We have to fix the flat and maybe I say
2100 to someone, 'Don't worry, because you have a flat earmarked.'

We do not want to take the person there for a number of reasons, because we have taken people who have been earmarked a flat and we have given them the number, and then they have gone into the flat and told the contractor, 'I want this, this and this,' costing the Housing
2105 Department three or four times the original budget. So we do not say where the flat is. We expect the flat to be ready as soon as is reasonably possible and then we give them the flat.

The hon. Member must understand why these things happen. We might not communicate for four to six months, but within six to eight months they are going to get the house and they know that, so it is a question of hanging on and waiting for a little while until we give them the flat in
2110 adequate condition.

Hon. D A Feetham: But, Mr Speaker, does the Minister not think that perhaps the system could be improved? And does he not understand as well the great frustration that somebody who, for instance, has already spent a number of years in the women's refuge, is finally told, 'You are being
2115 earmarked a flat,' and five months down the line she has not even been taken to see the flat? At least if, for example, an assessment can be made of the flat the moment the Minister or his Department receive the keys and then that assessment says, 'This needs x, y and z and we estimate that the works are going to take three, four or five months,' even if you were to add, to be

cautious, two months on top of that, at least people are being told how long it will take, not that
2120 you have the frustration of somebody – and I do not think this is an isolated example – having
spent a number of years in the women’s refuge being told before Christmas that a flat had been
earmarked and in May that person is still waiting.

Does he not agree that the system can be improved, and will he give a commitment to this
2125 House that he is going to look at improving the system and communication with people in
particular?

Chief Minister (Hon. F R Picardo): Mr Speaker, we are not going to create a false expectation
that things can be fixed when they cannot be fixed, because although the results may not be that
2130 which any of us would wish, and the easiest thing would be to say that we will fix the system and
go away just on that, there is a physical reality that hon. Members have to understand, which
affected them as much as it affects us.

First of all, we tell people as soon as we are able to make an allocation, so we tell them
sometimes with the person who is still the tenant telling us that they are going to leave in two
2135 weeks, but they have told us that they are going to leave, so we say to the other person, ‘The good
news is we are able to make an earmarked allocation; the works are going to start.’ The person
then does not go, for reasons which are sometimes perfectly humanly understandable: they were
moving to private accommodation and the chain in which they are involved does not move
quickly, they are waiting for another flat which we are not able to complete, or there is an issue
2140 with a bed at ERS so there is a delay in the move out. If we forced the move out of the person who
has told us they are going to move in two weeks, hon. Members would rightly be here saying, ‘You
put enormous pressure on a pensioner to move to ERS’ or ‘You put enormous pressure on a person
to leave Government rented accommodation to go to the accommodation they were purchasing.’
That is the first potential delay.

The second delay is the works. If we bring an external company in to do the works quickly, hon.
2145 Members will come here and tell us we used an external company and the tap failed when the
new tenant went to touch the tap for the first time, or that we are privatising and outsourcing
things etc. So we do it in the usual way using the resources that we have. That sometimes takes
more time because, although an assessment is made at a preliminary level of works that require
2150 to be done, when the works commence they take longer because all of the pipes are rotten, not
just the ones that were visible when the works were going to start. If we do not fix all the pipes,
hon. Members will be here telling us that we put people in a flat which had rotten pipes. So we
want to try to do the work to the standard that hon. Members would agree with us is the right
standard in the timeframe that the hon. Members would agree with us is the right timeframe for
2155 the person who is leaving the flat, if it is not a flat that has been empty because of somebody
deceasing and moving out already, in the context of the repairs being done in the proper way, and
therefore that is the only thing holding up the process.

If there were anything we were doing to hold up the process – in other words, if the
Government were not voting the money for the repairs to be done, if the Government were not
2160 permitting the repairs to start for any other reason, if you had an empty house which was either
being repaired or handed back to the Government etc. – then you would have fat in the system,
in the chronology of the system, which we would be able to attack in order to reduce the waiting
time. There may be instances where that has happened. I am not suggesting that that has not
been the case either in our time or in their time in office, although the line of questioning that the
2165 Hon. Mr Bossino was taking a moment earlier was about how proud we rightly are that we
refurbish and hand over many more houses every quarter of every year that we have been in
government than they did in every quarter of every year when they were in government – except
for the pandemic period, in which everything stopped completely.

In those circumstances, although the easy political thing to do is to get up and answer the hon.
Member’s question with a yes, I am going to be extraordinarily honest with the hon. Gentleman

2170 and the House, as I always am, and say that the answer has to be no, for all of the reasons I have already provided.

Hon. D A Feetham: May I, (**Mr Speaker:** Final one.) because it is an issue that is important to many Gibraltarians. All of that is understood and I understand the difficulties that the Government
2175 is facing, but actually, even in the first example that the Hon. the Chief Minister postulated about why he was not agreeing with me, this is about communication.

It is possible for the Minister or his Department to do an assessment in relation to ... In the example the Hon. Chief Minister gave – perhaps somebody does not want to leave, does not want to vacate the flat – it is the simplest of things to simply write to the person who has been told they
2180 have been allocated a flat and say, ‘The reason why you do not have the keys is because, unfortunately, we thought that that person was going to vacate but the sitting tenant has not vacated.’

Very often this is simply about communication. It is not because the process has not started and things are not in process; it is about communication. That is the point that I am making to the
2185 Minister, because actually the system could potentially be improved through an assessment of the flats that you have – ‘How long is this going to take? What do we need?’ – and just communicating with people and saying, ‘We have subcontracted to X Ltd in order to do the works, we estimate that the works are going to take x but we cannot give a guarantee’ at least is an open channel of communication. It is about explaining to people and it would lead to less frustration on
2190 the part of people than there is currently. Therefore, can I commend that to the Chief Minister?

Hon. Chief Minister: Mr Speaker, I am very grateful to the hon. Gentleman for commending that to me and I will receive that commendation with the generosity that has marked our political
2195 relationship in the past months, and not in the average level of generosity that would mark the assessment if we made it over the past 15 years.

But I will also tell him, in the spirit of honesty, openness, transparency and accountability that has characterised this Government since were elected, that unfortunately everything that he has said is irrelevant because the communication happens, because the persons who are told that there is an earmark then proceed to call the Department of Housing – and I am being generous –
2200 once a day, if not twice a day, three times a day or five times a day. In many instances they will call the Hon. Minister, the Hon. Minister’s secretary, my secretary, the previous Minister for Housing and the previous Minister for Housing’s secretary, etc. That is why the decision was made, I think in their time, not to tell people which house has been earmarked to them, because people will then turn up at the house and harass the people who are still there. I am not suggesting that
2205 the lady who has consulted the hon. Gentleman would be such a person, but unfortunately we have to put in place procedures to deal with the extremes that we have experienced. If we told a person that we had allocated XYZ Ltd to deal with the refurbishment of a particular property, that person would be calling XYZ Ltd or following them around to see where they were going to do a refurbishment to, in that way, determine which the property was.

This is a vexed issue, where there is, in fact, a huge amount of communication between the Department of Housing and the individuals and a massive amount of frustration, which I fully understand and accept, but unfortunately it would be utterly superficial to believe that this is an issue of communication. It is not an issue of communication; there is sufficient communication. People sometimes – and I am not suggesting it is the lady who consulted the hon. Gentleman –
2215 just do not accept what they are told. They do not accept a reasonable reason for a delay.

Unfortunately, the culture of entitlement which the hon. Gentleman has oft spoken against sometimes intrudes in situations where it should not, such as the very meritorious situation which he is referring us to of a person who has finally been given a home, who is in the women’s refuge and direly needs it as soon as possible.

2220 I am sure, Mr Speaker, that he would want to encourage us to ensure that in such instances there is no fat in the process of allocation and that we reduce that insofar as is possible, which we will indeed always seek to do.

I hope that is helpful, Mr Speaker.

2225 **Mr Speaker:** Next question.

Q40/2022

**Illegal occupation of rental homes –
Legal costs**

Clerk: Question 40/2022. The Hon. D J Bossino.

2230 **Hon. D J Bossino:** Further to the answer to Written Question 61/2021, please provide an update with regard to the then unresolved case of illegal occupation of a rental home and what the legal costs are for each of the unresolved and resolved cases.

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

2235 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, the unresolved case of the unauthorised occupier in Written Question 61/2021 has been resolved. The legal cost of this has been £1,750. The legal cost of the resolved case in Written Question 61/2021 has been nil.

2240 **Hon. D J Bossino:** He said that in relation to the resolved case the legal cost has been nil. I suspect that he expects the supplementary question I am about to pose, because what he has said in his written answer is:

The invoice relating to the resolved case has not yet been received by the Housing Department.

Clearly, when he gave the answer he must have expected to receive a legal bill. Can he explain why the legal cost is nil?

2245 **Hon. S E Linares:** Because there is not any legal cost.

2250 **Hon. D J Bossino:** But that is not the impression he gave when he gave the written answer. He said, 'The invoice relating to the resolved case has not yet been received', which is suggestive of at least an expectation on his part that he was going to be receiving an invoice for legal services provided.

Can he explain why that is the case? Did he not engage lawyers, and was the answer wrong? Or it was done pro bono – is that the case?

2255 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman may have missed it, but there have been successive Ministers for Housing who have given the answer in this House that we have a retainer in relation to housing matters. In some instances, the work is in excess of a retainer and it requires a separate bill. In this instance, he will be delighted to hear that there was no need for a separate bill; it will have been covered by the retainer.

2260 Perhaps we have come within that parameter that I indicated earlier to the hon. Members that they might wish to adopt for themselves: that we did this quicker, better and cheaper than they expected.

Hon. D J Bossino: Why is it the case, then, that the hon. Member was expecting an invoice for legal services rendered? Did he not know that it was within the retainer?

2265 **Hon. Chief Minister:** Because we do not know whether something has been covered by the retainer until the lawyer who is retained tells us whether he has exceeded the hours for the month in the month that he has acted. As somebody who practises in the field, I would have thought it was relatively clear.

2270 **Mr Speaker:** Next question.

Q41/2022

**Unlawful occupation of rental homes –
Number of ongoing investigations**

Clerk: Question 41/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide details of how many cases of unlawful occupation of rental homes are currently being investigated by the relevant authorities.

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, the Housing Department is currently investigating three cases of unlawful occupation.

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Hon. D J Bossino: Does he have an understanding as to when these are likely to be resolved to the satisfaction of his Ministry?

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Hon. S E Linares: No, Mr Speaker. These all started last year and therefore we do not know how long they will take. I reckon that two of them might be solved quickly but the other one might not. But then again, I do not know how they will proceed.

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Hon. D J Bossino: Just to get a better idea on the timelines, when he said they all started last year, we are talking, presumably, of the investigation rather than from when they have been illegally occupied – if he knows what I mean?

Hon. S E Linares: The date of action. We go through the process first, and then it is action, so it was last year.

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Mr Speaker: Next question.

Q42/2022

**Government rented housing estates –
Anti-social behaviour**

Clerk: Question 42/2022. The Hon. D J Bossino.

2300 **Hon. D J Bossino:** How does the Government deal with anti-social behaviour in Government rented housing estates?

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

2305 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):**
Mr Speaker, upon receiving a complaint a housing officer will make an assessment to determine if the complaint constitutes anti-social behaviour (ASB). This process will be carried out in line with this policy. If a complaint is accepted and it is determined that it is reasonable and proportionate to conclude that a tenant, member of their family or other visiting person may have been conducting ASB, based on the information we have received, we will prioritise the complaint,
2310 which will allow us to allocate an appropriate priority and response time for dealing with the complaint. The focus needs to be on those behaviours that have a significant negative impact on the quality of life of others but does not necessarily take the form of criminal behaviour such as drugs, criminal damage, harassment, etc. It is on this basis that we will prioritise incoming complaints.

2315 We will notify the alleged perpetrator, where appropriate, in writing, when a complaint has been made. In accordance with the Data Protection Act 2004 and GDPR, we will never disclose the name of the person making the complaint.

If it appears that a tenant has breached their tenancy conditions, we will investigate further. This may include prevention, intervention and formal methods of resolving a complaint.
2320 Investigative measures may include discussions at joint agency meetings; letters; liaison with the RGP; referrals to Children and Young People Services, Adult and Community Services and the Community Mental Health team; asking complainants to keep detailed records of the ASB experienced – this is particularly important where eviction is considered – but any noise monitoring taking place will be dealt with by the Department for the Environment; signposting to
2325 other agencies; and working with or making referrals to other internal departments and external agencies where appropriate.

We will take a multi-agency approach, including working with the RGP; the Care Agency; Adult and Children Services; environmental protection officers; the Gibraltar Health Authority, including the Community Mental Health team; other internal departments as necessary; tenants'
2330 associations; and schools.

Hon. D J Bossino: I thank the Minister for the very full reply. I think he has given a very detailed statement as to how the system works and I thank him for that.

2335 Is he able to assess the success or effectiveness – shall I put it in those terms? – or otherwise of the system he has just laid out for us? A subsidiary question to that would be is he aware of how many complaints he receives, say on a monthly or indeed a yearly basis? Is that information that his Department catalogues? It leads to my first point, which is how it is that he is able to assess whether the system that he has in place actually works or not, because it appears, from the information that I am getting, that there are very serious issues in particularly some estates, not
2340 necessarily in all of them.

Hon. S E Linares: Mr Speaker, the issues, as and when they arise ... We do have a list of complaints, and that is why we follow the form that I have just read out to the hon. Member, but it is very difficult to ... It is a long process. It takes time. People need to monitor. We have to, like

2345 I have just read out, go through all the motions of going through the agencies, depending on the age of the person who is doing the anti-social behaviour and what the anti-social behaviour is, but one of the problems we have is that many complaints come to us when some people do some things once or twice. That is why I said at the very beginning we have to monitor whether they are constantly doing it or it is a one-off, or weekly. It is very difficult.

2350 If we go the other way, which is eviction, where do we send the person who has anti-social behaviour? That is the problem, because the person who lives beside them says, 'I do not want this person here,' but I send them somewhere and they create the problem elsewhere. So it is a question of going through the right motions in order to ascertain whether there are actually lots of problems that they are creating. Like I said, it is hard on the person who is living beside the person who has anti-social behaviour, it is very hard, because you are living beside somebody who is constantly playing either music or whatever ... That is why it is taken on a multi-agency approach.

Hon. D J Bossino: But similar to the points I made in relation to the disability numbers, does he have the numbers in order to establish ...? It is conceivable that somebody may make an unmeritorious complaint, but does he have numbers where he says he ... or at least to be able to assist him in determining whether there are particular pockets, particular estates which are worse than others, which may require the greater attention of his Department? That is really what I am driving at. If he does not have that information and as a system his Department does not have it, that is fair enough, but I just wanted to elicit that information from him, that is all.

2365 **Hon. S E Linares:** No, Mr Speaker, it does not happen specifically on one estate. Sometimes it does not happen specifically always in specific estates. It can happen anywhere in Gibraltar. You might think, 'Well, I live in this block in the south and it is very quiet,' but all you need to have is one anti-social behaviour that is constant and it has an effect on the lives of all the people who are living around, and we are conscious of that. It is a very difficult situation because you have to go through the whole process before you do the end part, which is eviction. I am quite happy with the way it is dealt with, because it is a systematic way of dealing with it.

2370 Sometimes what happens is that if it gets to the stage, for example, of letters, the person changes and takes the letters in and thinks, 'I am not going to be as I was before,' and it cures them – then it works. Or you have to go to another stage, where the RGP is involved, and maybe because the RGP is involved they refrain from doing it. So it is a very difficult balance in how you deal with it all the time, but I can understand and we are actively doing it. It is a question of actively doing it when it happens.

2380 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, the Minister will know that a few minutes ago I spoke to him in the back room about a representation without knowing that this question was being presented. So, considering the representation that I brought to him was about three or four years old and has not been solved, would he now say that the system that is being applied is failing? And what would he tell this constituent, who is constantly suffering as a result of this nuisance?

2390 **Hon. S E Linares:** Mr Speaker, it is difficult to answer that question because it is a specific case and I would not like to go down the route of a specific case. All I can say to the hon. Lady is that we are dealing with it. We are looking at it, we have written certain letters and we are in the process of what I have read and we will try to see how best we can deal with that specific case, but I do not want to go down the route of saying how far we have gone or not on that case. But we are dealing with it.

2395 **Mr Speaker:** Next question.

Q43/2022
Mid-Harbours estate –
Cleaning and maintenance

Clerk: Question 43/2022. The Hon. D J Bossino.

2400 **Hon. D J Bossino:** Please state what arrangements are in place to clean and generally maintain the Mid-Harbours estate and whether the Government is satisfied with the general condition of the estate.

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

2405 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, under a contract between HMGoG and Britannia Management the cleaning of the communal areas of Mid-Harbours estate is undertaken daily from Monday to Sunday. It includes scrubbing, flushing and power hosing once a month during the autumn and winter and fortnightly during the spring and summer; servicing of all the litter bins Monday to Sunday as required, 2410 minimum once a day; cleaning of bin holding areas daily Monday to Sunday; and sanitising of the refuse containers once a week.

The cleaning of internal communal areas – *el Turno* – includes the cleaning of all internal lobbies, halls, corridors, landings, stairways, fire-escape corridors/stairways and lifts, and all bannisters, grab rails, letterbox areas, communal windows, glass-pane doors and window reveals 2415 and sills within the blocks, where applicable. The cleaning routine is undertaken to each block once a week, 52 weeks per year.

With regard to the general maintenance, we are currently catching up with pending work orders, as a result of the pandemic generally, throughout the housing stock.

2420 It must be said that this estate has been suffering from defects since its construction, hence works having been undertaken already to the west façade of Blue Wave House. In addition to this, there is an inherent defect with the podium, whereby rainwater filters through every time it rains. These defects can be resolved, albeit holistically. In fact, there are projects in the pipeline to resolve these issues. Bearing in mind that we are slowly but surely coming out of a pandemic, progress is being made, albeit at a slower rate than we would have wanted. In addition, the issue 2425 of inherent defects within Mid-Harbour estate since it was constructed is something that needs to be factored in when it comes to the overall maintenance of the estate.

Hon. D J Bossino: Again, thank you for the very full and long reply, but can I just tell him this: that I visited the estate recently and met up with the committee there, and I must say that what 2430 he has set out in his reply is not reflective of reality in terms of the general cleanliness of the estate. Very large sections of the place look particularly bad and grotty.

I saw for myself a situation where flower beds are not cleaned, I am told, because there is a tension between one company and another – one company saying that it is the other company's responsibility and so forth.

2435 **Bird excrement:** he talks about cleaning of windows, but I saw one particular one which was in a really sorry state and had not been cleaned, at least when I saw it, for a very long time.

Those who live there may not be absolved of any responsibility. I am not suggesting that that is the case, but perhaps the hon. Member should take a look. I am not suggesting he has not, but I simply put to him that there is a diametric opposition between what he has given in his reply and 2440 what is in fact happening on the ground. If he has not visited recently, I encourage him to do so.

Can he, therefore – if I can put this into the form of a question – look into this and establish whether what I saw is in fact reflective of what he tells me contractually these companies are meant to be doing in the estates?

2445 **Hon. S E Linares:** Mr Speaker, there are two issues there which I have to answer. One is if everything that I am saying is not being done. I meet regularly with the tenants' association and that is not what they say to me. If it is not being done, I will go back and make sure, because we do pay them for doing exactly what we are saying.

2450 The hon. Member might also consider that when he went there, there might have been people who do things on a daily basis and then he sees it badly. It might have been swept at nine o'clock in the morning, but then at eight o'clock in the evening it is not the same.

2455 What I am saying is I meet regularly with the tenants' association. I am glad that the hon. Member is saying that it is not there. I do visit all estates frequently – very frequently – and if what the hon. Member is saying to me ... I will tackle the company that does it, because they should be doing it.

2460 **Hon. D J Bossino:** Would he encourage them to tackle the flower bed issue? As I said, I was told that there is a tension between one and the other, so maybe it is a question of looking at the contracts and establishing who is meant to be doing it – but just get it done.

Hon. S E Linares: I agree.

Q44-45/2022

Home Co-Ownership Scheme –

Criteria for access to and allocation of flats; number of allocations made not meeting criteria

Clerk: Question 44/2022. The Hon. D J Bossino.

2465 **Hon. D J Bossino:** What is the criteria for access to and the allocation of flats to the Home Co-Ownership Scheme?

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

2470 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 45.

Clerk: Question 45/2022. The Hon. D J Bossino.

2475 **Hon. D J Bossino:** How many flat allocations have been made in the Home Co-Ownership Scheme that do not meet the criteria for allocation?

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

2480 **Hon. S E Linares:** Mr Speaker, the criteria for access to and the allocation of flats to the Home Co-Ownership Scheme was published at the time that the current projects were announced. I will read it to the hon. Member if he has not read the press release:

Applicants who release HMGOG rented accommodation; applicants who have post-war HMGOG accommodation purchased; applicants, family compositions, registered on the housing waiting lists; married couples with no children registered on the waiting lists; joint applicants not married and with no children, both registered on the housing waiting lists; applicants who are meritorious upgraders, i.e. those requiring larger accommodation because of family composition – this group is looked into on a case by case basis, as a limited number of flats are available within this group; single applicants registered on the housing waiting lists; family units eligible but not registered on the housing waiting lists; single applicants eligible but not registered on the housing waiting lists; applicants wishing to upgrade or transfer from their currently owned private accommodation – this group is sorted by way of a draw; applicants

resident in Gibraltar but not falling into any of the above categories – this group is sorted by way of a draw; any remaining apartments will be sold by way of tender to the highest bidder.

I can confirm that GRP strictly allocates properties in line with the criteria set above by HMGoG for each development.

2485 **Hon. D J Bossino:** Thank you for that. Just a point of clarification. I do have a press release of 28th September 2017, when they announced the new home ownership scheme at Hassan Centenary, Bob Peliza and Chatham, and there is a reference to another press release, apparently from 2015, which sets out the eligibility criteria but it very helpfully sets out in a note to editors the criteria which is applied. I have not done the proper analysis but it looks slightly different to what the hon. Member has just read out. Can he confirm that the criteria is as set out in, if he bears with me it says under the section, in this press release, 'Eligibility Criteria':

The eligibility criteria and priority of allocation continues to be as announced by Government in its press release in August 2015 which are given in notes to editors.

Is he saying that that is still the current position?

Hon. S E Linares: Well, it is the same as I have read, yes.

2495 **Hon. D J Bossino:** That is the point that I made by way of preamble. It is not the statement that he has read. I can do the analysis later from *Hansard* when I receive the written reply, but it does not, from what he has read ... Whilst there are bits which are similar, there are other sections which appear to be quite different and I just wanted to understand. If he is not aware of what the position is, then that is fine, but I just want to understand. There clearly has been a change at some point and I ask him to shed some light on that.

2500 **Hon. S E Linares:** Mr Speaker, the change might be that we have added more. Frankly speaking, all the houses are sold now and we have used this criteria. In fact, it gets to a point where, as you go down the list, there is less opportunity for anybody to get ... For example, the one on the currently privately owned accommodation we probably did not get to because they were all sold before. The list is the same as is there, but obviously you add on because you might think, 'Well, if I do not sell to this section, these type of applicants, I will go down to the next one.'

2505 As I said at the very beginning, for us the priority is number one, where they give HMGoG accommodation, and we are happy to say that we have sold quite a number of those, which will then come back to Government, and that was a priority that we pushed.

2510 **Hon. D J Bossino:** Did he say, just by way of clarification, that that criteria has been adhered to, and not in any way, by exercise, let's say, of discretion being adopted in a different way in order to allow an application not necessary to meet any of the criteria to have access to an apartment?

2515 **Hon. S E Linares:** It is not possible because ... I can confirm that GRP strictly adheres to properties in line with the criteria set out above, so they do follow these criteria. As I have said, they have not even reached the fourth line here, category 4. We are pushing category 1 pushing category 2 because it is in our interest to get those houses back.

Hon. D J Bossino: I see. So the way it works is you go down the categories. I see. Okay.

2525 **Mr Speaker:** Next question.

Q46-47 and Q50/2022

Bob Peliza Mews, Chatham Views, Hassan Centenary Terraces and Beach View Terraces – Update re commencement/completion of construction; rectification re flooring

Clerk: Question 46/2022. The Hon. D J Bossino.

2530 **Hon. D J Bossino:** Further to the answer to Written Question 67/2021, please provide an update as to the commencement of construction of the Bob Peliza Mews and Chatham Views projects.

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

2535 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Questions 47 and 50.

Clerk: Question 47/2022. The Hon. D J Bossino.

2540 **Hon. D J Bossino:** Please provide an update as to when the Hassan Centenary project is likely to complete, broken down in respect of each phase.

Clerk: Question 50/2022. The Hon. Ms M D Hassan Nahon.

2545 **Hon. Ms M D Hassan Nahon:** Has Government honoured its repeated manifesto promise to rectify the faulty flooring at Beach View Terraces?

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

2550 **Hon. S E Linares:** Mr Speaker, as has been previously explained in answer to Written Question 67/2021, the start of Bob Peliza Mews estate is dependent on the decommissioning and demolition of the Waterport power station and the relocation and demolition of the AquaGib reverse osmosis plant. Over the past months, the necessary assessments and investigations of the Waterport power station have been ongoing and the first of a series of tenders associated with its demolition will be issued during June 2022. In parallel with this, the extent of any ground
2555 remediation required will be determined. The findings of the latter will dictate the completion of the site clearance phase. It is expected that site clearance will be completed in November 2022, after which time the site will be available to commence the construction of the first phase of the housing estate. The start of the second phase will be dependent on the AquaGib relocation, which is currently being designed with a planning submission to follow. The whole estate is programmed
2560 to take 35 months to construct.

Similarly, the commencement of Chatham Views is dependent on the clearance of the Westside School and Westside Mews site. There have been delays in completing the latter due to existing occupiers, but decisions have now been made to finally deal with this. This will now allow the demolition process to begin so that the site can be cleared. The construction of the estate is
2565 programmed to take 27 months to complete.

The first phase of the Hassan Centenary Terraces project is programmed for completion in July 2023. The second phase of the project is programmed for completion in April 2025.

2570 In respect of the faulty floors at Beach View Terraces, the Government confirms that it will continue to honour its commitment to rectify any latent defects in the acoustic flooring layer. Independent surveys will assess and determine if any such defects are present and the main contractor will take the necessary actions to deal with them.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker ... [*Inaudible*]

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Chief Minister (Hon. F R Picardo): No, Mr Speaker, the purchasers were not aware of that and neither was the Government. Of course the issue that has really affected us here has been the inability to assign a contract for demolition and for construction, principally because of the two-year hiatus that has been visited upon us by the pandemic, which has meant that it has been impossible to enter into a contract for construction in a safe way. If we had, we would have found that that contract would have already been costing us a lot more than expected. We would have been paying in the period when we would have been down without being able to see works undertaken.

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We have, also, an issue on that site of a sitting tenant, where we have now, I think, resolved the issue that was outstanding. It has been a hugely challenging period to resolve the issues that related to, first of all, the contracts for demolition that are required, and second the construction contracts that are required. This has delayed us in a way that is entirely unacceptable. The Government recognises that these delays are unacceptable, but where there is no alternative, where it could not have been done in any other way, where we could not have gone faster, where we could not have delivered in a different way – not because of any choices that we have made as a Government under successive Ministers for Housing, under my Ministry for Finance, which is in the driving seat of this construction, but because we would be damned if we did and damned if we did not – we have no choice but to make sure that we make the right choice for the taxpayer to ensure that we do not enter into contracts which would have become open-ended money pits that could have caused us huge financial problems. That is the difficulty that we have. I think most people will understand that.

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I know many people are in deep hardship because they need housing and they will not be able to have it now for a longer period. There is nothing we can do other than continue to diligently work to ensure that the new housing is delivered as soon as possible, knowing that in the period we will have delivered more homes in 12 years than any other Government in our history has delivered homes for sale in a 12-year period, but nonetheless not at the pace we would have wished it to be, which would have been much faster – but in any event exceeding the 200 per year that we set out had to be provided, but still not at the pace we wished. It is an inevitable consequence of reality, which we cannot magic-wand away.

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Hon. Ms M D Hassan Nahon: Can I just –? Oh sorry...

Hon. D J Bossino: I think she is asking a supplementary, unless I have understood what is – (**Hon. Ms M D Hassan Nahon:** No.) Maybe on the next one. But she asked a supplementary in relation to my question, as opposed to ... I thought you had allowed her to go ahead, to ask a supplementary in relation to her question, but if she wants to ask a supplementary on her question then I am willing to give way.

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Hon. Ms M D Hassan Nahon: Sorry, Mr Speaker, I was going to ask two in one, but then I just asked one. The supplementary on my question, being Question 50: the Minister talks about continuing to honour defects at Beach View Terraces, but from what I understand there is not *continuation* of honouring defects because honouring defects has not even begun. From what I remember, just before the last General Election the Government assured tenants that these defects would be dealt with very soon and we are here, three years later ... I know there has been a pandemic, but for many there is no sign of this action being taken, so can the Minister expand on this 'continue to honour' phrase that he has used? And when exactly will tenants finally see that these defects have been rectified?

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Hon. Chief Minister: Again, Mr Speaker, this is being dealt with by my office and, as far as I know, we had resolved the issues that had been brought to our attention. There was an ongoing

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discussion with ... it is not the tenants' association, it is the management company, and the instances of cases that had been brought to our attention had already been dealt with, as far as I understood it.

2630 The hon. Lady can rest assured that if she asks those of her constituents who have got in touch with her to get in touch with us through the management company or directly, we will continue the process of resolving these issues. We have resolved them in a number of cases.

Mr Speaker: The Hon. Damon Bossino.

2635 **Hon. D J Bossino:** I am grateful, Mr Speaker.

In terms of the replies that the Hon. Minister has given in relation to Bob Peliza Mews, one point, if I may, by way of clarification or confirmation: did he say that in relation to the first phase it is going to be dependent on the decommissioning and demolition of the Waterport power station? And further, did he say that that is expected to be completed in November this year, 2640 November 2022?

Secondly, if he could give further clarification in relation to the second aspect, which is presumably also the decommissioning and demolition of the AquaGib RO plant and when that is expected. I think he did not have a date in relation to that, and I think, as I understand it, that impacts on the second phase of that particular project.

2645 And then, if I may, does the timeline of 35 months, which is, I think, just under three years, apply to both phases respectively?

Hon. S E Linares: No, Mr Speaker. If he wants, I can read it to him again, because I have answered those questions.

2650 The one on Bob Peliza was to do with two issues. The issues were the decommissioning of the Waterport power station and the AquaGib reserve osmosis plant. I stated that in parallel with this, the extent of any ground remediation that needs to be done ... the findings of the latter will dictate the completion of the site clearance. It is expected – talking about Bob Peliza – that site clearance will be completed in November 2022, after which time the site will be available to commence the 2655 construction of phase 1 of the housing estate. The start of the second phase will be dependent on the AquaGib relocation. That means we are starting one after November and then the other one is to do with AquaGib, which is currently being designed with a planning submission to follow. The whole estate is programmed to take 35 months.

2660 Then he talks about Chatham. Chatham is different. It has different dates. It is dependent on the clearance of Westside School and Westside Mews. We have stated why there was a delay. This will now allow the demolition process to begin so that the site can be cleared. The construction of the estate is programmed to take 27 months to complete. So we are actually stating dates on both estates.

2665 **Hon. K Azopardi:** So, Mr Speaker, 27 months for Chatham, but the commencement date is unclear because of the explanation that the Hon. Minister has given, whereas in respect of Bob Peliza Mews he is clearer because he thinks it might start after November 2022. Is that right? So, in respect of Chatham it is unclear when the construction will start?

2670 **Hon. S E Linares:** No. In fact, I can tell the hon. Member that for Chatham the tenders are going out as well, to do with the demolition. I stated that. There was a problem, we have solved it, and now there is going to be a demolition and it will take 27 months to complete the whole lot.

Mr Speaker: Next question.

Q48/2022
HM Customs –
Industrial action

2675 **Clerk:** Question 48/2022. The Hon. K Azopardi.

Hon. K Azopardi: Have the issues leading to industrial action at HM Customs been resolved; and, if so, how?

2680 **Clerk:** Answer, the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, the Government continues to engage with both the GGCA and Unite the Union to reach an outcome which is acceptable to all parties and does not impinge on operational outputs.

2685

Hon. K Azopardi: Mr Speaker, can the Minister give us an idea of what precisely the issues in dispute are? There has been a report, some months ago, back in November, that there was a dispute in relation to the Marine section and shifts. I do not know if that has been resolved or continues to be the central issue, or whether there are new issues that are the central part of the dispute. Can the Minister perhaps tell us what the particular matters are at the core of the dispute?

2690

Hon. S E Linares: No, Mr Speaker, because I am still engaging with them and I would not like to say which are the specific issues. I need to speak to the union. Once we get a resolution, we will come back and say what the resolution is.

2695

I am in negotiation, so you must understand that if I am negotiating certain things and I say that we are negotiating this, then the union will say 'Why have you gone public on this, that or the other?' So I would rather not say at this stage, but I have said that I am engaging with them. During the week I will be meeting them again and again. I met them today and I met them last week as well.

2700

Hon. K Azopardi: Mr Speaker, I am not trying to prejudice the Hon. Minister's negotiations. All I am asking for is ... There was a report six months ago about a particular issue, so this would not be new because it has already been reported. What I am saying is: is that one of the issues that is still part of the dispute, or has that matter been resolved and this is about something completely different? And if it is about something completely different, is there nothing the Minister can tell us without affecting his negotiation? For example, I am not asking for the granular detail but is it about manpower, is it about working hours, is it about resources? Broadly speaking, what are the issues?

2705

Anecdotally, people are saying that they have experience that members of staff do not pick up the phones, or did not before a certain period. Is that still the case? Are members of staff not picking up the phone at the Customs service?

2710

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman is asking now about a question that arises in respect of a period when I was Minister for Industrial Relations when this thing started.

2715

The Government has always taken the view that we should not be setting out what the dispute that the union is claiming should be. That is for the union to set out and the unions decide for themselves what they want to say publicly about the issues they are raising. In some instances, if there is an effect on public services, the Government may make a statement, but we have sought not to make a statement at this stage in order not to inflame matters.

2720

2725 There is more than one union involved in this matter, they each have a different view of what their dispute is or is not, and so the Government could not faithfully characterise that on behalf of one union or the other in a way that we would be able to say is sufficiently accurate to ensure that we are giving the House accurate information. We can tell hon. Members what we think the dispute is about, as we perceive it to be, but it would be for the union to make a statement as to what they say the issues in dispute are. Therefore, I think that the Hon. Minister has indicated today, both in relation to this question and the question from the Hon. Mr Bossino earlier about the Upper Rock, that the Government does not wish to say anything that exacerbates issues with unions in the context of areas where we may be negotiating.

2730 We want to ensure that we continue to work in partnership with our union colleagues, that we resolve issues, where we can, collegiately and through discussion, and if anybody wants to know what a union says its dispute is they should ask that union, not the Government.

2735 **Hon. K Azopardi:** Yes, Mr Speaker, well, of course the unions can say whatever they want where there are disputes, I accept that. I was picking up information which is publicly available and that is why I was putting it to the hon. Members. I have put it twice. The hon. Members do not want to confirm either way. I accept that answer, obviously; I am not going to get a different one, because I have asked twice already.

2740 Does the Chief Minister accept that obviously the industrial action can affect the service to the public – to the extent that people are not picking up the phone, for example – and it appears to have been going on for some time? The Government must, I assume, be sighted about the importance of resolving matters, so given that they are involved in those negotiations – and they know what the issues are, but we do not – are we any nearer resolution, given that it has now been six months at least?

2745 **Hon. Chief Minister:** Chronologically there can be no other answer but yes, as a matter of logic and chronology.

2750 **Mr Speaker:** Next question.

Q49/2022
Department of Social Security –
Industrial action

Clerk: Question 49/2022. The Hon. K Azopardi.

2755 **Hon. K Azopardi:** Mr Speaker, can the Government explain how it intends to resolve the issues affecting the Department of Social Security that have resulted in industrial action by staff?

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

2760 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, the Government has continued to engage with the GGCA, DSS management and our employees to reach an agreed way forward. Consequently, a firm date for a move into new premises has been agreed. During this transitional period no services to the public will be affected.

2765 **Hon. K Azopardi:** Mr Speaker, I assume that that resolution, that move to new premises, that promise has now happened after the filing of the question. In the last week, this came into the public news again for a variety of reasons.

Does the Minister accept that the staff at DSS rightly felt let down after they had been enduring bad conditions in the building for some time? They had promises from the Government. They had taken industrial action and were working from home for several months.

2770 And then, last week, the action escalated to the point where the most vulnerable and the most needy members of our community were put at peril of not receiving their benefits in a timely fashion, which caused huge concern to those people in our community.

2775 Does the Government accept that it was right that the staff should feel let down and it was right that the people who are most needy and most vulnerable in our community should also feel aggrieved that the dispute had been allowed to escalate to that point and the Government had allowed the service, in effect, to collapse around them without a resolution, which put the needy in this community at most peril?

2780 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman does not know which industrial relations bandwagon to jump on now. It appears that what we are going to have to do now is have questions from the hon. Member on every industrial relations issue that raises its head, so that we can continue the negotiation with the union here, with him representing either the union of choice – because there may be more than one union involved and they may be at loggerheads, as is the case in another of the questions that he asked – or pursuing the agenda of a particular union.

2785 When it comes to talking about our magnificent staff at the Department of Social Security, we are talking to them directly. We have issued public statements regretting the fact that we have not been able to move them. Again, physical reality got in the way. They know that the minute they raised the issue of their premises we were completely on board in moving them. We have physical issues of getting ... We even had a truck strike in Spain ... that was bringing all the material in to move out one office so that they could move into another. We have publicly, in a press release, apologised to the members of the DSS staff for not being able to move them quicker, so I am surprised that the hon. Member is asking us those questions here, other than for the opportunistic opportunity of seeking to raise the issue in a way that he can put on his social media feed to show that he raised them and to show how much he loves everyone except us.

2795 Mr Speaker, let me tell him that we actually have the highest possible regard for our members of staff at the DSS. They have done everything possible to ensure that they could continue the service despite the circumstances in which they have found themselves in. They are so dedicated that they did not even raise the issue of their premises for a long time. Because they were so dedicated and they raised it late, it has been difficult for us to recover the momentum that we needed in time to be able to move them. We are totally committed to doing so. The hon. Member
2800 has given them, after discussion with me, an undertaking that we will move them now with the deadlines that we envisaged set in stone.

2805 What we should be doing is not trying to raise the spectre of something that did not happen, as the hon. Gentleman is doing, but looking to support the Government to ensure that we can deliver in time. Why do I say that, Mr Speaker? Because actually the hon. Member has been left without the tool that he wanted. He would much rather that hon. people in our society had not got their money in time, because then he could have come here with that axe. Instead, he was left stuttering to say 'put at peril' at not potentially getting their money in time. They did get their money in time because the members of staff of the DSS pulled out every stop to ensure that they
2810 made those payments in time and that if any was delayed it was only marginally delayed. I thank them for their forbearance in the way that they have behaved, I thank them for continuing to be diligent and concerned about what they do and I thank them for knowing an opportunist when they see one.

2815 **Hon. K Azopardi:** Mr Speaker, the Chief Minister has now twice in this House accused me of wanting to ask questions so as to put things on social media. It may be that the answers I get – or the lack of answers – get put on social media, because that is the role that we have in this House,

2820 to hold them to account robustly and to ask for information. He has gone further. He has actually gone further to say that I would rather see vulnerable people in this community not get their money because in some way it is going to help me politically. It is absolute nonsense and a shame for him to say that. It is a shame.

2825 The reason I raised this publicly was because single mothers who could not put food on the table and thought they were at peril were contacting me. That is the reason why I raised this publicly the other day on social media. The hon. Member can smirk all he wants but that is the reality of the role that I discharge properly and seriously, and I will continue to do so while I am in this chair. What he needs to understand is not that he is what he says he is.

2830 In fact, he did not actually relocate the staff the minute they asked for the relocation. In January they took the action that they were going to work from home, so they knew it was building up. They knew it was building up because they put it in their manifesto two years ago that they were going to relocate the staff, but they allowed the situation to escalate and the question I was asking is if they knew it was escalating and they knew it had to be done, why allow it to get to the level that the most vulnerable in this community are exposed?

2835 The reason I raise it is not because of political opportunism; it is because it is a real issue that people want answers for in this community.

Hon. Chief Minister: Mr Speaker, that is not a question. That fails all of the parliamentary requirements, except of course the social media requirement to be an impassioned speech in less than two minutes 40 seconds that can be uploaded to Twitter to show how much the hon. Gentleman cares for people who have *not* been put at risk, for people who *have* been paid on time.

2840 If he felt concern about a single mother who could not put food on the table, how dare he not have called me? If he was genuinely concerned that single mothers who could not put food on the table were not able to provide for their families ... If that was a genuine concern of a Leader of the Opposition in a place like Gibraltar, where we are all accessible, where he can text me on whatever he likes, how dare he not get in touch with me with that concern – if it was a genuine one, because of course it was not, because he would have known before he got up today that they have all been paid on time.

2850 I will give him the benefit of the doubt that when he filed the question he might have had the concern, but when he put the question today he will have known that she was paid on time, he will have known that those issues have been resolved. So, Mr Speaker he will spare this House the bleeding heart that pretends that he is not in politics to achieve ascension through the greasy pole. He is here for exactly that purpose, making those points for exactly that purpose, impassioned or otherwise.

2855 With my political opponents, however bitter it might have got, I have never, for one moment, challenged their professional abilities. He is an excellent advocate, but from an excellent advocate to an excellent politician when it comes to dealing with issues that matter to everyday people, let me guarantee him that if he gets one phone call of concern I get 20 and we ensure that we act so that the most vulnerable in our community are never going to suffer – as they have not suffered this week.

2860 But he will allow me to think what I want to think – unless he is going to become the thought police even before he has been elected to the executive – and I believe what I told this House was his motivation was exactly what motivated him. We have seen it everywhere. We have seen this hypocrisy. I am grateful to them for making it obvious so that they can no longer hide it.

2865 One day they describe a thing as a rust bucket and they tell us that we are not going to make money on it, that we are going to lose our shirts on it. The next day they are on the *Sunborn* recording their magnificent new videos at the choice location in Gibraltar. (*Interjections*) One day they are telling us that we must not announce things when we think we have achieved them – Volotea; the next day they are telling us that the minute somebody gets in touch with us and tells us that they might bring a boat to Gibraltar we have to announce it. It is a very clear campaign

2870 *(Interjections)* and what is very clear to everyone is that the one thing that has not aged well is the fact that Mr Clinton suggested that there would be an election within three months of February. *(Interjections)* There is not going to be, and the slogan 'Better, cheaper, faster' is not going to get them anywhere because no one believes them, Mr Speaker. *(Banging on desks)*

2875 **Mr Speaker:** The Hon. Roy Clinton.

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

2880 If I may ask the Minister something much more mundane: the new premises that DSS are going to, were they existing Government premises? If so, who has been vacated from them? And how long has his Ministry been at Regal House?

Hon. S E Linares: Mr Speaker, as to the first question, we are moving the Housing Works Agency to the ICC, the Housing Department also goes to the ICC and the DSS will move into the Housing Department. I have been in my offices in Regal House for nearly a year and a half.

2885

Hon. R M Clinton: Mr Speaker, if I may, just one supplementary.

Hon. S E Linares: Mr Speaker, just on a point of order, I do not know what relevance the second question has to this debate, but never mind.

2890

Hon. R M Clinton: Mr Speaker, with your indulgence, the relevance is where effectively the Government is obviously having to rent from the private sector, as opposed to using its own resources – for example the Haven building, which has been empty for years.

2895 **Hon. Chief Minister:** Mr Speaker, I am afraid that is totally, materially, incorrect. The Haven building belongs to Gibtelecom; it does not belong to the Government of Gibraltar and therefore cannot be a place where one would put civil servants of the Government of Gibraltar. It belongs to a company which is involved in telecommunications, not which is going to be able to house civil servants. Nonsense.

2900 Mr Speaker, in the circumstances, I wonder whether now would be a convenient moment to adjourn the House to tomorrow at 3.30 in the afternoon.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Tuesday, 17th May at 3.30.

2905 I put the question, which is that this House do now adjourn to Tuesday, 17th May at 3.30. Those in favour? **(Members: Aye.)** Those against? Passed.

The House will now adjourn to Tuesday, 17th May at 3.30 p.m.

The House adjourned at 8.17 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.37 p.m. – 6.28 p.m.

Gibraltar, Tuesday, 17th May 2022

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The Gibraltar Parliament

The Parliament met at 3.37 p.m.

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

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

Questions for Oral Answer

Clerk: Meeting of Parliament, Tuesday, 17th May 2022.
We continue with Answers to Questions.

Procedural

Mr Speaker: We are going to start off, first of all, with a number of unanswered questions from
5 the September meeting. Some of these will be answered by Minister Sacramento and then it will
be the turn of Minister Isola, who has some of these unanswered questions from September.
We are going to start with Question 229.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q229/2021

Nitrous oxide –

Criminalisation re possession and supply

Clerk: Question 229/2021. The Hon. E J Phillips.

10

Hon. E J Phillips: Mr Speaker, can the Government confirm that it intends to criminalise the
possession and supply of nitrous oxide?

15

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

20

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I have already discussed this issue with the Commissioner of Police and I have commissioned draft legislation for the purpose of making nitrous oxide a controlled drug under the Crimes Act.

25

Hon. E J Phillips: I thank the hon. Lady for the answer to the question. I think that, of course, is a development from the legislation that the Government brought in 2020 in relation to the imports and exports amendment, making it a controlled import. Does the Minister know at this stage when she is likely to bring amending legislation to bring that within the scope of the misuse of drugs legislation?

I only ask that because it is clear from the positive – actually, the very positive – engagement I had with the Chief Minister in relation to this issue that there are still a number of these cartridges seen in certain car parks in Gibraltar where a lot of young people are misusing this particular item, which is commonly known as ‘hippy crack’, and the photographs that I received yesterday from an individual who said they have now noticed a lot of these in a particular car park, which I can share with the Hon. Minister.

I would just like some more visibility on when she intends to promote legislation in this area.

Hon. Miss S J Sacramento: Mr Speaker, the draft legislation has been commissioned. There are quite a number of pieces of legislation that I have commissioned, so as soon as it is made ready by those who are drafting it for me it will be brought to this House.

Mr Speaker: Next question.

Q230/2021

Support for the profoundly deaf – Provision of BSL trained interpreters

Clerk: Question 230/2021. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether the support for profoundly deaf people extends to the provision of BSL trained and experienced British Sign Language interpreters?

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, the hon. Gentleman will be aware that the Government recently published a Bill to recognise British Sign Language as a language of Gibraltar and requires the Minister for Equality to report on the promotion and facilitation of the use of BSL by public authorities and issue relevant guidance.

Hon. E J Phillips: Mr Speaker, of course there is a Bill before this House that is likely to be presented by a Minister of the Government in respect of the recognition of British Sign Language as a language of Gibraltar. The question really is pointed at the resource issue, because whilst the Bill will, I can state to the Minister, be welcomed by this side of the House, it is a first step in not only recognition but also provision more widely.

There is concern by GHITA, deaf members and hearing-loss members of our community about the lack of resource, particularly in healthcare, education and employment, and it would be helpful if the Minister could explain what level of interpreter will be provided, because there is clearly a CPD issue there as well, so it would be helpful if the Minister could expand on the answer.

Hon. Miss S J Sacramento: Mr Speaker, there will, of course, be a debate in this House as to the merits of the Bill that I have just referred to, but as the hon. Member will know, because he has seen this Bill, there is provision for the provision of BSL by public authorities if the Bill is passed.

However, first of all in relation to the point that the hon. Member makes in respect of GHITA, I was not aware that the hon. Member was a spokesman for GHITA in this House. In my capacity as Minister for Equality, my Department is in regular contact with GHITA and we have a very good relationship with them, as of course they have a relationship with the Chief Minister from the meetings that they have with him as well as with me.

Of course we would not, clearly, present a Bill to this House for the recognition of British Sign Language if there was no intention to provide it, but the hon. Gentleman does not understand that Gibraltar public authorities already facilitate the use of British Sign Language interpreters in the services that they provide. In fact, this is an arrangement that was initially introduced in Gibraltar, in the GHA, by this Government and it was the hon. Member Minister Cortes who introduced it when he was Minister for Health. So that is a landmark decision made by us in government and I recall very vividly working closely with Minister Cortes in this respect.

What we have is a contractual relationship. Initially it was a relationship between the Gibraltar Health Authority and a provider of BSL services. Subsequently, as we were learning more about the issue, that contract was extended for the whole of the Government. So, what we have is a contract where if someone requires the provision of BSL within a Government Department we have arrangements with a provider to provide those for us. Also, because that is not always available immediately, the Government has invested in an app where that is provided by digital means. I do not know the extent of the hon. Gentleman's knowledge in this field. In my capacity as Minister for Equality I am very fortunate that I have a very efficient team at the Ministry for Equality who, of course, are very up to date with these things and keep them up to date.

As a Government that is invested in and committed to equality, these things are, of course, provided, so the answer to the hon. Gentleman is yes.

Hon. E J Phillips: Mr Speaker, just one more question. I am not going to labour the point because there is a particular question on the Order Paper that deals with the number of interpreters and we can deal with that when we come to it.

I should say from the outset that I am not a spokesman for GHITA. I am a supporter of the work that they do and their cause. I am also a supporter of inclusivity and accessibility to interpreters for deaf people who really need them in healthcare in communicating their conditions to doctors and nurses. I think this whole House should support GHITA. I am not a spokesman for them, but I am a supporter of the work that they do and I will always support the work that they do within this community.

What I would say is that the BSL Bill that will be presented before this House is about recognition of BSL as a language and it imposes on the Minister an obligation to report to this House in relation to the work of public services and the Departments under the Government. My question was more about BSL trained and experienced sign language interpreters and the accessibility of that, because that is the real problem on the ground, that people are not getting ... The information I receive from those people who believe in inclusivity and accessibility is that they do not have that accessibility, and I think it is important that this House support those individuals who have a longstanding complaint about being discriminated against because of the lack of resource for the deaf and hearing-loss community. I would ask the Minister if she could expand on that.

Hon. Miss S J Sacramento: Mr Speaker, I am very glad and indeed I welcome the hon. Gentleman's support for the work that we have done in Government through the Ministry for Equality in the inclusion of people with disabilities, regardless of the disability they have, and the very significant progress that we have made in over 10 years since we have been in Government and work that I am very proud that we have done as a Government.

In this respect, the hon. Gentleman I think is confusing this question, which is an old question from a historic sitting of Parliament, with a different question that I think it is also the hon. Gentleman who has posed on the Order Paper in relation to the qualification of people who are trained in BSL. That is a completely separate question.

Insofar as what the Bill does and does not do, I did say in my first reply to a supplementary that the Bill is before this House and will be debated in this House. It is obviously clear from the content and the substance of the Bill what the Government intends to provide and I would not want, at

this stage, to usurp the debate that we intend to have in this House, because I feel it is improper to do it at this juncture.

125 **Mr Speaker:** Next question.

Q231/2021

**Support for the profoundly deaf –
Interactions with the public service**

Clerk: Question 231/2021. The Hon. E J Phillips.

130 **Hon. E J Phillips:** Mr Speaker, can the Government confirm what support the Government provides to assist profoundly deaf people within the community in their daily interactions with public services?

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

135 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, our Government has always been committed to equality. We were the first to introduce the provision of BSL and have now published a Bill for it to be recognised.

140 With the progress of e-Government services alone, this Government is ensuring that more services are available to those who find it difficult to communicate verbally, but this merely improves a system that already existed for any individual who may have found it difficult to communicate in person or by telephone. E-Gov services were also introduced and this offered alternative ways in which people with hearing impairments can communicate with Departments in order to complete and submit application forms or other information.

145 Notwithstanding this, hearing induction loop systems have also been actively introduced by us in many Government Departments and sites, and other measures have been taken to ensure that this service is provided when an individual needs to attend in person, if they are hard of hearing. For example, at the Primary Care Centre we have, for a long time, offered appointment services via the Smart Messaging Service (SMS) to those people who are deaf or hard of hearing and cannot phone in to ask for an appointment. At the clinics, pagers that vibrate are also being used to communicate that the GP or medical practitioner is available to see the patient. Also, since last year, the GHA 111 service was enhanced to allow people who are deaf or hard of hearing to communicate via WhatsApp if they require medical attention. This service will also allow the emergency 111 team to dispatch police or fire services if required by the user. As you know, Mr Speaker, 111 is also the mental health crisis line.

155 The Government has a longstanding contractual arrangement that was introduced by this administration that enables Government to book BSL interpreters to attend meetings where necessary. This has been further enhanced by adding the provision of online sign video service as well.

160 BSL interpreters have been used frequently in the past by Government, including at cultural events like the Literary Festival and also at the Gibraltar National Day Rally.

Hon. E J Phillips: Mr Speaker, I think we generally, as a community, have underestimated the need for wider BSL provision within our community. If we individually look back at our lives and what we do every single day of the week, it is difficult to imagine an example of an individual going to see a doctor, for instance, in a sensitive appointment with a doctor, and not being able to communicate with that doctor the symptomology of the complaint that they are experiencing. That is enormously difficult for someone who is deaf or has a hearing loss issue.

170 What I am receiving from constituents is the problem in communication, and whilst she is right in relation to the online exchange, it does assist in some way, but what I am receiving from people on the ground is that it is very difficult to communicate with a doctor. You must understand from the GHA's perspective as well that in terms of misdiagnosis and risk to the GHA in misdiagnosis it is also a problem.

175 There is another example as well, in relation to public broadcasting. That is a serious issue for the deaf and hearing-loss community, who wish to understand the news that is going on in our community. Indeed, the speech of the Chief Minister yesterday, in that contribution: isn't it right that the deaf and hearing-loss community understand what the Chief Minister is saying about a seminal moment in the history of Gibraltar and its engagement on Brexit?

180 I think that what I am asking the Minister ... Those are two or three examples of where the deaf and hearing-loss community do feel that they are being discriminated against insofar as access to public services and I think the answer to this problem – and I ask her whether she agrees or not – is the increased provision of British Sign Language across the public service so those individuals concerned can understand and communicate properly, as is their right, Mr Speaker.

185 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman has referred to me during the course of the question and to my contribution yesterday in this House in relation to Brexit. He will have noticed that I read my speech. Other than during the course of interventions during the Budget debate or indeed when presenting a Bill which is technical, I try to avoid reading speeches because the Rules suggest that we should not and that we need your leave to read a speech. I gave you yesterday, Mr Speaker, a copy of my Statement ahead of my delivery of it, as is the custom also in circumstances where a Member seeks leaves to read.

190 There is a reason why when I make Statements in this House I read them, and there is a reason why every time I have made an intervention and one of the Members of the Government has made an intervention at four o'clock from No. 6 Convent Place in those horrible days when we were dealing with COVID, why we were reading our speeches, and that is because after we made our very first intervention, GHITA got in touch with us and said, 'These statements are hugely important and our members cannot understand what is being said on every occasion because they do not have the kit,' and we do not have subtitles, etc. And so we then ensured that instead of having notes when we made our addresses from No. 6 etc., we had a script, so the script could immediately be provided online and could be provided on our social media platforms, so that members of the hard-of-hearing community in Gibraltar were able to have that as expeditiously as possible. We subsequently also tried to provide online subtitles to the question and answer sessions and our teams transcribed those question and answer sessions so that members of GHITA could have that information.

200 We are absolutely of the view that those who are hard of hearing must have the information, insofar as possible, in real time, and what we are going to do, as a Government – and therefore I am surprised that the hon. Gentleman thinks he needs to urge us to do so – is make it a legal requirement that provision is available to those who are hard of hearing, so that BSL becomes an official language and we have to provide in the official language that alternative language to what is being said.

210 Mr Speaker, we have to understand it is going to be a sea change in the way that we do things in Gibraltar. We have already understood that these things can be manageable, because we have seen how it has been done in the United Kingdom, although England has been the last of the nations of the United Kingdom to adopt legislation, but Wales and Scotland have done so already. There is now a model for us to be able to follow and we are very confident that we will be able to make the provision that is necessary.

215 The credit for this should go not to anyone in this House. The credit for this should go to those who have been campaigning to make us all aware of this, not just in our time in government but even before, from the days of Joe Brugada writing to me about these issues, putting them on the agenda, our discussions on the subject.

220 Hon. Members will know that since the first moment the hon. Lady had the opportunity to do so, we were providing a BSL interpreter at Casemates on National Day and on other occasions when we were able to do so. So we have gone from being volunteers to this to accepting that we have to take a further step and bind ourselves by law to ensure that this provision is made.

225 I hope that the hon. Gentleman therefore now sees that he is pushing at a door that is no longer there, that opened a long time ago, that opened when we were elected, that opened as a result of the hard work of the men and women who make up GHITA and from the genesis of GHITA and the work that Joe Brugada used to do. He wrote me a very moving letter recently, where he said an old man's work is done and it really has been well done.

230 **Hon. E J Phillips:** Mr Speaker, I just have one question, a final question in relation to this. I know that Mr Bossino had a lot of leave yesterday to ask all sorts of questions, but I only have one in relation to this.

235 I thank the Chief Minister for his intervention, and of course he answers that question more broadly from the Government's perspective but also in relation to his responsibilities for broadcasting. I did direct a certain part of my question in relation to, for instance, those who are involved with doctors in sensitive medical investigations and how difficult it is for them to communicate with their doctors. I note that that might well remain unanswered.

240 I acknowledge the fact that the Government puts forward this sea change in approach, which we welcome on this side of the House, but I should not let that go without saying that it was the motion of this side of the House, in combination with the campaign by GHITA that has allowed the Government to bring this Bill in the time that it has. I think that is the overall context of how this has happened and I think it is right that we ... not make this political, Mr Speaker (*Interjections*) because this is not about them and us, this is about the deaf community, and people like Bobby and Ana Maria Gomez who are marching to the north of Spain in this heat, campaigning for the rights of deaf people. This is about systemic discrimination of deaf people in our community for generations and we are putting it right, and we should avoid at all costs a political battle on this because this is about deaf people. Does the Chief Minister agree with that assessment?

245 And I would appreciate an answer in relation to the medical question before.

250 **Hon. Chief Minister:** Mr Speaker, in relation to the medical issue, which is an operational issue, I will allow the Minister for Disabilities to reply.

I really do not understand what it is that the hon. Gentleman is trying to do, because I was attempting to ensure that we were reflecting on how things were being done in a constructive spirit.

255 The Government has never needed an Opposition motion on any subject in order to be able to legislate in respect of that subject. The Government, I must tell him, was not at all moved by his motion. We felt it was the usual attempt by hon. Members to try to curry favour with a particular section or interest group in our community. The reason for that, as I have been at pains to explain on a number of occasions to hon. Members – to this hon. Member in particular – is that I have always been clear with hon. Members that if they believe that something will improve our community and they wish to bring a motion to this House for the purpose of doing that, they have two ways of doing it. They can simply put a motion and then the Government will take the view it takes of the motion and we will ... This is the place to do politics in our community and therefore we will deal with it in the way that we consider is necessarily political. Or, if the hon. Members opposite want a motion to succeed and they therefore wish to have Government support for an Opposition motion, the only thing that they need to do is get in touch with me, or indeed with another Member of the Government, with their relevant shadow in that area, say that they think this is a thing which is constructive and that we should do together. We will agree, if it is constructive and if it is something that we can do together. They can then move the motion, so that they can have the party political brownie points which they might wish to garner from any particular issue – let's make no bones about the fact that politicians are in politics to do politics –

and we will support them, although they will have that party political gain because they will be the first movers on an issue which will enjoy our support.

The hon. Gentleman did not do that in this case. The hon. Gentleman simply went for the sure shot of the headline where he was the mover of the motion. He was not able to say that he had
275 Government support and I can tell him now he will not have Government support for his motion because the Government is doing that which the Government is empowered to do.

The Government has been in direct contact with the people who have the issues here, in GHITA. There was a confluence of opinion between those making representations to the Government and those inside the Government advising the Government – and GHITA have many
280 strong advocates inside the Government – and that is why the Government acted.

And so the first part of what the hon. Gentleman said in the context of asking a question in this last supplementary was entirely wrong and misleading. The Government did not need the Opposition motion in order to bring this legislation. Neither was the Government moved to act because of the Opposition motion. The motivation behind the Government's action was the
285 extraordinary campaign run by GHITA and the representations made internally by the hon. Lady and others who advise her also.

Just in relation to those who are continuing the exercise of fundraising – and I know that Robert Gomez is walking an extraordinary distance to raise awareness of these issues and raise funds for these issues – people like that are the people who deserve the respect of this community, people
290 who put themselves out when they could put their feet up. Those are the ones who really deserve our support and those are the ones who deserve the credit for keeping these issues at the top of the political agenda with so much going on – people like Edgar Triay, who gives every moment outside his professional life, if not some of them in his professional life, to keep this on the agenda to make the campaign. His committee, the people who support him, all deserve mention of the
295 great work that has been done to keep this in the headlines and to make it a priority.

Mr Speaker, I think it ill behoves us, in particular when we get up to say that something is not political, to be quite as party political as the hon. Gentleman transparently has.

Hon. Miss S J Sacramento: Mr Speaker, I will deal with the other points and that of medical treatment, in particular the capacity to give consent to medical treatment, which is, in a nutshell
300 and in a concise way of expressing it, what I think the hon. Gentleman wanted to say in his extremely long supplementary questions.

I am afraid that I think that the hon. Gentleman has not heard a word of what I said in my answers. It would be much better, I would advise the hon. Gentleman, if he could really hear with
305 the purpose of listening to what I have to say, instead of just listening for the sake of it and already having his pre-prepared supplementary questions, which do not take anything I have just said into account.

I said, I do not know how many supplementaries ago – we have already been here half an hour and we are still on the second question – when we came into government and I was Minister for
310 Equality and Minister Cortes was the Minister for Health, we introduced a system so that we could provide British Sign Language services to people who are profoundly deaf and speak British Sign Language. It was something that when they were in government did not exist. When we came into government we introduced it.

We introduced it initially in the GHA because the issue of informed consent and understanding
315 medical treatment is something that we felt very strongly about. As I explained in answer to my question, we have introduced a system whereby if you are deaf and are unable to use the telephone to make an appointment, an appointment can be made either using e-Gov or by using an SMS system, so you can get into the system. So, the first part of one of the supplementaries he asked I answered. When you use the system, the GHA system recognises you as deaf, and
320 arrangements are then made so that when you attend your appointment there is provision for there to be a BSL interpreter there, available for you. All that I have explained, but the hon. Gentleman did not seem to understand.

325 The arrangements that are made in government are not just for speakers of BSL. The hon. Gentleman is focusing these couple of questions he is asking here specifically on BSL – they relate to people who speak BSL – but when it comes to the Government, and as part of our ... Mr Speaker, that is the term that is used. You speak BSL. That is the terminology that one uses in this area. But the work that we have done is not limited to people who speak BSL. We provide support to all the people in Gibraltar who are also hard of hearing with lots of other alternatives to services that we provide for them, and we will be very shortly announcing a massive investment that Government has made in audiology services for Gibraltar.

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Mr Speaker: Next question.

Q22/2022
British Sign Language –
Qualified individuals engaged in public sector

Clerk: Question 22/2022. The Hon. E J Phillips.

335 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of British Sign Language qualified individuals currently engaged in the public sector?

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

340 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, in his question the hon. Gentleman specifically enquires as to the number of individuals qualified in British Sign Language (BSL). Since Government is not a provider of BSL training, it is not in a position to answer this question with absolute certainty.

345 What I can say is that the Ministry of Equality has in the past collaborated with GHITA in order to offer and pay for training for public servants in BSL Levels 1 and 2. Already this year, the Ministry of Equality has spoken to GHITA again to provide similar training and are waiting to hear from them as to when it will be delivered. The Government's Human Resources department has also undertaken a consultation with all public offices to determine the number of public servants who have any level of qualification in BSL and it has shown that 17 people are so qualified.

350 Mr Speaker, it is important to point out that HM Government of Gibraltar already engages with qualified BSL interpreters when necessary, both in person and via online video link.

Mr Speaker: Next question.

Q23/2022
Mental Health Act 2016 –
Leaves of absence requested since introduction

Clerk: Question 23/2022. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, may I ask the Minister to please look at the answer provided to Q702/2020? Is the Minister now able to answer the supplementary posed, namely how many reports and requests for leave of absence have been received since the Mental Health Act 2016 was introduced, updating the position to today's date?

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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, the granting of leaves of absence to patients under section 16 of the Mental Health Act 2016 is within the remit of the responsible clinician. It is only relevant for the Minister for Justice to be involved if the individual has been admitted to Ocean Views subject to a hospital order. In those cases, section 16 of the Mental Health Act 2016 needs to be read in conjunction with section 117 of the same Act, which requires the Minister for Justice's consent.

Since the Mental Health Act 2016 was introduced, five applications for the granting of leaves of absence have been received by the Ministry for Justice. These relate to three individuals. All of the applications were agreed to.

Hon. D A Feetham: Mr Speaker, I understand that she has a role, in certain circumstances, in relation to leave of absence, but the information that I have received is that in fact reports were not being produced under section 16.

Just to recap so that people understand this, section 16 of the Mental Health Act essentially allows a responsible clinician to make a report that essentially will allow somebody out of Ocean Views where that person has been sectioned, but in order to do so it will consider the situation of that person – for example, whether it will allow that person to be rehabilitated, and that is why a short leave may be provided, but also the safety of the public. So that is one of the things that need to be considered in the report.

I would have thought that even though it may not involve a decision by her, a question from me as to how many of these reports have been produced ... The question arose out of a prior question about how many leaves of absence had actually been granted. I was asking how many reports had been produced because the information I was getting was that in fact these reports were not being produced. I would have thought that is something that the Hon. Minister would take seriously and would be keen to answer in this House, and therefore I am asking her again –

Hon. Miss S J Sacramento: I have answered.

Hon. D A Feetham: Well, no, you have not. Perhaps I have misunderstood. *(Interjection by Hon. Miss S J Sacramento)* Is the Minister saying that there are five that have involved her? But I am not asking about her only, I am actually asking how many reports have been produced more generally that do not involve her.

Hon. Miss S J Sacramento: Mr Speaker, as I recall – because this is a question that arises from the last time we were in Parliament and the hon. Gentleman will remember that there were a number of questions in relation to this and there was a lot of toing and froing between us as to the actual question the hon. Gentleman was asking, so I remember we were having this debate at length on the last occasion. In terms of this question, I have replied on the basis of my understanding of this question from the basis of the questions on the last occasion, because this question follows on from that one and I remember that we had a lot of debate across the floor in that respect.

As far as the ones that come to me as the Minister for Justice, of course, as the hon. Gentleman rightly says, it is my job to ensure that this process is triggered and that this process is done. Of course these are produced. I see them, I read them, I consult on them and I sign them, and in fact when these reports have come to me I have sent them back with questions because, as the hon. Gentleman says, I need to be satisfied in terms of the rights of the individuals concerned and the public protection responsibilities that we have.

Although this question has not been answered beyond this, I know for a fact – not in my capacity as Minister for Justice, which is how I am replying to this today, but in my previous capacity as Minister for Health I, of course, ensured that this happened ... I know for a fact that it

happens. It also forms part of the Gibraltar National Mental Health Strategy, so I know that these things happen.

415 I know that the hon. Gentleman triggered ... I said I was the previous Minister for Health, not the current. I do not know what the joke with the hon. Gentleman is at the moment. I am a bit confused. (*Interjection*) No, I am looking at you. In any event, Mr Speaker, I do not know why the hon. Gentleman finds this discussion funny, because it is very serious.

420 I know that when we had this debate in the last Parliament the hon. Gentleman raised this as a result of a conversation with someone from – (*Interjection by Hon. D A Feetham*) No, I think we did by the end of it. By the end of the debate we identified the source and I think when I met with ... We are going further to what we identified here last time. It is in relation to a group that meets in this umbrella and it was discussed in that context. The hon. Gentleman can rest assured that if there was any understanding or misunderstanding at the last meeting of Parliament, which
425 was last year and a long time ago and perhaps premised on something that was more of a rumour and not that accurate, then so that we do not have to go further into that debate I can guarantee to the hon. Gentleman that all procedures that need to be met in law are met.

Q24/2022

Breathalyser tests –

Number of convictions set aside due to unapproved tests

Clerk: Question 24/2022. The Hon. D A Feetham.

430 **Hon. D A Feetham:** Can the Minister please refer to the answers to Written Questions 51, 52, 53/2021, and will the Government state how many convictions, if any, have been set aside or overturned either on appeal, by agreement with the Crown Prosecution service or otherwise due to the use of an unapproved breathalyser as a *material* factor?

I have put the 'material' in italics so that the Minister can focus on that.

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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, one.

440

Clerk: Question 25/2022.

Mr Speaker: Just a second, Mr Clerk. Does the hon. Member wish to ask a supplementary?

445 **Hon. D A Feetham:** So there is one that has been set aside because the use of the unapproved breathalyser was a material factor in the conviction – am I correct in relation to that?

Hon. Miss S J Sacramento: Yes, Mr Speaker, I did read the question as he intended me to read it, but in any event I am grateful for that clarification that he provided.

450 As the hon. Gentleman will know, convictions of this nature are not usually premised on the roadside breathalyser. Usually it is on the basis of a second test that is undertaken, but the question was only relevant in relation to one particular case.

455 **Hon. D A Feetham:** And does she know whether there have been any attempts or any representations, for example, to the Crown Prosecution Service for the Crown Prosecution Service to review any other convictions on the basis that the unapproved breathalyser was also material in the conviction?

460 **Hon. Miss S J Sacramento:** Mr Speaker, yes, and indeed it was the other way round. It was as a result of this situation that the Director of Public Prosecutions advised the Police to identify if there were any other cases where this may be relevant, and I understand that the Royal Gibraltar Police wrote to individuals and invited them to make representations in that respect, but from the information that I have, no representations were received, so only one has been overturned.

Mr Speaker: Next question.

Q25/2022

**UN Convention on the Rights of the Disabled –
Target date for full implementation**

465 **Clerk:** Question 25/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, I refer to the answer provided to Written Question 57/2021. Will the Government please state by when it intends to fully implement the UN Convention on the Rights of the Disabled?

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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, Government continues to be committed to assuring the rights of people with disabilities are being met. As I said in my last reply to the hon. Gentleman in Written Question 57/2021, this continues to be an ongoing process that has been held back because of our focus on COVID-19, but which we are already refocussing on.

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In essence, the UN Convention sets out a minimum standard for the protection and safeguarding of a full range of civil, political, social and economic rights for people with disabilities. The support for the rights already exists in legislation in the form of our Constitution, the Equal Opportunities Act, the Disability Act and other legislation. The ongoing progress I referred to relates to the practical matters that need to be looked at in order to better provide services so that these rights are enabled.

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Hon. D A Feetham: Mr Speaker, I have in the past accepted that the Government has gone a long way in relation to the rights of the disabled, but this is an important issue in relation to the UN Convention, as the Minister nodding from a sedentary position appears to accept, and therefore can I ask her to provide some comfort to people who are concerned about this with at least an indication of by when she expects that exercise to be completed?

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Hon. Miss S J Sacramento: Of course, Mr Speaker, equality is not more important to anyone than to those on this side of this House, so anything we need to do in terms of progressing any of the strands in relation to equality we will progress as much as we can.

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Of course we know, and the hon. Gentleman will have heard me say in relation to disability and the provisions of the UN Convention, anything that needs to be done in order to further what we have already done will be done in the lifetime of this House.

500

Hon. D A Feetham: Mr Speaker, just one final question. 'As much as we can' obviously is an elastic concept. Can the Minister at least –? (*Interjection by Hon. Miss S J Sacramento*) I have said 'as much as we can'. Sorry, have you heard what I have said? 'As much as we can' is an elastic concept. Sorry, does she want to say something?

505 **Hon. Miss S J Sacramento:** Mr Speaker, I just do not understand where the supplementary is going, so hopefully we can – (*Interjection*) The hon. Gentleman just continues to repeat something, but I do not understand from his questions today or in previous questions what exactly it is that he is getting at, that he wants me to do. Is there anything in particular that he wants me to do? Can he please be clear, instead of being ...? I think, Mr Speaker, it is the hon. Gentleman who is being elastic and very wide in his description. I would ask the hon. Gentleman to be concise and pinpoint what it is that he is referring to.

510 **Hon. D A Feetham:** Mr Speaker, I know that after the next election we will be on that side and they will be sitting here (**Several Members:** Hear, hear) and therefore she can ask all the questions she wants and she will find us in government much more forthcoming than they are with answers that they provide – and far less elastic, I may add, as well.

515 What we want on this side of the House is the implementation of the UN Convention on the Rights of the Disabled; that is what we want.

The question I was going to ask was: given that doing as much as we can is an elastic concept, can she at least say whether she has completed any kind of study that at least is going to guide her in the work in terms of the implementation? For example, is there a set of parameters that she has now landed upon where the Government essentially has made a decision that we are going to be implementing 90% of the UN Convention on the Rights of the Disabled, or we are going to be implementing this part that we left out last time round but not these other parts? That is essentially the supplementary question, so that at least we have more specificity in relation to what the Government's plan is in relation to the implementation of this particularly important Convention.

525 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am afraid that I agree with the hon. Gentleman about what is going to happen after the next election. I do believe he is right: there is likely to be a Feetham on this side of the House, but it is unlikely to be him (*Interjections*) because when it comes to elasticity there is no one more elastic than the hon. Gentleman. In fact, in praising him, as I always do since he has left the leadership of the Opposition, I would say that he is Gibraltar's political equivalent of the stretchy man on the *Fantastic Four* because he pretends to be as much on the left as he pretends on the right. He pretends to cover all parts of the political rainbow and to represent all ideologies and, of course, none, which is in the nature of the hon. Gentleman.

530 That is why the team he represents is very likely to be rejected at the next General Election by the people of Gibraltar. What I am not going to do is decide what is going to happen at the next General Election because I respect the judgement of the people of Gibraltar and they will decide who makes up the next Government of Gibraltar at the time when a General Election is called – which, by the way, is not three months after February when the hon. Gentleman thought it was going to be.

535 On this issue the hon. Gentleman has demonstrated that he does not understand the concept with which he is pressing us, and it is a concept on which he should press us. The Government is pressing itself in order to achieve the extension of the United Nations Convention on the issue of disabilities, not the implementation of the United Nations Convention on Disabilities. The hon. Gentleman has confused his apples and his pears. He has confused his directives of the European Union, which contain things which have to be implemented in the national law, and his conventions, which are UN conventions, which are extended, not implemented, into the national law.

540 And so, Mr Speaker, what the Government is doing is putting in place all of the things that need to be put in place in the national law for the extension of the Convention to Gibraltar, which must happen as soon as possible, to be done without Gibraltar then being in breach of the Convention when the extension becomes active. These are completely different legal concepts that he has confused, and in that context what the hon. Lady is saying is that we have done a lot already – and he has recognised that – to put ourselves in a position where extension, not implementation, of

555 the Convention to Gibraltar can happen without Gibraltar immediately being in breach of that
Convention when it is extended to us.

Hon. Members will know, of course, that the extension of the Convention is sought by the
United Kingdom. The United Kingdom acquires international legal obligations when the
560 Convention is extended to Gibraltar and it would be the United Kingdom that would be found in
breach of its international legal obligations if we had not put in place all those building blocks. The
answer that we gave him before he started to spin his yarn about elasticity and forgot that we
were not dealing with a concept called implementation, we are dealing with a concept call
extension, is that we expect that that extension will be done in the lifetime of this Parliament,
565 which is not just another week before the three months that Mr Clinton suggested would be the
end of the lifetime of this Parliament when he was interviewed on GBC in February, it is in the
lifetime of the Writ of this Parliament, which is four years from October 2019. And so we believe
that we have fully answered with full particulars the issue as to the timetable and the issue as to
the extension of the Convention, not implementation.

But on this, Mr Speaker, whilst he remains a Member of this Parliament I look forward to
570 continuing to be pushed by him. This is the one area on which the GSD is welcome to clock-watch
for us. He will recall that when he had abandoned the left and joined the right and then became
a Member of this Parliament, his leader, Sir Peter Caruana, told us in Opposition, when we were
asking them about whether one of the projects in their manifesto was going to be completed, that
as far as the GSD – the colours that he still represents – were concerned, the Opposition were not
575 elected in this House to clock-watch when they were implementing their obligations to the people
of Gibraltar because they were the Government, they were elected by the people of Gibraltar,
they were answerable to the people of Gibraltar. Well, Mr Speaker, on this I tell him he should
clock-watch us. He should ask us at every session of the House between now and the next General
Election, ‘Where are you on the extension’ – not implementation – ‘of the United Nations
580 Convention in respect of disabilities?’ and we will happily answer that we are on target to
complete extension during the lifetime of this Parliament.

I look forward to welcoming the other Feetham to this House, Mr Speaker.

Hon. D A Feetham: Mr Speaker, my belt must be particularly visible today because he really
585 cannot resist punching below it. That is the reality. The hon. Gentleman’s style in politics is that
every single time there is a question that hits the mark or potentially is going to hit the mark the
hon. Gentleman rises and hits below the belt. That is his style. I will just leave it there.

The reality is that every single Government does its bit over the course of their term in office
for different sectors of society. We did it, they have done it, I have recognised it. We have brought
590 motions in relation to Disability Benefit, we have asked about this issue on a number of occasions,
and that is what politics is about. It is about an Opposition of the day essentially holding the
Government to account and asking questions, because that way issues then are at the forefront
of a Government’s agenda, or more likely to be at the forefront of the Government’s agenda.

Mr Speaker, all I want from the answer to this question is for the Government not to split hairs
595 in terms of extensions and implementation, but bearing in mind that in the past the Government
has said they were not able to transpose – let’s use that wording – into Gibraltar law the UN
Convention or the UN Convention on Human Rights because it would have involved, I think, from
memory at the time, a disproportionate burden, for example, on private business – that is one of
600 the arguments that were deployed at the time – and therefore the Government has seemed to
accept that what we had in the legislation book is not a full transposition of the actual
Convention ... Is the Government saying that, actually, before the end of this term in office all of
the Convention is going to effectively be transposed and form part of the law of Gibraltar and that
there are not going to be parts that are left out because they may be disproportionate either on
business or on the Government? That is the question.

605

Hon. Chief Minister: Mr Speaker, the hon. Gentleman I think does neither of us any favours by suggesting that we are engaged in a pugilist exchange. I do not understand how it is that he goes on television and talks liberally about welcoming his brother to politics, and when I welcome his brother to politics I am accused of hitting below the belt. The hon. Gentleman really needs to belt up.

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Look, there is nothing to transpose in the United Nations Convention. He needs to understand that, and he has not understood it. Although I have been at pains and I have spoken slowly, he has not understood that the Convention is not about implementation of things or transposition of things. He has still got his old European lawyer hat on. Directives contain things which are transposed or which are implemented. The Conventions are different, the Conventions are about rights, and the things one has to do in one's national law are to ensure that the rights are protected, so that when the Convention bites, the things that have to ensure the mechanisms of the state and third parties are available to the people who have the right to have them available are there. That is the process we have been undergoing at greater speed and alacrity until 2020 and then, like everything else, it hits the buffer of the pandemic and that slows us down.

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In order to understand this better, perhaps, Mr Speaker, what I would say to the hon. Gentleman is that instead of when he comes to doing the clock-watching I have asked him to do and ask us in every session of the House – subject to your consent because you would have to agree to that and the hon. Gentleman might have to rephrase the question a little every time to not offend the rule against asking the same question every six months ... The concept is not about transposition or implementation, it is about extension, and the best way to describe the Convention is as once it is extended, and if you are not in breach of it, it gives you the kite mark, if you can call it that, that your laws are in compliance with the Convention. So he can ask us about compliance with the Convention but there is nothing in the Convention to implement or transpose.

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I hope that is clear and that the blow he says I dealt him did not reach any of his intellectual nether regions in a way that has prevented him from understanding what I said.

Mr Speaker: Next question.

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Clerk: Question 26/2022 –

Mr Speaker: I think, with respect to the Leader of the Opposition, we have covered this particular subject to quite an in-depth degree. I do not think we should continue with this one.

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Next question, please.

Q26/2022

Parental alienation – Plans following public consultation

Clerk: Question 26/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, following its public consultation, what is the Government going to do in order to tackle parental alienation?

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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, as explained the last time that this was asked in Parliament, this was, unfortunately, unavoidably delayed due to the COVID-19 pandemic. Now that work has restarted,

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it will be concluded in the coming months. Discussions have already been undertaken with the Care Agency, as social workers will deal with children and court welfare matters, as well as the court service as the principal stakeholders. It is also intended that guidance information will be prepared for court users and members of the public.

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Hon. D A Feetham: Mr Speaker, does the Government intend to change the law in order to deal with this issue of parental alienation?

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Hon. Miss S J Sacramento: Mr Speaker, at this stage I am advised that it is not necessarily a matter of legislation that needs to be changed but more in relation to guidance and advice and the way that people work with families. If at any point I feel that that changes and it requires a legislative amendment, then of course I will consider that, but at the moment that is not the advice that I am receiving.

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Hon. D A Feetham: Mr Speaker, as somebody who has sat in her chair and has attempted to deal with this issue, as indeed I did between 2007 and 2011, through guidance and through education, I am sceptical, I have to say. It is not a criticism of the Government, it is just an observation on the policy because that is what we did. I am sceptical about whether in fact education and information are going to solve this particular issue.

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Has she seriously considered changes of the law along the lines of other jurisdictions that have come to the same conclusion – in other words, that parental alienation needs to be dealt with through positive legislation change, rather than simply education and information?

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Hon. Miss S J Sacramento: Mr Speaker, I recently, beyond this consultation exercise of parental alienation as a specific area of concern in family legislation, commissioned a wholesale review of family law, family legislation and all proceedings. Under the new review there may be changes to the way we do things by operation, i.e. by way of order, by way of guidance, and the guidance can be statutory in terms of possibly either by way of court rules, which is of course a matter for the courts but not for us, or by way of secondary legislation as opposed to legislating in the way I think the hon. Gentleman is referring to. But I am, of course, open to it in the context of the way that things have to change.

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I understand what the hon. Gentleman did when he was Minister for Justice and it was something that was necessary at the time. In particular when it comes to family law, the dynamic of the world is changing, the way we have to deal with cases is changing and that is a reflection of the way that society is changing. This is something that we have to be alive to and this is something that we very much have under review.

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The position I have in terms of the representations that have been given to me and the advice that has been given to me is that it does not require legislative change, but it may well be that when we are looking at other potential legislative changes this may fall into that in a different way. It will be clearer when we issue the consultation on the broader consultation of the family law reform that I have recently embarked on – so it is not something that has been formally announced yet, Mr Speaker.

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Hon. E J Phillips: Mr Speaker, if I may, and I am grateful for your leave on this particular question, I have a strong interest in this area; the hon. Lady and I have discussed this on numerous occasions insofar as parental alienation syndrome.

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The hon. Lady will know, of course, that five years ago I was interviewed by the *Chronicle* in relation to this specific area and was calling on the Government at the time to deal with targeted training of the judiciary, lawyers and those involved in this issue so that we can provide better understanding. And whilst I support what my hon. and learned Friend on this side of the House says about legislation, has the Government ...? It was five years ago that we called for this and it was in response to Lady Justice Parker in the United Kingdom, when she said there needs to be a

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705 greater understanding of parental alienation. What has the Government done in the last five years to increase training for the judiciary, lawyers and those who are in family practice, so that we can better understand this phenomenon and the damage it does to families across the board?

Hon. Miss S J Sacramento: Mr Speaker, the hon. Gentleman will forgive me, I am not aware of ... whether it was a press release or an interview that he gave five years ago. Please forgive me, I am not aware of that, but in any event I was not the Minister –

710 **Chief Minister (Hon. F R Picardo):** [inaudible] assiduously read everything you say in the media.

Hon. Miss S J Sacramento: Exactly. Mr Speaker, I was not the Minister for Justice at the time but the general principle that if there are issues that arise that formal training may need to be required ... is very much part and parcel of the review that is being conducted in this regard, so while I am not familiar with that press interview that he is referring to, it is a recommendation but it is not a recommendation as a result of what the hon. Gentleman has said, not a recommendation in this respect but a recommendation generally.

720 **Mr Speaker:** Next question.

Q27/2022
HM Prison –
Mandatory drugs testing

Clerk: Question 27/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what progress has the Government made in relation to mandatory drugs testing at HM Prison?

725 **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, you will recall that when this matter was previously raised in this Parliament I explained that it was an unfortunate side effect of the COVID-19 pandemic that our ability to progress this matter was limited. I am pleased to be able to state now that, since then, progress has been made to ensure that mandatory drugs testing of prisoners will be able to commence before the end of 2022.

735 The hon. Gentleman will recall from his last question that such testing was being undertaken in the UK. Since then, arrangements have been made for testing to now be undertaken at the GHA lab instead and that HM Prison Service has completed its review of the relevant policies and practices.

The final training for the MDT Co-ordinator/Trainer is due to be completed within the month and this will commence thereafter.

Q28/2022
***Lishman* case –**
Review of outcome

740 **Clerk:** Question 28/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Government consider that any laws need changing following its review of the *Lishman* case outcome?

745 **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, this review is ongoing.

750 **Hon. D A Feetham:** Mr Speaker, can the Minister give an estimate as to how long she expects this review to continue?

755 **Hon. Miss S J Sacramento:** Mr Speaker, this review into very sad and regrettable circumstances is part of a wider piece of work that we are undertaking in relation to domestic abuse and there is a lot of work that is being undertaken in that respect with an insight into this particular case as part of that. As soon as that work is concluded – and it is incredibly advanced – I would be happy to inform the hon. Gentleman.

760 **Hon. D A Feetham:** Mr Speaker, can the Minister say who is conducting the review?

Hon. Miss S J Sacramento: Mr Speaker, it is a multi-agency review generally that we are doing, but it is led by the Ministry of Justice in their capacity, where the people who are dealing with it are neutral from the people who were involved in the details of this particular case.

765 **Hon. D A Feetham:** And is anybody with any legislative expertise involved in that review as part of that team?

Hon. Miss S J Sacramento: Mr Speaker, yes.

770 **Hon. K Azopardi:** Mr Speaker, can I just ask, following on from that, what is the scope of the review? Is the review looking at the criminal law or some aspects of the criminal law? Is it looking at sentencing issues? Is it looking at other aspects? Is it looking at departmental processes? Can the Minister perhaps give us an idea of precisely what is being looked at and perhaps the composition, if there is a committee dealing with it to discuss ...? If it is a wide remit and it is a committee, can she give us some idea of who is on the committee in terms of not specific names but perhaps which Departments they are drawn from?

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785 **Hon. S J Sacramento:** Mr Speaker, yes, all that the hon. Gentleman has mentioned are issues that are being looked at in this case and in the wider way in which we work, because of course fundamentally the objective of the exercise we are doing is to protect victims of abuse, victims of violence and victims of domestic abuse, so it is part of a wider group. It is led by the team within the Ministry for Justice and it is a fluid arrangement as opposed to a committee looking at these particular circumstances. There will be consultation with stakeholders internally and externally as well. By stakeholders I mean the normal stakeholders that one would expect, in terms of the Police and prosecution and the process.

Hon. K Azopardi: Would the Minister keep in mind that obviously there was a big degree of public concern evidenced not least by the demonstration that was held just shortly after the outcome of that matter? And would the Minister keep in mind that degree of public debate that there was in terms of ensuring that ...? I am sure the Minister does realise that it is important for the review committee and that process to carry on its work to reach a comprehensive outcome, obviously, in terms of the results of its recommendations and to do its work properly, but of course to do so also in a way that is not too extended and that the outcomes of the investigation and review are done as quickly as possible so that if there are going to be improvements to processes or legislation that are the results of the inquiry, then clearly it should be done as soon as possible to deal with those matters.

Hon. Miss S J Sacramento: Mr Speaker, of course I am alive to representations that have been made.

What I can say in terms of comfort, if there can be some, is that the incident is historic in that it took place a number of years ago and there has been a lot of progress in that field and there has been a lot of development in that field since then.

Q29-30/2022

National Disability Strategy and Autism Pathway – Finalising and publication

Clerk: Question 29/2022. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, can the Government confirm when the National Disability Strategy will be finalised and whether this will be published?

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, I will answer this question together with Question 30.

Clerk: Question 30/2022. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, can the Government confirm when the Autism Pathway will be finalised and whether this will be published?

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

Hon. Miss S J Sacramento: Mr Speaker, significant work has already been undertaken on progressing disability, and within that autism, at a strategic level. The strategy is delivered at operational level by the key stakeholder Departments. Learning disability and autism pathways have already been further developed under the National Mental Health strategy that was published last year. Work is also being undertaken to have documented strategies and these will be published when ready.

Hon. K Azopardi: Mr Speaker, so I am understanding the answer, is the Minister saying that there is going to be a National Disability Strategy under which there are different elements, one of which is the Autism 'Pathway', for want of a better word? That Autism Pathway – there is going to be an improved, republished version – is that what she is saying?

Hon. Miss S J Sacramento: Mr Speaker, when we talk about issues such as learning disabilities and autism, there is an overlap between the strategic way we deal with things and the operational way we deal with things, and there is a massive overlap with mental health.

835 The hon. Gentleman will be aware that last year I published a document which was the National
Mental Health Strategy for Gibraltar. It looks something like this. If it helps the hon. Gentleman, I
am happy to furnish him with a copy if he does not have one. Obviously, before this document we
have had strategic documents and strategic working groups as we work on these things, but now
840 we have this document. I am working on a document for disability which will be very similar to
this one, but of course it will have an overlap with health and with mental health, and for that
reason a lot of this work is already undertaken under the auspices of this document and a lot of
the workstreams and working groups are already formally established as part of the Gibraltar
Mental Health Strategy because of the overlap, and then those are groups that already existed,
some more informally than others, before this document was published.

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Hon. K Azopardi: I am grateful for that. The hon. Lady did give me a copy of the Mental Health Strategy last year, so she does not need to ... But I am not sure she answered my question. Maybe I should just put it again. My question was whether the Autism Pathway is going to be republished. That was my specific question.

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While I am on my feet, can she perhaps give us an indication of when she would expect the National Disability Strategy to be published, bearing in mind that, as I understand it, the Government first started work on this back in maybe 2014? There is a reference to an Autism Pathway in the 2014-15 Health Report, when the Hon. Prof. Cortes was the Minister involved, and so it has been, I suppose, a while in brewing, and my question is: assuming this is dovetailed with
855 the work on the National Disability Strategy, which again presumably is not an easy document to draft but has been worked on for some time, can she give us an idea of when it is likely that she thinks she will publish such a document?

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Hon. Miss S J Sacramento: Mr Speaker, let me clarify. The hon. Gentleman has made reference to a statement I made in 2014. I can assure him that the work on the strategic development when it comes to disability started very much in 2011, because that was obviously the ambition when we started, and a lot of work has gone into that already and strategies exist. The majority of the strategies that we have are, of course, internal, but they have always been applied. Strategies in this field obviously are very live, and as things develop and progress and we learn more, then we
865 work on what we have.

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He is right that some years ago there was a specific focus on autism. The intention of that was because of the number of people who were affected by autism, and because it was such a large number it would have been part of the wider Disability Strategy. But things like introducing the Disability Act as part of the Disability Strategy, the improvements that we make in Departments,
870 in service delivery, in training, all that is part of the Disability Strategy.

What I want to do now is, having been very alive, I think, to the success of having a written National Mental Health Strategy in this document ... I am very happy with this document and the outcomes that we have had in the work that we have undertaken here since we published it. I want to do something very similar for disability.

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The Autism Pathway that he refers to will be developed under that strategy, but a lot of work when it comes to autism, particularly the mental health and the health aspects of autism, are captured by this. But not all the needs of people who are on the autism spectrum are health needs, there are also social needs, and that will be clearer in the new document. The document, of course, is multi-agency, and whereas the Disability Strategy will be centralised in the Ministry for
880 Equality – because that is the pivot for the Government, so that is where all disability roads lead to on a strategic basis and a policy development basis – obviously we will have a lot of interagency work in relation to that because we have to involve the Director of Public Health as well as the Health and Social Services providers of the strategy.

Mr Speaker: The Hon. Damon Bossino.

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Hon. D J Bossino: I am grateful, Mr Speaker.

May I ask the Minister on an issue in terms of the administration of this strategy? (*Interjection by Hon. Miss S M Sacramento*) Sorry, how this is going to be administered. The basic question is: is it her office or is it – I want to get the name right – the National Special Needs and Disability ...
890 No, sorry, excuse me, that is not the one ... the Special Needs Co-ordination and Liaison Office. As I understand it, that office – and I know the individual who leads it – works from No. 6, and in fact it was going to be done from No. 6. So is it No. 6 and that particular office, or is it her Department that is going to be leading on the Disability Strategy?

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Hon. Miss S J Sacramento: Mr Speaker, I am, of course, the Minister with the constitutional responsibility for disability. When I undertake these functions, obviously I will consult with clinical professionals and there are also public servants who are engaged as part of the whole umbrella.

As the Minister for Disability, when it comes to this, it is my responsibility to discharge these functions and of course I will involve different people within the public sector as well as the private sector and the voluntary sector along the way. But as this is my responsibility as Minister for Equality, it will be delivered by the Ministry for Equality in the same way that when we delivered the Mental Health Strategy it was delivered at the time by the Minister for Health because it is a national strategy for the Government. The Government will, of course, consult anyone we need to consult as part of that, and different individuals will report to me along the way.

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Hon. D J Bossino: With respect to that – maybe there has been a change, and if there has been a change I would ask her to confirm that position – the position in Government press releases was ... This was, I think, the first press release on the subject; there have been two, as far as I know. The first one was dated 6th September and it very clearly states ‘The Special Needs Co-ordination and Liaison Office is responsible for ...’ There are three bullet points and the first one says ‘developing and implementing a National Special Needs and Disability Strategy for Gibraltar’. Is she now saying that that has changed and it is her office that is now leading on this issue?

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Chief Minister (Hon. F R Picardo): Mr Speaker, under the Constitution, when I have designated Ministers, all of the Ministers have the ability to run national programmes. National programmes are not just run by the Chief Minister, they are run by each Minister in their respective Departments. If the hon. Gentleman thinks that national programmes can only be run by the Chief Minister from No. 6 Convent Place, he has a misunderstanding of how the delegation of powers after the election happens in the way that Ministers take their powers from the Governor.

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Mr Speaker: I think we need to move on.

Hon. D J Bossino: This is a very important point.

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Mr Speaker: What point are you trying to make, please?

Hon. D J Bossino: It is simply whether there has been a change in the approach. It is very clearly stated that it is nothing to do with the Chief Minister and No. 6. It actually says there is a special office that has been set up. It so happens that it works from No. 6 Convent Place. It has a hifalutin name. It was said in the press release that this office, the Special Needs and Disability Co-ordination and Liaison Office, which operates from No. 6, was going to be leading on this strategy. We are now being told that it is now being led by the Minister and her office. All I am trying to establish is whether she admits and agrees that there has been a change in tack and policy.

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935 A further question to that is: what is the remit of this office, which was set up in September, according to her press release? What is it going to be doing from now on? Is it now no longer going to be responsible for the launching, seeing-to and conclusion of this particular strategy?

I think it is an important issue of public ... and nothing to do with what the Hon. Chief Minister, with all due respect to him, has replied in answer to my point.

940 **Hon. Chief Minister:** Well, Mr Speaker, I think the hon. Gentleman has completely misunderstood that point, because it goes exactly to what he has asked.

No. 6 Convent Place is not my office, it is the place in which I am based. No. 6 Convent Place is a Government office. It is also the office of the Deputy Chief Minister. The Minister with responsibility for financial stability has officers there who work to him and work to me, and so the fact that an office is based in No. 6 does not mean that it is not answerable to the other Minister who is also based in No. 6, because the Hon. Miss Sacramento has responsibility for civil contingencies and Civil Contingencies occupy all of the bottom right hand floor, as you go in, of No. 6 Convent Place.

950 I really do not understand what it is that the hon. Gentleman is saying, because the fact that somebody is at No. 6 and running a national plan does not mean they are running it for me; they could be running it for him, for the Deputy Chief Minister, or they could be running it for her because she is the Minister for Civil Contingencies and is at No. 6.

Mr Speaker, the hon. Gentleman has asked a question and we have given him the answer. He has now asked it again: has there, therefore been a change of tack? Answer: no, this is the same tack in the same office in the same direction. I genuinely believe that he is really pressing us and splitting hairs on an issue on which we should all be agreed, which is that we have set up an office which is doing the right thing. It is doing it from the heart of Government, answerable to the Minister with responsibility for these things, who has offices there in that office as well. On the substance of the issue, where we should be spending time, he is not asking us anything; he is just asking us where is it based. *(Interjection)* It beggars belief, Mr Speaker.

965 **Hon. Miss S J Sacramento:** Mr Speaker, as the Chief Minister has just said, I do not understand the splitting of hairs because of one individual. As I think I said earlier, when it comes to disability, because of my ... Mr Speaker, if the hon. Gentleman wants to listen to what I am saying *(Interjection)* he may be able to get to the bottom of the question he is asking.

Hon. D J Bossino: [inaudible] to ask.

970 **Hon. Miss S J Sacramento:** Mr Speaker, I will answer to you, and if the hon. Gentleman wants to listen to my answer then I welcome that he does. As I said earlier, constitutionally – *(Interjection)* Mr Speaker, constitutionally the Chief Minister has appointed me as the Minister with responsibility for disability. In that respect, anything in relation to policy or strategy of disability will have to report to me. There are different people within the Government and within the public sector who report to me on disability and they will report to me through the Ministry for Equality. I hope that answers the hon. Gentleman's question.

Mr Speaker: Next question.

Q31/2022

**Development plans –
Lack of cycle lanes and charging points**

Clerk: Question 31/2022. The Hon. Ms M D Hassan Nahon.

980 **Hon. Ms M D Hassan Nahon:** Why are we continuing to develop without cycling lanes and charging points being embedded in our development plans?

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

985 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, the Gibraltar Development Plan contains a policy on cycling routes, which aims to encourage cycling as a means of transport in Gibraltar by encouraging the provision of safe routes and facilities and requiring that new developments take account of the requirements of cyclists.

990 Furthermore, both cycling and the use of electric vehicles as environmentally friendly modes of transport are very much the policy of this Government and widely encouraged in various ways. The Town Planning (Development Control) Regulations 2019 include requirements for applications for planning permission to include scheduled numbers of both active and passive electric vehicle charging points. These policies and provisions are continuously being applied in all
995 planning applications where redevelopment is proposed either through pre-submission consultations and included in the submitted plans and planning statement for approval, or as planning conditions.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for her answer but this question
1000 is one that I have myself observed has not been adhered to – in terms of when the Minister says that these are embedded in the plans, it does not appear to be. Can I ask if we saw this in the new schools or in the schools that are being built? Can I ask if we are seeing it in the new projects? I myself and representatives of the cycling community are not seeing it, so I would just like an affirmation from her that these are being implemented in the future developments, and I want to
1005 ask why I am not seeing them in the schools that have been built recently.

Hon. Miss S J Sacramento: Mr Speaker, there are questions specifically relating to cycling and schools on the Order Paper later on and, with your leave, I would suggest that it may be better placed for the hon. Gentleman the Minister for Education to deal with those.

1010 On the generic question, in terms of cycling and electric charging points, I do not know but I have never seen more provision being made for cycling in Gibraltar than I have seen in recent years. Never have I seen more people on bicycles in Gibraltar. It is as simple as that, Mr Speaker. It is just that –

1015 **Hon. Miss S J Sacramento:** Mr Speaker, we have never had a Minister with that responsibility who is more active (*Interjections*) or committed to promoting that himself. That sends a message which is visible and which speaks volumes. You just have to look around. When there is a cycle lane, people complain that there is a cycle lane. But now we are being asked that there are no cycling lanes.

1020 The general thrust of the supplementary is whether we are going to do more. Well, of course we are going to do more because it is clear that everybody on this side of the House is very committed to an environmentally friendly Gibraltar, a green Gibraltar and a healthier Gibraltar, and encouraging the use of cycling ticks all those boxes so the answer to that is yes.

DEPUTY CHIEF MINISTER

Q90/2022

Civil aviation –
Post-Brexit changes envisaged

Clerk: Question 90/2022. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state what changes, if any, are envisaged in relation to civil aviation in a post-Brexit world?

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

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Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, any changes to civil aviation in a post-Brexit world will depend on whether a treaty is concluded on Gibraltar's relations with the EU and, assuming a treaty is agreed, on the terms specific to civil aviation.

In essence, the information contained in Press Release 687/2020 and the supporting Technical Notice (4) 'Getting ready for the end of the Transition Period – Aviation' remains current today.

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Hon. E J Phillips: I am grateful for the answer from the Deputy Chief Minister. I just want to explore that slightly more because obviously yesterday we had ... I am not encouraging further debate on the subject, but yesterday we heard much about the work being done by the Tourism Minister in relation to encouraging European airlines at least to use Gibraltar as a potential place to land passengers. Therefore, if on one hand the Government is encouraging that throughput to our jurisdiction it must, of course, be reviewing what the position might be from a civil aviation perspective, and whilst I appreciate everything the Deputy Chief Minister has said about the post-Brexit work and where the treaty will end up, has the Government looked at that whilst planning its Tourism Strategy?

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Hon. Deputy Chief Minister: Mr Speaker, obviously I understand the two are connected because without the ability to have a legal framework to allow the flights to happen, the flights cannot happen, but as the hon. Member heard yesterday, the Government is relatively optimistic about looking at a treaty between the UK and the EU on the future relationship of Gibraltar.

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As we already said, for there to be a change, aviation needs to be a part of the treaty, presumably in the transport section, and that then would trigger flights being able to operate between Gibraltar and the European Union.

The position at present is that, as the hon. Member knows, Gibraltar operates under the framework provided by the Chicago Convention. That allows flights to and from Gibraltar to overfly other signatory countries – in our case, Belgium, France and Spain – and it also allows for diversions to those countries in the event of bad weather or emergencies. That is the position today.

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The position in the EU was obviously the EU legal framework, from which I have to say we were suspended on different occasions for different periods of time from different parts of that *acquis*. What applies today is the Convention on International Civil Aviation – the Chicago Convention – and that may change if there is a treaty. We have the Convention, but there would be a specific treaty regulating flights to and from the European Union.

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Q91/2022

**Former GBC premises site –
Update re development options**

Clerk: Question 91/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Further to Written Question 46/2021, can the Government state whether it is any closer to requesting expressions of interest in the former GBC premises site and what its own preferred options are for development in that area?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, requests for expressions of interest in the site were published in February of this year after the answer to Written Question 46 but before this question was tabled. The Government is currently reviewing the four applications received.

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Proposed schemes must allow for a low-rise development and for a use compatible with the area, and include the provision for a minimum of 40 public car parking spaces and a green area.

Hon. D J Bossino: Mr Speaker, I am grateful for that answer. Is he able to advise of any progress since that expressions of interest was published?

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I do not know whether my hon. Friend here has a question in relation to the parking in the South Barrack Ramp areas and South Barracks, but is it the intention for those parking spaces that are going to be built – I know it is an issue for residents in the area – to replace those that are along that hill opposite GBC, if he knows what I mean? At the moment, there are seven parking spaces that have been lost as a result of, in effect, the pedestrianisation of South Barrack Ramp, and – this is my own calculation and my own counting, as I live in the area – there would be another loss of, depending how far it goes, between 24 and 31 car parking spaces. So are those 40 I think he mentioned meant to be replacing those, or will they be in addition to those parking spaces?

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I appreciate it is two questions I have asked him in this supplementary.

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Hon. Deputy Chief Minister: Mr Speaker, these are issues that I know my colleague the Minister for Transport, the Hon. Mr Balban, is looking at. They are not issues that I am directly concerned with in terms of the expression of interest and the use of the land. It is fair to say that no policy decision has been taken in that respect at the moment.

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Hon. D J Bossino: And in relation to the first supplementary I asked in that exchange, does he have an update as to how the expressions of interest are going and when he expects to be able to alight on a decision in relation to that?

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Hon. Deputy Chief Minister: Mr Speaker, there is not an immediate urgency. Let me explain why. First of all, because my understanding is that GBC still has some equipment in the area which they still use to relay the signal to different parts of Gibraltar; and secondly because there is also a Government tenant in one of the flats in that area who will move to one of the affordable homes when those homes are ready. So there is not an immediate urgency, but that aside, the Government has not had a chance yet to sit down and look at the different proposals that have been made.

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Hon. D J Bossino: He may not be in a position to tell me across the floor of the House, but do those proposals include, for example ...? I think one of the buildings – the brick building, as I call it – is listed, so it has to be protected, but I am not sure that the others are, so my question is... I know there is a 19th-century or perhaps early 20th-century building there. Is it proposed to

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sacrifice that building – the Minister for Heritage is shaking his head – as part of the construction and development of that area?

1115 **Hon. Deputy Chief Minister:** Mr Speaker, I think it is fair to say that these would be planning questions for the Development and Planning Commission to address from their own perspective. From the point of view of the Government, the advert makes it clear that planning and heritage considerations would need to be respected.

1120 In terms of the areas used for clubs and associations at the moment, which I think includes the area that he refers to, there is the option for developers to be able to relocate the entities that are there at the moment and fund their relocation, or to temporarily relocate them somewhere else and then bring them back to the area when the development is complete. So, in answer to the question, in short, it really would be a heritage and a planning issue [inaudible] in terms of what they seek to preserve or not preserve from that area.

1125 **Hon. D J Bossino:** By way of assistance, Mr Speaker, we may not be focusing on the same building. I am thinking more about ... If I can explain it better, it may actually be attached to what is currently the GBC building, so if you are on the road and looking ... Do hon. Members know which one I mean? It is stated on the archway. If you are looking at it, you have La Morna on the left and then the next one up is this one. I am not going to mention names of the neighbours I know who used to and I think still live there, but I think the hon. Member knows which building I am talking about. Is it the Government's policy to protect that building, or not? I know it is not protected by way of legislation.

1135 **Hon. Deputy Chief Minister:** Mr Speaker, my colleague the Minister for Heritage helpfully tells me those are known as recreation rooms.

1140 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** That is on the other side. I think he means up the hill from [inaudible].

1145 **Hon. Deputy Chief Minister:** Okay, above the [inaudible] In terms of what we preserve or do not preserve, I think fundamentally that would be a planning issue and really would be a matter for the Development and Planning Commission and the experts in the different areas that sit on that body.

1145 **Mr Speaker:** Next question.

Q92/2022
Gibraltar National Archives –
Update re new premises

Clerk: Question 92/2022. The Hon. D J Bossino.

1150 **Hon. D J Bossino:** Further to Written Question 47/2021, please provide an update with regard to the new premises for the housing of the Gibraltar National Archives.

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

1155 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government has earmarked Duke of Kent House as the new premises for the Gibraltar National Archives.

Hon. D J Bossino: Yes, Mr Speaker, in fact that was identified in their manifesto at the time as a possibility, so I am glad to hear that that has now been decided upon. I am sure the staff at the National Archives will be very happy with that announcement.

1160 When does he expect those premises are going to be kitted out, and when does he expect that the National Archives will be able to move in? I think in his answer he was talking about 'soon' as to an announcement. He is now making an announcement, but I would ask him, if I may, to state when he expects it will become a reality.

1165 **Hon. Deputy Chief Minister:** Mr Speaker, a preliminary feasibility study has already been carried out and concept designs have been produced. The next step will be to produce the detailed costings. Obviously, as with everything else, this will need to be fitted into the Government's budgets in any financial year. We will need to determine how to spread the cost of the funding of the project, but there is a feasibility study already produced, concept designs are produced and
1170 we are waiting for the detailed costings.

Hon. D J Bossino: Am I able to take from that reply that it is unlikely to be in this financial year or, indeed, on this side of a general election? Are we looking more into the future as to when he thinks that is going to materialise?

1175 **Hon. Deputy Chief Minister:** Mr Speaker, it is not possible, really, to say at this moment, but the hon. Member has an advance secret copy of the Estimates of Government Expenditure which may throw some light on that question.

1180 **Mr Speaker:** Next question.

Hon. K Azopardi: May I ask, please, just a quick supplementary on this? The Government is satisfied, I assume from the indication the Deputy Chief Minister has given us, that the building is big enough for the archives and that it will be secure enough. Obviously, at the moment they are within the courtyard of the Convent, therefore secure. Can he give us an insight on the kind of security the archives would have at Duke of Kent House, given the importance of the National Archives?

1190 **Hon. Deputy Chief Minister:** Mr Speaker, the Government does not intend to move all the storage that the Archives have to the new premises. It would be a front-facing area for research, students, visitors and exhibitions, that kind of facility. Also, there is now a considerable amount of information that the Archives does put online automatically, which means that the original files no longer need to be on display for researchers to access – they can do so online.

1195 **Mr Speaker:** Next question.

Q93/2022

St Andrew's Church, Town Range – Developments

Clerk: Question 93/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state whether the Government is aware of any developments with regard to St Andrew's Church at Town Range; and, if so, what these are.

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, no, neither the Office of the Deputy Chief Minister or the Lands Office are not aware of any developments with regard to St Andrew's Church at Town Range.

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Hon. D J Bossino: Mr Speaker, if it is of assistance, I am happy to speak to him later on, but I have heard ... I do not know whether he has – perhaps that is a formal answer – but I have heard that the Church of Scotland may be leaving that church. I think there is a formal process that would need to be undergone if that were to be case. I have that on relatively good authority, but he has answered the question.

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There is a relevant point that arises. As I understand it, but I stand to be corrected, that particular building is not a listed building in the ... It is? Okay, it is a listed building so that's the answer from my hon. Friend Mr Clinton. I had a quick look at the schedule and I did not see it, but at least it is going to be protected, so I have no questions, Mr Speaker, on that point. *(Interjection)* Well, he has heard what I have heard, that is all, but is it just his formal position or has he heard whether there is any intention to do away or deal with that building?

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Hon. Deputy Chief Minister: Mr Speaker, the hon. Member will know that we do not operate on rumours, certainly neither the Government nor myself do, so I really cannot answer the question except to say that my office is not aware of it. I do not know whether they have engaged with other parts of the Government, but after receiving the question and drafting the answer I also made a point of asking Land Property Services to see whether they had heard anything about it as the Government's land and property agents, and they too had not heard anything.

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Hon. K Azopardi: To the extent that it transpires that the presence of those people operating St Andrew's Church and administering it is diminished, does the Government accept that it is an important heritage asset and it would take an interest in ensuring that the property is preserved?

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Hon. Deputy Chief Minister: Mr Speaker, as the hon. Member will know, the question is hypothetical and there is really nothing more that we can say on this particular subject until something more concrete materialises.

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Q94/2022
Northern Defences –
Refurbishment programme and future management plans

Clerk: Question 94/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update with regard to the Northern Defences refurbishment programme, especially in regard to future management plans and likely private sector parties involved.

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, works at the Northern Defences have continued unabated with significant improvements to infrastructure by AquaGib being the focus this last year.

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With regard to future private sector management, Government has engaged with one of various companies that expressed an interest in providing and managing activities in the area and those discussions are now ongoing.

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1250 **Hon. D J Bossino:** Mr Speaker, is this one of the three I think he mentioned in reply to my question on 30th October on the same subject? I ask him to confirm that. He is nodding his head. And can he give more detail in relation to that particular project and what it is likely to entail, and more particulars than he has just given us across the floor of the House?

1255 **Hon. Deputy Chief Minister:** Mr Speaker, on the activities being looked at I will probably give more details at the time of the Budget debate, but at the moment it is things like rock climbing, abseiling, zip-lining and also historical heritage tours as a separate activity for those who are interested in undertaking it.

Q95/2022
Victualling Yard –
Number of expressions of interest received

Clerk: Question 95/2022. The Hon. K Azopardi.

1260 **Hon. K Azopardi:** Mr Speaker, how many expressions of interest have been received in respect of the Victualling Yard?

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

1265 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, there have been five expressions of interest received in respect of the Victualling Yard.

Hon. K Azopardi: Can the Minister give us an idea of the breadth of options that form part of the expression of interest process, the current consideration process and the likely timescale for the conclusion of that process?

1270 **Hon. Deputy Chief Minister:** Mr Speaker, I am reluctant to give too much detail because Government has not yet considered the proposals in detail, but I can confirm that they are for different types of storage, and there are other more altruistically inclined uses proposed as well. The Government really has not had time to consider this in depth as yet.

1275 **Hon. K Azopardi:** And the question I asked about the likely timescale for consideration?

1280 **Hon. Deputy Chief Minister:** I think, Mr Speaker, we would be looking probably at some time after the summer. We expect that if there is a treaty between the UK and the EU on the future relationship with Gibraltar it would release a huge amount of time on the part of Government Ministers and officials, who will then have time to deal with other issues of this nature. We are trying to combine the two, but I would expect realistically it would be after the summer.

Mr Speaker: Mr Isola will commence with some –

1285 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I thought it might be a convenient moment, just before Mr Isola starts, to offer the whole House a short comfort break of 15 minutes, so that we could start at quarter to six.

Mr Speaker: The House will recess for 15 minutes and return at quarter to six.

The House recessed at 5.30 p.m. and resumed its sitting at 5.46 p.m.

Procedural

1290 **Mr Speaker:** Minister Isola will commence with some of his unanswered questions from the September meeting, starting with Question 232.

Whilst I say these few words, I would like to remind everybody that if any hon. Member wishes to speak he should signal this to the Speaker and we can go ahead and allow Ministers to speak or I will ask Members to speak.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q232/2021

**PCC/GHA telephone appointment system –
Plans for overhaul**

1295 **Clerk:** Question 232/2021. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what plans it has to overhaul the PCC/GHA telephone appointment system?

1300 **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 GHA is in the process of updating its telephone system by implementing an improved call flow process that will redirect callers to the exact service they require. This will cover not only appointments but also other publicly available services.

In addition to this, I am pleased to announce that we will shortly be introducing an online doctor appointment system, available through the Government's gov.gi portal. This new service will introduce various online GP consultations, including online repeat prescriptions. Access to the existing MyGHA automated telephone booking service will continue.

1310 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer. It is the one question, in my respectful view, the one issue in this community that has blocked every single one of my social media feeds. People in this community are deeply frustrated with it and I am sure the Minister understands that – he must receive numerous complaints about the system and how it works.

1315 Can he assure this House, and members of the public – who, on a daily basis, are either thrown of the line, cut off the line or have to wait for hours upon hours for appointments and contact just to see a doctor – that this new system that he speaks about today will solve the systemic problem with our appointment system?

1320 **Hon. A J Isola:** Mr Speaker, I agree and I think that one of the first things I did upon being given responsibility for the GHA was to engage with the Director General in considering options, although I had previously been instructed by the Chief Minister to begin work on an online booking system – which we are ready to go with – which would also provide some support to improving generally the appointment system, which I hope to deliver very shortly.

1325 I accept the hon. Member's comments and I agree with them, and I am doing as much as I possibly can to get it fixed as quickly as I possibly can.

Q233/2021

**Cancelled operations –
Categorised and reasons for cancellation**

Clerk: Question 233/2021. The Hon. E J Phillips.

1330 **Hon. E J Phillips:** Mr Speaker, can the Government state how many GHA and non-GHA operations have been cancelled over the last three months, broken into category and reasons for cancellation?

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

1335 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, at the time, the GHA had cancelled 27 operations in the previous three full months. The reasons for the cancellations included emergency surgeries taking priority and critical care beds not being available post operations due to COVID patients being admitted. Additionally, 27 have been cancelled as a result of patients not attending, patients being unwell on the day of the
1340 procedure, surgeon's clinical decision on the day, or as a result of having contracted or isolating due to COVID.

Hon. E J Phillips: I am grateful, Mr Speaker. I should say, and this is not a question but there are numerous questions that follow this for this session or this particular year that will update
1345 them. These figures relate from the date when I asked the question, so I do not think there is any purpose in me continuing to ask this line of question when there are other questions on the Order Paper that address these issues as well.

Mr Speaker: I am grateful for that.

Q234/2021

**Provision of MRI scanning services –
Location re incorporation of commercial entity**

1350 **Clerk:** Question 234/2021. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state that the commercial entity that applied to use premises at Europort for the purposes of providing MRI scanning services to the GHA is incorporated in Belize?
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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, there is no further information other than as provided in answer to
1360 Question 43/2021.

Hon. E J Phillips: Mr Speaker, as the Hon. Minister knows, the name of the commercial entity is, I believe, AC Ltd, which has applied for planning consent to use particular premises in the Europort complex and which might actually extend to Atlantic Suites, as far as I understand. It is understood that that application relates to the provision of MRI scanning services and we have
1365 debated in this House the extent to which the Government will either provide those services itself

through the GHA or whether this will be dealt with by someone with a commercial interest in providing those services.

1370 Does the Government know who this company is, given the fact that it will be offering a significant medical service to our community? And has the Government done the necessary due diligence to establish the status of this company and its experience in providing specialist MRI services?

1375 **Hon. A J Isola:** Mr Speaker, there are two other questions on the Order Paper today – this is actually one from last September – which deal with the same application.

The position is the same as the last time we discussed it because there is no discussion, no engagement, no agreement, no talk, not even a negotiation with this company in respect of MRI between the GHA and that firm.

1380 If there has been an application for planning, that is one thing. I can make an application to the DPC for planning to build a house on top of his house; it does not mean I have permission to do it from the landlord or the owner. This is exactly the same. If somebody submits a planning application ... They can submit a planning application for whatever they like, but they have not engaged with the GHA, there is no discussion, and I can tell the hon. Member that we are not talking to anyone about providing MRI services in Europort or Atlantic Suites. Does that help?

1385 **Hon. E J Phillips:** I am grateful for that answer and that is clear. So it does appear – and the first part of the question is – that this is purely a speculative application by a commercial entity that suggests that it might offer MRI services to the community at large, but what is clear from the answer is the GHA have not been engaged in discussions.

1390 Just one question I think the community committee would benefit from further learning on is whether or not the Government continues to be committed to providing that MRI service to our community, given the fact that over 3,000 scans are ordered through Spanish providers currently, and whether the Government is considering providing that service domestically rather than sending our patients over to Spain to have that service dealt with.

1395 **Hon. A J Isola:** Mr Speaker, anything that enables us to provide better services here for less money is absolutely on our list, as you will be hearing from answers to other questions later on in this session. You will hear about the GHA review to be conducted by the Director General, which is in process, and I certainly expect to see this as one of the key priorities in respect of having provision for that in Gibraltar, ideally with a private contractor providing it for us.

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Mr Speaker: Next question.

**Q235/2021 –
Provision of MRI scanning services –
Commercial rationale –
Question withdrawn**

1405 **Hon. E J Phillips:** Mr Speaker, I will withdraw that question because I think it has clearly been answered by the previous answer by the Minister. It explains the commercial rationale, so there is no point in asking it.

Q246-47/2021

**Suspended social workers –
Number suspended, whether paid, duration of and reasons for suspension**

Clerk: Question 246/2021. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Of the social workers currently suspended, how many of them are on full pay?

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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 247.

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Clerk: Question 247/2021. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government provide a list of how many social workers are currently suspended, giving details of how long they have been suspended for and what the reason for their suspension is?

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

Hon. A J Isola: Mr Speaker, there is currently one senior social worker suspended on full pay since 14th May 2020, interdicted on allegations of malpractice.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I am glad to hear that there is only one, from his information, currently suspended, but should there be more? And even in the case of that one candidate who is suspended, how does the service act to mitigate the void they leave in terms of the continuity and effect it might have on the vulnerable and children? Does the service immediately employ a substitute, or are there gaps that then perhaps leave the service a little weaker?

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Hon. A J Isola: Mr Speaker, the managers obviously will cater for the person who is not there – with some difficulty, but they do – as they would if somebody is on leave or away from being able to carry out the work through illness or whatever. The service will certainly not suffer. There will be people covering, getting overtime and things like that, but the service will continue to be provided.

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

Can I just ask ...? It seems from the Minister's information that there is somebody who has been suspended for two years now on a senior scale. Obviously this is costing the taxpayer, and therefore I would like to ask what the prognosis is in terms of the suspension. Are we waiting for a tribunal or some kind of conflict resolution? How much more will it cost the taxpayer and for how long?

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Hon. A J Isola: Mr Speaker, the disciplinary procedure is being managed by the central Human Resources department. I do not have details of by when they will be finished. I understand there are lawyers involved and legal advice is being sought in respect of a particular matter, which may delay things, but I do not have any information other than that.

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Mr Speaker: The Hon. Elliott Phillips.

1455 **Hon. E J Phillips:** Mr Speaker, I am grateful for the ability to ask just one question on the hon. Lady's question. Just so that we are clear, this relates to suspension of this particular individual as of September 2021 when the question was put before the Minister. Does the Minister have any information relating to any ...? 2020, (*Interjection*) apologies. Insofar as the suspension as it currently stood, as of 2021 – I should probably correct that – does the Minister have any information as to whether that has moved on insofar as the number of social workers who might be currently suspended?

1460 **Hon. A J Isola:** No, Mr Speaker, the information will be accurate as at today, so it is the same person from 14th May 2020 who is still interdicted now.

Mr Speaker: Next question.

Q248/2021
Bruce's Farm –
Replacement of drug-addiction specialist doctors

1465 **Clerk:** Question 248/2021. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: When will the Care Agency be replacing the two doctors with drug addiction speciality who left Bruce's Farm in the last year?

1470 **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 Care Agency does not have, and never has had, doctors at Bruce's Farm. A doctor previously employed at the GHA as a GP took on a different role as the Head of Drugs Service, a policy role, so no longer a GP for the purposes of that job. Another GP was seconded from the GHA to Bruce's Farm.

1475 Bruce's Farm is a therapeutic recovery facility and it does not require an onsite doctor. Medical and nursing support continues to be provided by the GHA in the same way as has been done previously.

1480 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister for his answer and I apologise for my mistake in terms of deeming them from the Care Agency when they are from the GHA, as indeed is correct, but I have to ask him why he believes that a drug rehabilitation centre does not need a specialist doctor to deal with the patients when it did until they left. I understand there were two. Why would they have been required then but they are not required now, when clearly I think any objective onlooker would think that a doctor with a speciality in this field would be very much needed and welcome in a rehab centre?

1485 **Hon. A J Isola:** Mr Speaker, if that is what the professionals tell us, then that would happen, but obviously it is not. The individual who was there, to be clear, was a doctor but went there to work not as a doctor but as a policy boss. That is what my answer says: 'A doctor previously employed at the GHA as a GP took on a different role as the Head of Drugs Service,' – so he was a doctor as the Head of Drugs Service – 'a policy role, so no longer a GP for the purposes of that job.' So he was not carrying out a job as a doctor at Bruce's Farm, even though he was a doctor.

1490 Does that make sense to you?

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Hon. E J Phillips: Just to confirm, I believe this was Dr Taylor. Is that correct? My understanding was that the Government ... I see the hon. Gentleman is nodding his head. I just wondered because I think there was a doctor dedicated for a period of time at Bruce's Farm, as far as I understand.

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Chief Minister (Hon. F R Picardo): Don't give his name.

Hon. E J Phillips: Oh, right, okay. Mr Speaker, I believe that there was a doctor at the time who was dedicated at least one day a week to Bruce's Farm for medical care, not in relation to policy. I think it was the decision of the Government at the time, to engage with a specialist addiction qualified GP to provide medical services one day a week at Bruce's Farm. Is it right, then, that that policy decision to engage a specialist addiction doctor for one day a week has now changed or reversed?

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Hon. A J Isola: Mr Speaker, from the information I have in front of me there has been no change of policy, but there is nobody based there, which is what the question was asking. The GHA provides medical care at Bruce's Farm on a regular basis, yes, but there is nobody based there, which is where the original question came from. In fact, I said in my answer another GP was seconded from the GHA to provide that to Bruce's Farm.

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Mr Speaker: Next question.

**Q249/2021
Bruce's Farm –
Aftercare programme**

Clerk: Question 249/2021. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What aftercare programme is available when patients leave Bruce's Farm?

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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, all service users leaving Bruce's Farm residential services enter a community support based programme that is provided by the Care Agency to continue to assist them in maintaining sobriety. All service users are offered and subsequently provided with one-to-one individual appointments with the Care Agency's in-house Therapeutic Team counsellors. Community support sessions are then clinically monitored, based on each individual client assessment as per specific client needs, and continue to be offered until necessary. In addition, the Care Agency team also provides two weekly evening group support sessions, also held in the community, which clients are furthermore invited to attend as part of their continued support.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his answer. I would just like to let him know that I get a lot of representations from ex-patients of Bruce's Farm who come telling me that they really do not feel like there is a system that cares for them or rehabilitates them after Bruce's Farm, so I would like to ask him whether perhaps he would value this point and maybe improve communications, or even the effort, to ensure that patients have a pathway to go on after Bruce's Farm. I can assure him that there are many who do not know where to go, so there must be some kind of gap in the system once they leave.

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1545 **Hon. A J Isola:** Mr Speaker, I would be happy to have that information, which I can pass on to ensure that there is no break in communication. The services are there, are being offered and are available and I would urge them to approach the Agency and ensure that they have access to them, as they should.

1550 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, I have just been made aware of a *Gibraltar Chronicle* article from 31st May 2018 which advertises the doctor with specialism in addiction who had been recruited to help with recovery from substance and alcohol addiction, at Bruce's Farm. So I ask the Minister again whether we have, as he says, not lost a doctor as such in medical care but only in policy, when this article clearly states that a doctor was engaged in order to help with the medical side of rehabilitation at Bruce's Farm.

1555 **Hon. A J Isola:** Mr Speaker, I have not seen that article of 2018. I do not even know if that job was filled – whether it was filled or not would be interesting – but also, of course, whether it was permanently based at Bruce's Farm or not, which is where the question was aimed. I am telling the hon. Lady that of course the services are provided to Bruce's Farm, even if they are not permanently there.

1560 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I never implied that any doctor was based, residing or engaged at Bruce's Farm. I was asking about an employee at Bruce's Farm dealing with the medical side of rehabilitating patients, for which, if I may correct him, I think I heard him say that I said there was an advert. It is not an advert, it is an article, a press conference by the GHA revealing the doctor who was engaged to be medically helping patients at Bruce's Farm as from 1565 2018, so this is my question.

1570 **Hon. A J Isola:** Mr Speaker, I think what the hon. Lady is saying and reporting from that article is precisely the answer I have given in my very first answer, which is that Bruce's Farm is cared for by the GHA and provided with all the medical services that Bruce's Farm needs from the GHA. That is precisely what my answer said and what she has confirmed through that article from 2018.

Hon. Ms M D Hassan Nahon: Mr Speaker, in the article it says:

Of course, as a community medical service we really need to concentrate on some perhaps in those sectors of our community that struggle to access our services more easily, or perhaps sections of our community who may just not seek the care of a GP, so this is where Dr [X] comes in.

1575 Obviously the Government is hailing the speciality of a doctor who is not just a GP, which is why I questioned the Minister on having an expert with a speciality and not just a GP. I reiterate the question: are we going to replace the gap that we have now without this specialist doctor?

1580 **Hon. A J Isola:** Mr Speaker, I think we are talking at cross-purposes, because we are both saying the same thing. What I have explained to the hon. Lady is that that specialist was engaged by the GHA with the skills set that he requires to be able to work at Bruce's Farm and provide the residents of Bruce's Farm with the care they need. That was the position then and it is the position today; there is no change.

Mr Speaker: Next question.

Q96/2022

**Special needs dental patients –
Allotted days in operating theatre**

Clerk: Question 96/2022. The Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, is it Government's intention to set aside allotted days for dental interventions at an operating theatre for individuals with special needs who, for a variety of reasons, may require this to be done under general anaesthetic?

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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 no regular date/time allocated to special needs dental theatre sessions. The waiting list of 20 patients is the shortest of all patients requiring general anaesthetic. Theatre sessions are allocated according to workload. Since the end of March 2022, eight theatre sessions have been offered for this specific cohort of patients.

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

So, if, since March, eight have been attended to, how many are still waiting and for what length of time have they been waiting? Does the Minister have that data?

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Hon. A J Isola: Mr Speaker, I have the numbers that he has asked me for and not the numbers he has not asked me for, but I can tell him that it is the intention of the GHA to prioritise the allocation of these lists and create a waiting list – I cannot tell him the numbers on them – within the next three months.

1610

Hon. E J Reyes: And, if I am interpreting the Minister correctly, this will be done as they are able to slot them in according to demands on the theatre, rather than setting aside a particular day in the week or month, or whatever, just to tackle exclusively those with special needs?

1615

Hon. A J Isola: Mr Speaker, as I said in my answer, theatre sessions are allocated according to workload, so it is not that they set aside a morning every Wednesday or every Tuesday, it is dependent on workload whether they can fit them in and then make the arrangements, and then the theatre is made available with all the support.

1620

Hon. D J Bossino: Mr Speaker, he has explained what the current state of play is. Could I ask him to consider what my hon. Friend was suggesting, to do what currently is not done and have a dedicated window where special needs children in particular can be attended to? Some of them require fillings, for example. You and I can go without a problem and we do not need to go under a general anaesthetic, but these children need to go under a general anaesthetic and it becomes an issue and a problem if you have to wait two or three months for that particular molar to be attended to because obviously it is going to cause pain and discomfort for the child. For example, if you are within the spectrum and non-verbal, you cannot express what is wrong with you, you cannot even point out where you have pain, so if something like that could be looked at ... I would appreciate it if the Minister could attend to that and give a special window for these special needs children to be attended to.

1625

1630

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, if I may, this is precisely the kind of thing we are looking at as part of the Disability Strategy. Dentistry, which is something that affects children with learning disabilities, particularly if they are non-verbal, is something we are very alive to. In my capacity as

Minister for Equality these are discussions I have already had with the GHA and it is something we are actively working on already, so the hon. Gentleman can rest assured that this is being looked at.

1635

Mr Speaker: Next question.

Q97/2022

**Schoolchildren referred to Mental Health and Child Protection Services –
Numbers in current academic year**

Clerk: Question 97/2022. The Hon. E J Reyes.

1640 **Hon. E J Reyes:** Can Government provide statistics in respect of the number of schoolchildren, broken down by ages, who have been referred to (a) Mental Health Services and (b) Child Protection Services since the start of the present academic year?

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

1645 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, GHA records show that referrals to the Mental Health Services since the start of the present academic year are as follows: four to 12 years, 37 referrals; 13 to 18 years, 75 referrals.

Care Agency records show that referrals to Child Protection Services since the start of the present academic year are as follows: four to 12 years, 196 referrals; 13 to 18 years, 110 referrals.

1650

1655 **Hon. K Azopardi:** Mr Speaker, can the Minister help us by giving us a broad idea of the nature of the referrals, both in terms of Mental Health Services and Child Protection Services? For example, for mental health does he have a breakdown of things like depression or anxiety, or other issues that perhaps ... social media bullying, things like that? Is there some kind of similar breakdown in terms of Child Protection Services, in terms of generic type of referral; and, if not, could he obtain it perhaps?

1660 **Hon. A J Isola:** Mr Speaker, I do not, and I think, from looking at supplementary information being handed to me, it would be dangerous to seek to assimilate where the majorities are, because they are all very different and I would not be inclined to try to put them together and generalise in terms of what the main cause or the main reason is.

1665 **Hon. K Azopardi:** In terms of the numbers, can I just ask: has the Government been collating similar statistics going back a few years? If so, how does it compare? If not, at first sight of the numbers does the Minister agree that it looks like a significant number of referrals either before Mental Health or Child Protection? Is this something that perhaps the Government would want to take specialist advice on, to see whether there are issues in terms of dealing with it not just in terms of referral, because by the time there has been a referral for mental health or child protection there has been a consequence?

1670 There may be things that cannot be dealt with because they are the product of issues which cannot be prevented, but to the extent that there may be things on this list where the children might benefit from having more counselling services or more child psychology services or other expertise, would the Government, and the Minister in particular, want to discuss that, given the statistics he has talked about just now?

1675

1680 **Hon. A J Isola:** Mr Speaker, in respect of the child protection, the average numbers in previous years are between 350 and 380 per academic year. I think we are up to 306 with a couple of months to go before the end of the year, so I do not think they are as high as they look at first blush – because I had the same inkling when I saw the numbers. In terms of the referrals from the GHA Mental Health Services, similarly I do not actually have the detail but they have mentioned that they are similar.

1685 With respect to how we deal with this moving forward, as my hon. Friend has told me, this does form part of the Disability and Mental Health Strategy, which we will be focusing on as well to look at the numbers to see if there is any underlying cause or reason that should be addressed.

1690 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer. I share the Leader of the Opposition's concern and I note that at first blush the concern was shared by the Minister as to the numbers, but we are talking about one child for every day of the school term who is referred for either child protection or mental health issues. I can understand that he says this is a similar pattern to previous years, but given the size of our population, doesn't that give him cause for concern as to the underlying issues and how we should be solving them? For me, the figure ... despite whether it has been the same in 2022 as 2019, there is clearly a serious issue that one child for every day of the academic year is referred for child protection or mental health issues. Would the Minister care to comment on that further?

1695 **Hon. A J Isola:** Mr Speaker, yes, of course, whatever the number it would merit consideration and thought, and that is why I think the work of the Mental Health Strategy is important, because it does need to be looked at.

1700 I did look at the numbers and I thought my gosh, those are high. I cannot compare it with any other jurisdiction or country because I have not seen the numbers broken down proportionally to the size of population, so I do not know if they are higher or lower than any other country or jurisdiction – but frankly, who cares? We need to look after our own and look at our own numbers. I am confident that that is happening and we will get to it to find what it is, and if we can do anything better to reduce that number, the more the better, obviously.

1705 **Mr Speaker:** Next question.

Q98/2022
Street lights –
Why on in daytime

Clerk: Question 98/2022. The Hon. E J Phillips.

1710 **Hon. E J Phillips:** Mr Speaker, now for something completely different. Can the Government state why street lamps appear to remain on throughout the day?

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

1715 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, GEA street lighting circuits are controlled by photocells. These photocells switch the street lighting circuits on as natural light starts to fade and turn them off during the day when natural light levels increase. If there are circuits which remain on, this is generally because there could be a failure of such photocells. Once the Electricity Authority is aware of such faults, these are actioned and the fault is duly rectified.

Q99/2022
Diesel skid generators –
Whether operational

1720 **Clerk:** Question 99/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether the diesel skid generators are still operational?

1725 **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 diesel skid generators are still providing operational support while the fine-tuning of the new power station continues. New power stations are complex projects and not off the shelf. They need to be adapted to the grid systems in which they operate. The GEA is, however, actively pursuing the reduction of these operations in the near future as the fine-tuning of the new engines progresses positively.

1735 **Hon. E J Phillips:** Mr Speaker, obviously I ask this question because of the statements that have been made in this House previously about dirty, grimy stations and I think it is right to point out that we are still using an element of that for support, as the Minister has said. Is there a view by him as to when we will rely entirely on that post the operational support that is required by the dirty diesel?

1740 **Hon. A J Isola:** Mr Speaker, the hon. Member's supplementary is ... if I were to call it cheeky it would be very generous. These are generators that are on standby – not all of them, some of them – so they are not pumping out greasy –

1745 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Grimy, smelly diesel.

Hon. A J Isola: – grimy, smelly diesel, which is what the hon. Members opposite sought to put just opposite the mosque [inaudible] where now much more beautiful facilities are available for use by our community.

1750 These skid generators have a purpose. They are on standby if we have an issue. In most villages in every other part of the world they draw power from different stations, and so if one power station fails it automatically locks into power from another station. In Gibraltar we do not have that luxury; we have one power station and we require it to provide us with power all of the time. Consequently, when you get a completely new set of clean engines, as we have, it is cautious and
1755 appropriate to ensure that we have cover just in case it is needed. I am delighted to say it has not been needed very often, but it has been used, let's be clear.

Hon. E J Phillips: Just one supplementary. Whilst I do not associate myself with the comment of 'village' because I know the Chief Minister is very fond of describing our country as a nation, what I would say to him is that ... My question is: is it the case that these are on permanent standby for that purpose, rather than a future temporary measure? I just want to know about the permanency of these particular skid generators.

1765 **Hon. A J Isola:** No, Mr Speaker, they are absolutely temporary and I am very hopeful of being able to terminate the arrangements for them shortly. They are literally on standby – some of them, not all of them – because of the lead time it takes to get them going in the event of a failure, but yes, absolutely temporary.

Q100/2022
Surgical and non-surgical backlogs –
Details for all disciplines

Clerk: Question 100/2022. The Hon. E J Phillips.

1770 **Hon. E J Phillips:** Mr Speaker, can the Government state the backlog for surgical and non-surgical interventions in respect to each and every discipline within the GHA?

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

1775 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Yes, Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

Answer to Q100/2022

Clinician/Speciality	Patients Awaiting Interventions
Cardiology	4
Dental Special Needs	20
Special Line Insertion	0
ENT (Chiti Batelli)	6
ENT (Danino)	38
ENT Spinou	33
ENT (Otology)	26
General Surgery (Colorectal)	11
General Surgery (Antequera)	47
General Surgery (Kovacs)	45
General Surgery (Salman)	136
General Surgery (Macano)	18
Urology	181
Gynaecology	98
Ophthalmology (main Theatres)	13
Ophthalmology (squints)	6
Ophthalmology (cataracts)	74
Maxfax	190
Orthopaedics (Baczynski)	69
Orthopaedics (Boerger)	77
Orthopaedics (Negru)	123
Orthopaedics (Chami)	144
Pain Clinic	50
Plastics (visiting)	91
Endoscopy	29
Dermatology (Dr Ferrera)	60

Answer to Q100/2022 cont.

Surgical

Clinician/Speciality	Patients Awaiting Interventions
Cardiology	4
Dental Special Needs	20
ENT	103
General Surgery (Colorectal)	11
General Surgery	228
General Surgery (Breast)	18
Urology	181
Gynaecology	98
Ophthalmology (main Theatres)	19
Ophthalmology (cataracts)	74
Maxfax	190
Orthopaedics - Hips & Knees	77
Orthopaedics - Upper Limb	123
Orthopaedics - Lower Limb	144
Orthopaedics - Spinal	69
Pain Clinic	50
Plastic Surgery	91
Dermatology	60

Non-Surgical

Endoscopy	29
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Mr Speaker: I believe the Chief Minister would like to adjourn the House.

1780

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir. The Annual General Meeting of the Gibraltar Socialist Labour Party is happening at seven o'clock this afternoon at the John Mackintosh Hall, and apart from the hiatus that we have suffered as a result of COVID here a demonstration once again in its 45th year of the best operating and real political party in Gibraltar.

1785

For that purpose – as it is my honour not just to be Chief Minister but to be Chief Minister because I am the leader of the Gibraltar Socialist Labour Party – it is my honour to now move the adjournment of the House until tomorrow at 3.30 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Wednesday, 18th May at 3.30.

1790

I now put the question, which is that this House do now adjourn to Wednesday, 18th May at 3.30. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Wednesday, 18th May at 3.30 p.m.

The House adjourned at 6.28 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.43 p.m. – 8.05 p.m.

Gibraltar, Wednesday, 18th May 2022

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The Gibraltar Parliament

The Parliament met at 3.43 p.m.

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

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

Questions for Oral Answer

Clerk: Meeting of Parliament, Wednesday, 18th May 2022.

We continue with Oral Answers to Questions. Question 101/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q100/2022

Surgical and non-surgical backlogs – Details for all disciplines – Supplementary questions

5 **Hon. K Azopardi:** Mr Speaker, before I ask that question – with your leave – I think we left it at the Hon. Minister having handed a schedule to my colleague as Shadow Minister for Health.

Mr Speaker: That is correct and he wanted to ask a number of supplementaries relating to the handouts, yes. That can proceed.

10

Hon. K Azopardi: So, if I may, can I just ask the Minister, on Question 100, which was about the backlog of surgical and non-surgical interventions ...? He handed us a schedule. May I just ask him a couple of questions?

15

First of all, I am not really sure what Maxfax is. Perhaps he can tell us what that is. It is on the schedule, on both the surgical and non-surgical. I could not understand it. The others are a bit more obvious. It may be a department or it may be a specific thing, but I cannot tell from the abbreviation. Perhaps he can tell us.

20

Secondly, from my calculation roughly, although I have not done the scientific calculation it seems to me that there are over 900 patients awaiting non-surgical interventions and over a thousand people awaiting surgical interventions. Can the Minister comment on what that translates into? Is that normal for the state of the Health Service at this time? Has it been impacted by other factors? Perhaps he can give us some idea of that. It seems like a very large number of people awaiting both things. There may be some cross-fertilisation, so there may be people awaiting surgical interventions and non-surgical interventions who might be the same people.

25

Does he have visibility as to why that is and whether it is normal for the GHA at the moment?

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):

Mr Speaker, I am afraid I cannot be much help or assistance to him in what Maxfax is, but I will certainly get that answer to him during the course of today's proceedings.

30 What I can tell him, and I am sure he can guess the reasoning for the extraordinarily long list of pending interventions is obviously COVID. The Hospital has been, in effect, shut for a very long period of time and I am told that the number of people on the waiting list equates to ... I will send the hon. Member the information ... is three times as long as you would normally expect it to be, and that is because the Hospital was obviously basically shut for a two-year period.

35 I can give the hon. Member some colour to that. A report in the *Sunday Times* mentioned that waiting lists in the UK are at over six million. One in nine people in the UK are awaiting some form of intervention with the United Kingdom NHS. I think that puts in perspective where we are: way too long, it needs to be tackled, and it is very much a work in progress to tackle it. We accept that it is very much longer than it normally is and should be but, based on the circumstances we have
40 come through over the last two years, understandable. I hope that helps.

Hon. K Azopardi: Mr Speaker, yes, and it is understandable. I think we all accept that COVID has impacted on the provision of essential services in many different ways and the Hospital is one of them, but as we emerge – and indeed I think great strides have been taken to emerge from
45 COVID; I think it is more under control, not least because of the vaccination programme and so on – can the Minister tell us how they envisage they will take steps towards cutting that backlog and how long he thinks, in his discussions with management, it will take for there to be a manageable waiting list for these important areas?

50 **Hon. A J Isola:** Mr Speaker, I cannot give him that sort of detail. What I can tell him is there are two things currently happening. The management is working with clinicians to expedite the reduction of the waiting times and, separate to that, there is another piece of work, which is the GHA strategy that we have worked on and which will be ready in a number of months, which will have a far more permanent approach to how we deal with interventions and waiting times.

55 So, at this moment in time I am afraid I cannot give him the kind of detail he is looking for, but I am sure I will be in a position to do that in future meetings.

Mr Speaker: Next question.

Q101 and Q144/2022

GHA medical practitioners in private practice – Government position

60 **Clerk:** Question 101/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state its position in relation to GHA medical practitioners pursuing parallel businesses in provision of private healthcare services?

65 **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 144.

70 **Clerk:** Question 144/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the policy on GHA orthopaedic surgeons in connection to their private practice work?

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

Hon. A J Isola: Mr Speaker, at the moment, if a doctor wishes to commence private practice it is a GHA requirement to submit a formal application to the Office of the Director General via the Office of the Medical Director for their consideration. This is valid for a period of one year –
80 12 months – and needs to be renewed on an annual basis. This is currently under review.

Hon. K Azopardi: Mr Speaker, does the Minister have any statistic on how many practitioners of different levels or speciality have submitted such a form asking for consent from the GHA so that they can undertake parallel private medical care?
85

Hon. A J Isola: Mr Speaker, no I do not, but I will have shortly as I was in a meeting this morning where we have been through the specific questions and specific information, and so I would hope to have that available not just in terms of clinicians but in others areas where this happens – for example, physiotherapists who are working in particular clinics around Gibraltar. There are other
90 disciplines, not just clinicians, to whom this applies, but I will be able to answer that question more fully when I have that information in future sessions of this House.

Hon. K Azopardi: Mr Speaker, am I right in understanding that this is a procedure that has been set up so that the GHA has a supervisory role in how clinicians need to seek consent? I understood the process that the hon. Member was talking about, but am I right in thinking that those services themselves are not provided from GHA premises, or is it that the GHA seeks consent and then allows the services to be provided from the GHA?
95

Hon. A J Isola: Mr Speaker, the hon. Member is right, there is no service that can be provided from GHA premises; they have to be offsite. The process is to enable the GHA to ensure that none of those services being provided in a private capacity conflict with obligations to the GHA under their contracts of employment, and therefore the details required by the Director General are quite specific as to when, what and how; but none on GHA premises.
100

Hon. K Azopardi: My final supplementary, if I may. Does the GHA, in terms of the process and in terms of reviewing how this operates either now or in the future, take into consideration whether this method of regulation of private services in some way affects patient decisions in deciding whether to go public or private?
105

For example, is it that you are in the public track as a patient, seeing a particular doctor who you know will be running a private clinic from x clinic on Monday afternoons, you are faced with a long list of non-surgical or surgical interventions, for example, because of the reason that the hon. Member gave just a minute ago in relation to Question 100 – because of the backlog of COVID on the GHA – and the patient then, who is seeing that doctor under the guise of St Bernard's Hospital, decides 'I will go private because that doctor has a private clinic', and does that in some way operate a pressure on the patient? Does the GHA have an interest in that and will it consider those issues?
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Hon. A J Isola: Mr Speaker, the GHA of course has an issue with that, and that is why I said that the process and the practice are under review as to how we should move forward. As far as the GHA is concerned, if that sequence of events happens, in our view it would be an abuse and a breach of their contractual provisions and is totally unacceptable to Government and the GHA. And so when I say that the process is under review, that is one of the areas we specifically seek to
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tackle to ensure it does not happen. We will not have clinicians abusing the waiting lists for their personal benefit, absolutely not.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, similarly to but just a little further than the Leader of the Opposition's supplementaries, my understanding is that the doctors have their off days and private work is being done on those off days, which are supposed to be part of the rota, while some constituents are having appointments cancelled during these working hours. Shouldn't we use these off days, which are meant to be part of the rota, to shorten waiting lists in-house, because hip replacements, for example, have a waiting list of two years?

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135 If the Minister is undergoing a review, can we know when we will have an outcome of this review and when we can understand if there is indeed such abuse and if doctors are going to be told that they have to practise in a different manner?

Hon. A J Isola: Mr Speaker, I will report on the review when the review is complete. I cannot put a timeline on that because it is being conducted by the Director General and his team.

140 In respect of the use of rooms, I think that is specifically not allowed under the terms of the contracts that each of the members of the GHA have.

In respect of what each clinician, doctor or surgeon does during the day, that is all the subject of a job plan, which again is being reviewed by the Director General's team to ensure we have a far more efficient and far more effectively policed system of operation. If there is abuse, and the hon. Lady appears to have referred to some, I would be grateful to have that information.

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Mr Speaker: Next question.

Q102/2022

Private sector aesthetic medicine – Regulation

Clerk: Question 102/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state whether it intends to ensure that provision of all forms of aesthetic medicine in the private sector is regulated in Gibraltar?

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

155

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the Gibraltar Medical Registration Board (GMRB) regulates the following professional groups: doctors, dentists, pharmacists and allied health professionals. Outside of the scope and remit is regulation of services.

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The Board works closely with responsible officers of all doctors practising medicine in Gibraltar to ensure that the doctors are registered, licensed if required, and operating within their scope of practice.

Hon. K Azopardi: Mr Speaker, can I perhaps extrapolate from the answer that the hon. Member has given, and see if he agrees with me, that...? From the answer he has given I take it that the Government takes the view that aesthetic medicine is, therefore, regulated because the persons who are delivering it must be regulated under the GMRB.

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170 **Hon. A J Isola:** Mr Speaker, there is an overlap, if I can call it that. As you know, the OFT regulates any business, any service, which is not regulated. As I mentioned in my answer, services themselves are not regulated, so a business that seeks to offer that service will require to be licensed by the OFT, and as part of that licensing process the GMRB is involved in whether that permission should be granted or not.

175 In respect of the individuals, those within the groups that I have mentioned do require to be licensed and registered with the GMRB as individuals.

Mr Speaker: Next question.

Q103/2022
Hepatitis in children –
Number over last two years

180 **Clerk:** Question 103/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the number of reported cases of hepatitis in children in Gibraltar over the last two years?

185 **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, there has been one case of hepatitis in a child over the last two years.

Q104/2022
Allergies in 2-18-year-olds –
Number receiving treatment

190 **Clerk:** Question 104/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, from GHA data can the Government confirm how many children or young adults from two to 18 are suffering from and are being treated in relation to allergies?

195 **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, according to data held on GHA systems, there are currently 884 patients between the ages of two and 18 receiving treatment in relation to allergies. This data has been compiled from clinical primary care records and reflects the number of people receiving at least three prescriptions for antihistamines over the last 24 months.

200 **Hon. K Azopardi:** Mr Speaker, does the Minister have information about the breadth or the type of allergies?

205 **Hon. A J Isola:** No, Mr Speaker, I do not. I am assuming it is quite wide, but again if he would write to me I would be happy to find further information.

Hon. K Azopardi: Perhaps when he does that can he consider with his officials whether that would be normal in comparison with, I guess, the geographical ...? Some of it must be environmental factors ... whether that would be normal for the area, for the zone, the Mediterranean, or whether specialist advice can be sought in terms of the numbers?

Hon. A J Isola: Mr Speaker, I would not know, but I am very happy to see if we have that information available to us and share it with the hon. Member.

Q105/2022
Respiratory disease –
Number of patients receiving treatment

215 **Clerk:** Question 105/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the number of patients being treated for any form of respiratory disease in the last 24 months?

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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 question is too broad to answer. There is a very wide range of respiratory conditions, some of which are long-term diseases and some of which are transient and acute in nature. In order to answer this question, we would need to understand what the hon. Gentleman is trying to establish. If he can provide that clarification, we can look into the matter further.

230 **Hon. K Azopardi:** Mr Speaker, as this hon. Gentleman did not put the question, I am unable to provide the clarification, but I am sure my hon. colleague will be happy to write to the Minister and then perhaps we can get to grips with the issues.

Q106/2022
Asthma in 2-18-year-olds –
Number of sufferers

Clerk: Question 106/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

235 **Hon. K Azopardi:** Mr Speaker, can the Government confirm how many children and young adults from age two to 18 are asthmatics?

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

240 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, according to GHA records, approximately 790 children are asthmatic.

245 **Hon. K Azopardi:** Again, Mr Speaker, I am not sure if the hon. Member will have this, but does he have an idea whether that would be normal for a population of this size? Is it normal for a population in this area, given the environmental factors that would affect people who have asthma and breathing issues? Are those issues under consideration? If not, does he agree with me that it would be important for the GHA to do a bit more work in that area to understand whether the prevalence of asthma can be in some way assisted by any local action that may help?

250 **Hon. A J Isola:** Mr Speaker, obviously if the number is extraordinarily high, or higher than it should be, then I would certainly have expected the GHA to carry out the exercise that the hon. Member is referring to. I do not have that information available to me, but again I am happy to make enquiries from the operational management team and come back to the hon. Member with an answer.

Q107/2022
COVID vaccine –
Whether to be offered beyond June 2022

255 **Clerk:** Question 107/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

260 **Hon. K Azopardi:** Mr Speaker, can the Government state whether it will continue to offer the COVID vaccine beyond June 2022?

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

265 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the Government will continue to offer COVID-19 vaccines beyond June 2022, providing we continue to have supplies that are within expiry date.

The UK Joint Committee for Vaccinations and Immunisations is currently reviewing the data and evidence regarding the benefits for future boosters in the autumn. Our Director of Public Health will review this and develop recommendations for our programme to offer further boosters in the autumn, if required.

270 **Hon. K Azopardi:** Do I take it from the hon. Member's answer that the jury is out on whether there will be further boosters in the future, firstly?

275 And secondly, I think the public information has been that the current batch expires at the end of June. To the extent that there may be returning students who want to have the COVID vaccine, is the Government, at least in the short term, arranging a small supply for anyone who might have been away from Gibraltar when the second booster was offered to people and had been unable to take it up?

280 **Hon. A J Isola:** Mr Speaker, first of all, the UK Joint Committee for Vaccinations is currently reviewing the position in respect of what the recommendations are going to be. That is in respect of the future and the use of boosters.

285 In respect of the current vaccines that we have, I mentioned that we will continue beyond June 2022. Why? Because the expiry dates in the UK have been extended, so the vaccines that we currently hold are now valid for longer than we were originally told they were, as a result of the UK reviewing the data in the first place with the work they have done. It is not June 2022, it is now actually September, so that would cover the period the hon. Member is asking about in respect

of students, and by that time obviously the UK will have reached a conclusion in terms of its thinking as to what it is going to recommend for future boosters and future vaccinations.

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Q108/2022
Long COVID –
Support for sufferers and future provision

Clerk: Question 108/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

295 **Hon. K Azopardi:** Mr Speaker, can the Government confirm what support is being offered to sufferers of long COVID and what future provision is being made beyond July 2022?

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

300 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, patients referred with long COVID symptoms are currently being seen in a general medical clinic run by one of our consultant physicians.

The additional clinical services provided by the GHA during the COVID-19 pandemic, including the long COVID clinic, are being regularly reviewed and scaled back as necessary and in line with HMGoG's exit strategy. All long COVID patients will continue to receive the necessary clinical support and care.

Hon. K Azopardi: Mr Speaker, does the hon. Member have an idea of how many patients would classify as long COVID in Gibraltar, at least under GHA records?

310 I understand the motivation for the question put by my hon. colleague was because he has had discussions with some patients who feel that their needs are not properly understood. I can understand that if someone – just anecdotally reading the cases of long COVID that have been reported – who was fit and healthy is afflicted by this, they may not necessarily feel understood and will feel particularly frustrated, so does the Hon. Minister, in the consideration ...? When he

315 says that they are being scaled down in the context of the strategy, will he consider that there will be a group of patients here who will feel particularly frustrated and that indeed it is important to ensure their long-term needs are cared for?

Hon. A J Isola: Mr Speaker, as I said, all long COVID patients will continue to receive the necessary clinical support and care. There is no time limit. The exit strategy will not conflict with the care that we provide to long COVID sufferers. That care is available and will continue to be available for as long as it is needed.

I do not have the number which the hon. Member asked me for – if I was aware of how many – but again I am happy to have my office dig that out and provide it to the Hon. Mr Phillips and himself, but there can be no question ...

325 I think one of the issues with long COVID is, of course, that data is constantly under review. It is a new problem which we have all had to live with since COVID came across and therefore the data, the information, the research is ongoing. I know that the GHA are keeping a very close eye on what is coming out of the United Kingdom Health Service in order to ensure that we are at the forefront of delivering that service to our patients in Gibraltar who suffer from long COVID.

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Q109-10/2022

**GHA strategic objectives and Government Reset, Restart and Recover strategy –
Publication**

Clerk: Question 109/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government confirm that it will publish the GHA's strategic objectives?
335

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):
340 Mr Speaker, I will answer this question together with Question 110.

Clerk: Question 110/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state whether it will publish its Reset, Restart and Recover Strategy?
345

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

Hon. A J Isola: Mr Speaker, this matter falls under the remit of the newly established GHA Board as well as the Director General. It is something that I have discussed myself with the Director General separately in our regular meetings and, as published in Press Release 892/2021, the strategic objectives are something that are being considered holistically to improve the GHA. Once the exercise is complete and I am advised accordingly, the strategic objectives will be published.
350

The Reset, Restart and Recover strategy will be an integral part of the overall GHA strategy and will also be published in due course.
355

Hon. K Azopardi: Mr Speaker, does the Minister have an idea of the timescale for the publication of these documents? Clearly, when the GHA set strategic objectives for the improvement of the Health Service, which affects us all, there will be a big public interest in that programme to see how the GHA sees the roadmap for the future. I am sure that there will be interest out there on this issue, so will the Minister perhaps give us some idea of when precisely that will happen?
360

Hon. A J Isola: Mr Speaker, as the hon. Member has suggested, it is an incredibly important piece of work and the last thing I would like the Director General to do is rush it. I am told that the review will be available for Government's consideration and review within a period of four to five months, so I expect it fairly shortly and I would expect to be able to ensure that it is published very shortly thereafter.
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It is a comprehensive work that is ongoing. I know the Director General is putting a lot of effort and time into the entire strategic review as to where we see the GHA going in future years. It will be an important document. It will, without question, raise a lot of interest within our community and it is right that it should, and I expect a period for there to be feedback before the strategy is actually implemented.
370

I would hope that it can be done before then and I have some confidence that it will, but I do not want the hon. Member asking me every month how it is coming along, so if I put a bit of a longer date then I hope I can bring it to this Parliament before.
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Q111/2022
GHA appointment line –
Free calls

Clerk: Question 111/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government confirm that all calls to the GHA telephone line remain free of charge?

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 am pleased to confirm that calls to the GHA appointment line – 200 52441 – remain free of charge.

Q112/2022
GHA appointment line –
Waiting times and termination of calls

Clerk: Question 112/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, in relation to the GHA's appointment telephone service, can the Government state over the last 12 months: (i) how long callers are being made to wait until their call is substantively dealt with; (ii) how many calls are terminated or cut off and for what reasons; and (iii) of those calls terminated, the percentage which are attributable to patients given excessive waiting times?

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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, we discussed this same question yesterday and I think we agreed that the current system falls short of everyone's expectations and is actively being worked on.

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But in answer to the specific questions raised by the hon. Member, on average, the time taken for calls that are answered by a call handler in hours or the auto attendant out of hours is seven minutes. Post-pandemic at peak times, as the GHA have been catching up with backlog appointments, it can take a maximum of 53 minutes but this is very rare. Changes are currently being implemented with the telephone system, call handling and the option to book some types of appointments online to free up pressure on the system when there is a high volume of callers.

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The current telephone system does not allow the GHA to distinguish between terminated calls and out-of-hours callers where the system terminates the call after a message has been provided. However, the Authority is looking to upgrade the system in this coming year.

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Hon. K Azopardi: Mr Speaker, this is related to the question that was discussed yesterday and I am sure the hon. Member has the same data and feedback from the public that we get, which is that it is a mixed bag – sometimes you get through quickly, sometimes you are waiting and waiting on the line and then it is very difficult for people. It is a system which, as the hon. Member said quite candidly yesterday, just does not work – and is perhaps not fit for purpose, I would add.

415

Those were not his words, but I add my words that the system is in need of overhaul, which I know he accepts.

420 Can he give us a bit more about when the GHA intends to roll out the new system at least on a pilot basis, on a trial basis? He should have information on that.

Hon. A J Isola: Mr Speaker, the problem is not the telephone system. I agree that the system that we have is not acceptable to the GHA in the delivery of services it would want to give to its
425 users, but the problem is not, by itself, the telephone system or any system. You can have the best system in the world, but if what is supplying it is not ready for what is coming – in other words, the queue of appointments [inaudible] – then no matter how good the system is, it ain't going to work. And so what we are doing is spending some time looking at how we can gradually introduce
430 a new and improved system which will be partly online and partly with the telephone system, ultimately moving to a fully online service with the telephone system being reserved for our senior citizens, which will be able to deal with the number of calls we get.

At the same time as we are doing that, we are also looking at how else we can service people without having to make appointments to go to the Primary Care Centre, and that is done by reaching out to the community, providing services around the community which we are currently
435 not doing today. So this is not as simple as a system. What we are looking at doing and delivering is a new way of dealing with appointments that people need to have, which they do and they continue to do, but also what else we can do to get out to people instead of asking them to come in.

So it is a combination of a number of factors. I am very hopeful that we will be able to begin
440 that process very shortly – and by that I mean weeks, not months – and I hope that when we do begin to do that, it will meet with your satisfaction and approval.

Hon. K Azopardi: My final supplementary, if I may. I understand what the hon. Member is doing and I think I agree with him part of the way in this sense, because I think I understand that what
445 he is trying to say is that it is about trying to shift some of the volume of the calls on to the online booking system so that there is less pressure on the telephone service, as I understood it. If I am wrong, perhaps he will clarify.

Where I do not think I share his view is that in some way public awareness might lessen the number of patient attendances or desire for appointments. Statistically, I imagine the patient
450 attendances at the Primary Care Centre must hover around 100,000 a year, and those are numbers that have been fairly level for many years, so it is about finding a system that works, and shifting the volume on to an online booking system might do part of the job. But whatever the GHA put in place, does he agree it has to be a system that is capable of dealing with customary volume that has been there for many years?
455

Hon. A J Isola: Mr Speaker, the problem is not just the system. What I am trying to explain is that whatever system you put in place, if you have all of the appointment seekers for a whole range of very different services coming through one telephone system, you are going to have a
460 problem. So what I am suggesting is that if we look at it slightly differently and begin to offer a series of different services which people require and use very frequently and we take them off the telephone booking system, then that would alleviate the telephone system to be able to deal with the volume of calls and appointments that are required for more specific issues.

I think as we begin to unroll and publish where we are going the hon. Member will have a much clearer idea of the issues we have today, because to put in an online booking system we can do it
465 tomorrow but it will have the same problem we have today and that is not dealing with the problem that we have. And so what we are seeking to do is see how can we reduce the number of people engaging through the funnel, provide them with the service in different ways and then leave ... for those who absolutely have to use it. I hope that is what we are going to get to within a relatively short period of time, and I know that if we do not he will be reminding me.

Q113/2022
GHA complaints –
Number received in last 12 months

470 **Clerk:** Question 113/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the number of complaints the GHA has received in the last 12 months?

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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 GHA has received 40 complaints in the last 12 months.

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Hon. K Azopardi: Mr Speaker, may I just ask ...? I guess that spans a wide range of issues, because presumably it is all dependent on the unique circumstances of the patient, but is there any discernible pattern? For example, are patients generally complaining about a particular aspect of the service, or is it a mixed bag which covers all sorts of issues?

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Hon. A J Isola: Mr Speaker, on the one occasion that I have the information on statistical numbers for previous years he does not ask me! In respect of the information he is seeking, I am afraid I do not have that information. I have the numbers in respect of what similar years' complaints have been for 2018, 2019, 2020 and 2021, which I am happy to share with the hon. Member if he wishes. I do not have a breakdown of what the nature of the complaints related to, I am afraid.

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Hon. K Azopardi: Mr Speaker, so that officials who are listening do not feel that their work is wasted, can the Minister give us an idea of how it compares with previous years?

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Hon. A J Isola: Mr Speaker, officials who are listening will ensure that I have the information that the hon. Member is seeking available to me next time, as I wish I had had this time.

In respect of 2018 the number is 81; 2019, 94; 2020, 95; and 2021, 59. So up to date 40.

Q114-16/2022
Private care providers –

Number and nature of complaints received; standards; regulation and monitoring

500 **Clerk:** Question 114/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state how many complaints it has received about the conduct of private care providers and the nature of those complaints?

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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 Questions 115 and 116.

510 **Clerk:** Question 115/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state what standards private care providers in Gibraltar are bound by?

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Clerk: Question 116/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

520 **Hon. K Azopardi:** Mr Speaker, can the Government state how it regulates or monitors private carer provisions in Gibraltar?

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

525 **Hon. A J Isola:** Mr Speaker, in respect of Question 114, the Gibraltar Medical Registration Board (GMRB) regulates professionals and not service providers. Since the current Director of Public Health commenced as Chair of the GMRB in September 2021, two complaints have been received regarding private doctors working within a private sector provider. One related to issuing of exemption letters and one related to prescribing practice. No further action was required following engagement with respective responsible officers.

530 In respect of Question 115, the professional groups that work within the private sector are bound by and regulated by the GMRB. These providers need to meet the requirements as set by legislation and policies developed by the Board.

535 In respect of Question 116, as this question relates to regulation, the Ministry with responsibility for the Office of Fair Trading has advised that providers of private care services are required to obtain a business licence from the OFT as part of the application process. The OFT will carry out enhanced vetting of the applicants or its directors in line with the OFT's vetting policy. The OFT will also require applicants to produce a copy of their safeguarding policy. All licences granted have the following standard conditions: (1) an adequate vetting policy must be adopted and applied to all employees and all workers associated with the business; (2) an adequate safeguarding policy must be in place to protect the business's service users; and (3) all nurses working for the business are required to be registered with the Gibraltar Nurses Registration Board.

545 **Hon. K Azopardi:** Mr Speaker does the Hon. Member agree, in the same way as people can make complaints about service received in the GHA generally – they do not make complaints necessarily of a regulatory nature; regulatory issues are dealt with by the GMRB, but they can make a complaint about a particular aspect of a service in terms of its quality – does the hon. Member agree that that should also be the case in terms of private health services in Gibraltar, and if so, how does the Government think that would be achieved?

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Hon. A J Isola: Mr Speaker, if any patient of any private clinic or private medical service is dissatisfied, they can always make a complaint to the appropriate regulatory authority, like they would in other instances. There is no ombudsman equivalent, if I can call it that, in terms of medical services.

555 I know from financial services and the gambling regulator that users make complaints to the regulators in respect of services they are not happy with or where they feel they have not been treated appropriately. I would see this as no different – complaints in respect of the individual as opposed to the clinic.

560 **Hon. K Azopardi:** And so – that is what I am asking – should there not be? Does he agree with me? Maybe he does not, but should there not be a wider ability of persons who are engaging with

private healthcare providers or carers in the private sector to report a lack of quality to a particular independent body – that is really what I am asking – which is not necessarily dealing solely with the registration of clinicians?

565

Hon. A J Isola: Mr Speaker, clinicians have to comply with the conditions of their registration and if there is a particular practitioner who is constantly having complaints through a lack of care or a lack of service, I would have thought it was highly relevant to the regulatory authority and the registration board that is responsible for it, and I believe that that would be the most appropriate place for such a complaint to vest. I do not see any gain or benefit in having a separate body that would receive these complaints. I believe that the appropriate place would be the regulatory authority in respect of service that is falling below the standard. It is a very good red flag to any regulator to know of repeated infractions of service levels or the quality of service being provided by any particular licensed individual firm.

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Hon. K Azopardi: A final supplementary. But of course, Mr Speaker, if I may – if he permits me, the Hon. Minister – that is not what the GHA does. If I want to complain about something in the GHA I can go and see the complaints officer of the GHA. I may not necessarily be complaining about a specific doctor, I may be complaining about the communication in the Department or the quality of the service, but I can go. The GHA itself has set up an independent office – an office within it, not independent of the GHA, but still people you can complain to.

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What I am saying is in terms of the private healthcare service, which is growing and is getting larger, there is quite a lot of interface, not just in terms of primary care but also now secondary care services and indeed carers that are being provided to supplement what the state does in Gibraltar. Should there not be a body to which you can complain, not specifically about regulatory matters but about the quality of the service?

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Hon. A J Isola: Mr Speaker, no, I do not. I think it is actually right that the GHA should have its own complaints policy and complaints procedure in respect of the service that it provides, because it has over a thousand people working for it and therefore I think it is absolutely right and appropriate that the GHA should have its own system to deal with complaints. In the same way that I said before that I believe it is important for a regulator to know about individuals or firms that are not meeting the standards on a constant basis, it could be very interesting for the GHA to know of its own employees who may be repeatedly failing, so for that purpose I believe that we are doing it in the right way. Again, it is not dissimilar to how we deal in other areas outside the Health Service with regulated and Government ... Government has its own complaints process, quite rightly, through the ombudsman and other departments too. So I do not believe it is necessary or would benefit us to have a separate complaints process just for people working in the private sector.

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Mr Speaker: Next question.

Q117-21/2022

Complaints and legal claims against GHA –

Number and value; clinical negligence/misdiagnosis; settlements and sums paid; legal fees

Clerk: Question 117/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state how many legal claims have been issued against the GHA in the last 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):
610 Mr Speaker, I will answer this question together with Question 118 to 121.

Clerk: Question 118/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

615 **Hon. K Azopardi:** Mr Speaker, can the Government state: of the number and value of legal claims issued over the last three years, how many relate to clinical negligence and/or misdiagnosis?

Clerk: Question 119/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.
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Hon. K Azopardi: Mr Speaker, can the Government state how many complaints, as opposed to legal claims, have been received in relation to misdiagnosis?

625 **Clerk:** Question 120/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state how many GHA legal claims have been settled by payment of a sum to claimants in the last three years?
630

Clerk: Question 121/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the total value of legal fees paid out to law firms on the GHA panel for legal services, broken down into law firms?
635

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

Hon. A J Isola: Mr Speaker, in respect of Questions 117 and 118 there have been 22 claims
640 issued against the GHA in the field of clinical negligence in the last three years. Eight of these claims relate to misdiagnosis. The total value of moneys paid by the GHA in the last three years in relation to the 22 claims that have been issued against the GHA is approximately £764,143.50. The total value of moneys paid by the GHA in the last three years in relation to eight of the claims that have been issued against the GHA that pertain to misdiagnosis is approximately £337,965.50.
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In respect of Question 119, since January 2021 we have received a total of three complaints relating to misdiagnosis.

In respect of Question 120, in the last three years 15 cases have been settled by payments of a sum to claimants.

In respect of Question 121, the GHA panel that specifically deals with medical negligence claims
650 consists of the following firms: (1) Hassans, (2) Attias & Levy, and (3) Triay Stagnetto Neish. The total paid out is: financial year 2021-22, £606,827.69; and financial year 2022/23 to date, £132,153.

Hon. K Azopardi: Mr Speaker, the hon. Member was going a bit fast, so I am going to ask him ...
655 He may have given me the answer, but I just want to make sure that there is no overlap and there are no gaps to the information that we are seeking.

He gave a couple of big sums – £764,000 and about £337,000 – that I understood to be in answer to Question 118. I think that is right. Perhaps he can confirm.

660 In terms of Question 120, when he said there have been 15 legal claims settled by a sum to claimants is that the same figure he has given us, or is that a separate figure? In other words, is the total of £764,000 and £337,000 the same total that would be the settlement figure for Question 120?

665 **Hon. A J Isola:** Mr Speaker, I appreciate this question is not the hon. Member's and he is asking it on behalf of another hon. Member, but I think it would be perhaps appropriate for him to register an interest before I carry on – in terms of one of the three firms – for the record.

670 **Hon. K Azopardi:** Mr Speaker, I am happy to do so in terms of Question 121 and I was not intending to ask any supplementaries on it as a result of that. I am asking in terms of the settlement sums that have been paid to claimants.

Hon. A J Isola: I am grateful, Mr Speaker.

675 The first sum I mentioned was in respect of Question 118, which was £764,143.50, which is the total value of moneys paid by the GHA in the last three years in relation to the 22 claims that have been issued against the GHA. The total value of moneys paid by the GHA in the last three years in relation to eight of the claims in respect of misdiagnosis is £337,965. Those are the two numbers in respect of Questions 117 and 118.

I cannot recall the second question that he asked.

680 **Hon. K Azopardi:** The second question that I asked is: is the sum total of those – £764,000 plus £337,000 – the sum that has been paid under Question 120, or is it a different sum and are we talking about something else? If I can explain –

685 **Hon. A J Isola:** I am just trying to read.

Hon. K Azopardi: Yes. Question 118 asks about the value of legal claims –

Hon. D A Feetham: In the last three years.

690 **Hon. K Azopardi:** – in the last three years, and he has given a couple of figures in relation to clinical negligence and misdiagnosis. I am asking, really, have other claims, not clinical negligence and misdiagnosis ...? I cannot think what they would fall under, but is there a different figure in Question 120, or is it the same figure?

695 **Hon. A J Isola:** The total value of moneys paid by the GHA in the last three years for the whole of the claims relating to the five matters of misdiagnosis that have been settled amounts to approximately £245,546, which is a different number.

Mr Speaker: Next question.

Q122/2022
Local MRI scanner –
Plans re procurement

700 **Clerk:** Question 122/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the plans for the procurement and provision of a local MRI scanner?

705

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 Director General is considering options in relation to the provision of a local MRI scanner. Once these options are explored further, hon. Members will be updated accordingly.

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Hon. K Azopardi: Mr Speaker, the information reaching us is that perhaps a charity may have made an offer to contribute to an MRI scanner. Is that the situation? Is that being considered by the Government?

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Hon. A J Isola: Not as far as I am aware, Mr Speaker. It may well have been, but I am not aware of that. *(Interjection by Hon. Chief Minister)* My hon. and learned Friend the Chief Minister is confirming that such an offer has been made but has not yet been finalised, hence I am not aware of it yet.

720

Hon. K Azopardi: Is that being considered as part of the mix?

Chief Minister (Hon. F R Picardo): Mr Speaker, I do not think that the GHA is able to consider that at this stage because the offer has been made to my office and I will be meeting with the group that is formulating the offer. In order to enable them to put an offer to the GHA for consideration they require certain assistance from my office – which we will be providing them – in formulating the offer, and then they can go and make that offer to the GHA and the GHA can consider it from their point of view. They have done a considerable amount of work outside of Gibraltar in respect of how they will propose to deal with the issues that arise, but they need some input from my office before they are able to actually formulate the thing called an offer to put to the GHA.

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Mr Speaker: Next question.

Q123-24/2022

AC Ltd –

Relationship with Government; connection with any Minister

Clerk: Question 123/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state its relationship with AC Ltd, a company incorporated in Belize which has applied for consent to provide MRI services from premises within the Atlantic Suites complex?

740

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 124.

745

Clerk: Question 124/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state whether any Government Minister has any connection whatsoever with the Belize company AC Ltd?

750

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

Hon. A J Isola: Mr Speaker, as per the answer given to Question 43 on 19th May 2021 by my predecessor, the answer remains the same. We discussed this yesterday. The GHA can therefore confirm that they have not entered into any contractual arrangements with any company for the local provision of MRI services.

755

In respect of Question 124, no, sir.

Q125/2022
Surgimed Healthcare Ltd –
Relationship with Government

Clerk: Question 125/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

760

Hon. K Azopardi: Mr Speaker, can the Government state what relationship the GHA or the Government have with a Surgimed Healthcare Ltd, a company incorporated under the laws of England?

765

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 GHA has no relationship with Surgimed Healthcare Ltd.

Q126, Q138 and Q153/2022
Director General of the GHA –
Remuneration; nature and term of appointment; extended leave

Clerk: Question 126/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state how much the Director General of the GHA is remunerated?

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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 Questions 138 and 153.

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Clerk: Question 138/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, is the appointment of the Director General of the GHA a permanent appointment or a contractual appointment; and, if contractual, for how long?

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Clerk: Question 153/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Health Minister explain the reasons for the extended leave of the new Director General given his short posting so far?

790

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

Hon. A J Isola: Mr Speaker, in respect of Question 126, the Director General of the GHA is remunerated £195,000 per annum.

795

In respect of Question 138, his position is a contractual appointment. I cannot confirm the period because it is not here, but I know it was in the original press release when we appointed him, so it is in the public domain but I will confirm it to him later on today.

No extended leave has been granted.

800

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his answer. When I referred to extended leave it seems that many constituents have tried to access the Director General to meet with him and he has been away quite often. Is this perhaps the best strategy to achieve the Restart, Reset and Recover programme? Was it known that the Director General would be entertaining seminars in Harvard and other such entities which may have little to do with the GHA? Is this something that the staff are okay with, given their own restrictions with the COVID pandemic that have been put in place?

805

Hon. A J Isola: Mr Speaker, the Director General is a great catch for the GHA and for Gibraltar. I am not aware of any instance where he has not been available. He is available 24/7 to me and to the GHA. I do not know what ventures the hon. Lady is referring to, but from my experience in the last month since I have been here ... I have the dates he has been away, which is absolutely normal and I have absolutely no issue with it at all. I think you will find, when you allow him the time to deliver his vision for the GHA, which you will see in the strategy that he will prepare with us, you will be delighted with the work that he is doing.

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I very much hope the hon. Lady will welcome the excellent work that he is doing and will be doing in the future, rather than seek to find the first possible opportunity to have a go at an individual who is devoting his entire capacity, energy and skills to the improvement of the GHA and the services we provide to the people of Gibraltar.

820

Hon. Ms M D Hassan Nahon: Mr Speaker, I am sure the Minister knows deep down that nobody would want a Director General to fail, because if he fails then strategies fail and all our health is at risk, but obviously it is my duty to ask and hold the GHA – the Minister in this case – to account when multiple people and even members of staff are complaining that somebody under such a short posting is already not present at his office quite often. I am glad that he seems available for the Minister, but there are many who have not had the same experience.

825

I would ask the Minister to perhaps find out whether this gentleman has been away more than he is aware, given his only recent posting as Health Minister.

830

Hon. A J Isola: Mr Speaker, the role of any CEO or Director General of the Hospital, as the GHA is, is not there to meet with people as and when they wish to see him; his role is to devise, implement and execute a strategy that will improve and safeguard the important critical care that the GHA provides to our community. So I do not agree with the premise of the question in that he has to be sitting at his desk meeting people. I want him to be doing the very opposite. I want him to be understanding what it is and where it is that we are failing and how we can improve it to improve the quality of care, improve the service it provides, reduce the waiting lists.

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840 There are so many more things he needs to be doing than meeting with people, so I do not accept the hon. Lady's question and I believe that the Director General is doing and will be doing a very good job for us and for our community and should be welcomed.

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

845 **Hon. K Azopardi:** Mr Speaker, just a short supplementary, if I may, on the original question about the remuneration, which is tied up with my contractual term issue. He gave a figure of £195,000. Is that an all-in figure, or is that just salary? Does it include benefits? For example, does the GHA pay rent? Is there a rental arrangement? If there are other benefits, what is the all-inclusive value of the package?

850 **Hon. A J Isola:** Mr Speaker, I do not have that information available. I will certainly get it to him. I am not sure if there is rental support or any of that, but I will certainly get that information to the hon. Member today.

855 **Hon. K Azopardi:** Okay, so to be clear, the £195,000 is the salary?

Hon. A J Isola: To be clear, Mr Speaker, I do not know if there is anything else, but if there is I will tell him.

Q127/2022

LNG –

Purchases from 1st January to 31st March 2022

Clerk: Question 127/2022. The Hon. R M Clinton.

860 **Hon. R M Clinton:** Mr Speaker, can the Government provide a schedule of LNG purchases in the period from 1st January 2020 to 31st March 2022, including volume and price?

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

865 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I now hand over a schedule detailing LNG purchases, including volume and price, broken down by gas contract years, i.e. October to September, from October 2019 to date.

Answer to Q127/2020

Gas Contract Year 2019/2020

Delivery No.	Delivery Date	QTY Delivered	Total Amount Invoiced	£/MMBtu
#11/2019	13 October 2019	44,990.00	£ 454,610.45	10.10
#12/2019	28 October 2019	45,280.00	£ 457,540.82	10.10
#13/2019	05 November 2019	28,590.00	£ 269,603.70	9.43
#14/2019	20 November 2019	34,680.00	£ 327,032.40	9.43
#15/2019	29 November 2019	26,930.00	£ 253,949.90	9.43
#16/2019	14 December 2019	33,420.00	£ 321,804.53	9.43
#1/2020	03 January 2020	48,910.00	£ 467,305.71	9.55
#2/2020	18 January 2020	56,950.00	£ 544,123.08	9.55
#3/2020	24 January 2020	20,350.00	£ 194,432.04	9.55
#4/2020	02 March 2020	40,830.00	£ 394,466.80	9.66
#5/2020	15 March 2020	40,020.00	£ 386,641.23	9.66
#6/2020	18 February 2020	58,810.00	£ 573,350.46	9.75
#7/2020	27 March 2020	39,480.00	£ 381,424.18	9.66
#8/2020	16 April 2020	52,950.00	£ 458,907.06	8.67
#9/2020	25 April 2020	15,740.00	£ 136,415.44	8.67
#10/2020	11 May 2020	50,370.00	£ 342,767.85	6.81
#11/2020	30 May 2020	66,030.00	£ 449,334.15	6.81
#12/2020	31 May 2020	14,390.00	£ 97,923.95	6.81
#13/2020	20 June 2020	33,330.00	£ 194,783.83	5.84
#14/2020	29 June 2020	39,700.00	£ 232,010.77	5.84
#15/2020	11 July 2020	47,750.00	£ 296,718.50	6.21
#16/2020	01 August 2020	74,780.00	£ 502,327.18	6.72
#17/2020	19 August 2020	39,070.00	£ 262,448.82	6.72
#18/2020	26 August 2020	42,270.00	£ 283,944.50	6.72
#19/2020	06 September 2020	58,410.00	£ 421,317.20	7.21
#20/2020	22 September 2020	67,140.00	£ 484,287.55	7.21

Gas Contract Year 2020/2021

Delivery No.	Delivery Date	QTY Delivered	Total Amount Invoiced	£/MMBtu
#21/2020	11 October 2020	79,954.00	£ 600,328.29	7.55
#22/2020	19 October 2020	28,020.00	£ 211,534.19	7.55
#23/2020	31 October 2020	38,760.00	£ 292,614.75	7.55
#24/2020	13 November 2020	51,910.00	£ 381,548.90	7.35
#25/2020	21 November 2020	32,390.00	£ 238,072.98	7.35
#26/2020	02 December 2020	44,980.00	£ 317,972.62	7.07
#27/2020	09 December 2020	29,830.00	£ 210,874.24	7.07
#28/2020	22 December 2020	70,520.00	£ 498,520.00	7.07
#1/2021	05 January 2021	59,910.00	£ 433,143.31	7.23
#2/2021	09 January 2021	19,060.00	£ 137,801.90	7.23
#3/2021	19 January 2021	33,160.00	£ 239,743.50	7.23
#4/2021	01 February 2021	72,080.00	£ 555,679.14	7.71
#5/2021	18 February 2021	75,170.00	£ 579,500.60	7.71
#6/2021	09 March 2021	43,380.00	£ 359,555.13	8.29
#7/2021	15 March 2021	62,500.00	£ 518,031.25	8.29
#8/2021	22 March 2021	32,740.00	£ 271,365.49	8.29
#9/2021	27 March 2021	16,280.00	£ 134,936.80	8.29
#10/2021	12 April 2021	60,624.00	£ 538,931.14	8.95
#11/2021	20 April 2021	35,690.00	£ 319,297.02	8.95
#12/2021	01 May 2021	49,280.00	£ 453,203.52	9.20
#13/2021	14 May 2021	52,660.00	£ 484,287.69	9.20
#14/2021	25 May 2021	45,240.00	£ 416,049.66	9.20
#15/2021	09 June 2021	55,070.00	£ 508,973.47	9.24
#16/2021	23 June 2021	69,040.00	£ 638,088.40	9.24
#17/2021	27 June 2021	16,760.00	£ 154,900.95	9.24
#18/2021	02 July 2021	22,210.00	£ 216,043.43	9.73
#19/2021	15 July 2021	57,810.00	£ 562,335.22	9.73
#20/2021	27 July 2021	41,850.00	£ 406,698.42	9.73
#21/2021	11 August 2021	77,400.00	£ 774,588.24	10.01
#22/2021	19 August 2021	34,330.00	£ 343,560.91	10.01
#23/2021	02 September 2021	60,850.00	£ 621,631.43	10.22
#24/2021	08 September 2021	25,220.00	£ 257,642.48	10.22
#25/2021	16 September 2021	33,160.00	£ 338,755.93	10.22
#26/2021	23 September 2021	25,010.00	£ 255,497.16	10.22

870 **Hon. R M Clinton:** While I wait for the schedule, to have a glance through it, if I may ask the Minister: given the obvious pressures of international prices for energy, what, if any, measures have his Ministry been able to take to mitigate any price effects due to events in Russia and Ukraine affecting gas supplies?

875 **Hon. A J Isola:** Mr Speaker, as the hon. Member knows, the price of LNG gas has increased significantly as a result of the Ukraine crisis. I am pleased to report to this House that we have not been impacted by that increase because when the Financial Secretary negotiated the contract originally the price was, in a complicated way, linked to the cost of diesel as opposed to LNG and consequently, in the year 2021-22, if you were to look at the actual price and what we paid, the Government has enjoyed the benefit of a saving of over £8 million.

Q128/2022
Patients subject to hospital orders –
Length of detention

880 **Clerk:** Question 128/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many patients in Gibraltar are currently subject to hospital orders, providing particulars of when they were admitted and the length of time they have been detained?

885 **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, we have three patients subject to hospital orders, one for five years and five months, one for two years and 10 months, and one for five years and six months.

890 **Mr Speaker:** Next question.

Q129/2022
Mental Health Act –
Measures to ensure safeguards

Clerk: Question 129/2022. The Hon. D A Feetham.

895 **Hon. D A Feetham:** Mr Speaker, what is the Government doing in order to ensure that the Lasting Powers of Attorney and Capacity Act is not used to circumvent the safeguards contained in the Mental Health Act in relation to oversight by the Mental Health Tribunal and the provision of second opinions?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the Lasting Powers of Attorney and Mental Capacity Act (MCA) exists to provide care for patients who because of their cognitive impairment, usually due to dementia or intellectual disability, do not have capacity to consent to their treatment. For this group of patients we do not enforce treatment, we provide care.

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The Mental Health Act provides for the compulsory detention and treatment of individuals with a serious mental illness. As these individuals receive compulsory treatment, there are additional safeguards – the tribunal system and a second opinion for treatment.

910 The MCA includes safeguards to ensure that the care delivered to patients is in their best interests, through a system of independent capacity assessments carried out by Independent Mental Capacity Advocates (IMCAs).

Hon. D A Feetham: Mr Speaker, the Hon. Minister, with respect, has given me an explanation, which I knew, of the differences between the Lasting Powers of Attorney and Capacity Act regime
915 and the Mental Health Act. The question I asked was what is the Government doing in order to ensure that the former is not used to circumvent the latter.

The Hon. Minister will appreciate that this is not a question I have just plucked out of the air. It is far too technical for that to be so. It is just not the type of political question that I would ask. This is based on information that I have received that this is actually happening. Therefore, can I
920 ask the Minister whether at least he made inquiries when he read this question, to ascertain whether in fact the sting underlying this question is true or not, that the former is being used to circumvent the safeguards in the latter?

Hon. A J Isola: Mr Speaker, the answer that I have provided is the safeguard of what provides
925 in both of these cases. If the hon. Member has information which suggests that something different than that is happening I would be very happy for him to share it with me on a confidential basis and I will certainly look into it. I am not aware of any information that suggests that we are not doing things in accordance with what both pieces of legislation require us to do, but if he shares it with me of course I will look into it.

930 **Hon. D A Feetham:** Mr Speaker, of course I will without divulging any sources. The point is that there are two separate regimes with their separate safeguards but one is intended to deal with a particular set of individuals and the other one is intended to deal with people with mental illness, essentially, and that contains its own safeguards. The information that I have is that one is being
935 used in order to circumvent the safeguards of the other because it is easier under the former than the latter.

I will talk to the Minister behind the Speaker's Chair. I apologise, Mr Speaker, that I have just given the Minister an explanation rather than ask a question, but it is an important issue and I will take the Minister up.

940 **Hon. A J Isola:** I would be grateful, Mr Speaker. I think it is not possible for me, however hard I try, to read the hon. Member's mind or try to ascertain the information that he has or guess what that information is. As he has kindly offered, I would be very happy to receive the specifics of the case. As he rightly says, they are very different Acts designed to deal with very different cases and
945 if these are not being met in any way I would be very happy to look into them for him.

Q130-31/2022

COVID boosters –

Number of first and second boosters

Clerk: Question 130/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, of the 38,037 COVID boosters administered to 5th May 2022, how many were first COVID boosters, i.e. a third dose of the COVID vaccine, broken down by
950 residents and non-residents?

Clerk: Answer, the Hon. 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 131.

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Clerk: Question 131/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, of the 38,037 COVID boosters administered to 5th May 2022, how many were second COVID boosters, i.e. a fourth dose of the COVID vaccine, broken down by residents and non-residents?

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

Hon. A J Isola: Mr Speaker, out of 38,037 COVID boosters, 30,352 doses were third doses administered to 23,127 residents and 7,225 non-residents. The remaining 7,685 COVID boosters were fourth doses administered to 7,244 residents and 441 non-residents.

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Hon. K Azopardi: Mr Speaker, the total would be under 8,000 for the second booster, is that right? Does the Minister have a view in discussion with the GHA and so on? There is quite a remarkable difference between the 30,000 people who took up the COVID booster the first time round and only 8,000 – I say ‘only’ 8,000 – people have chosen to take up the booster the second time round. Does he have a view on that? Does the GHA have a view? Does the GHA have a recommendation for people, given the disparity in numbers?

970

Hon. A J Isola: Mr Speaker, yes, the GHA mostly certainly would like people to get their fourth boosters and has said so publicly, repeatedly, and in many of their communications. I believe that there is a relaxation in people’s minds as to COVID and its possible effects and impact. People are much more relaxed about it in being able to travel more freely without wearing masks. There is a far lower degree of alertness, and that obviously is a risk.

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I think also an interesting contributing factor is when people had their third boosters. Those who had third boosters late ... People normally like to wait six or seven months from their third time to their fourth, and so there is an element of that as well. We will continue to recommend to people that they should have their fourth boosters, we will continue to provide the fourth boosters for as long as we have them available, and yes, it is absolutely the policy of the GHA that we encourage all Gibraltarians and others to get their fourth boosters.

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Q132-33/2022
COVID repeat positives –
Numbers and vaccination status

Clerk: Question 132/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, of the 17,996 confirmed COVID cases detected in Gibraltar to 5th May 2022, how many people have contracted COVID once and how many have contracted COVID more than once – repeat positives – with a breakdown of how many people have contracted it once, twice, three or more times?

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

995 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, I will answer this question together with Question 133.

Clerk: Question 133/2022. The Hon. the Leader of the Opposition.

1000 **Hon. K Azopardi:** Mr Speaker, to the extent that of the 17,996 confirmed COVID cases detected in Gibraltar to 5th May 2022 there have been repeat positives – in other words, cases of people contracting COVID more than once – can Government provide a breakdown of these by vaccination status, namely how many of the repeat positives have been vaccinated or were unvaccinated against COVID at the time of contracting COVID for a second time?

1005

Hon. A J Isola: Mr Speaker, of the 17,996 confirmed cases a total of 16,016 persons have contracted COVID once, a total of 987 persons have contracted COVID twice and a total of two persons have contracted COVID three times. The above totals 17,996, as confirmed by the hon. Member.

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Out of 989 persons confirmed COVID-19 positive more than twice – two or three times – 728 were vaccinated and 261 were unvaccinated at the time of testing positive.

Q134/2022
GHA COVID app –
Non-recognition of QR codes

Clerk: Question 134/2022. The Hon. the Leader of the Opposition.

1015 **Hon. K Azopardi:** Mr Speaker, can the Government update the House in relation to the resolution of the issues concerning the non-recognition of the GHA COVID app?

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

1020 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, the EU recently approved the commencement of technical works to enable our access to the EU COVID Passport Gateway, which will allow the recognition of our GHA COVID app QR codes. The EU are preparing the final decision and we hope to see it adopted and operational shortly.

1025 **Hon. K Azopardi:** Mr Speaker, that is welcome news for anyone who wants to travel on the basis of the COVID app until such time as it is no longer necessary to prove vaccination status – and who knows when that will be; different countries have different views of entry requirements right now.

1030 Can the Government perhaps give us a better idea in terms of the welcome news that there was an approval: when did that happen? Secondly, in terms of the entry into the technical works, how long is it expected that the technical works will take for there to be a recognition of our COVID app around the EU?

1035 **Hon. A J Isola:** Mr Speaker, indeed it is welcome news. It is something we have been working on, quite frustratingly, for months. The technical work has now commenced. When I say ‘shortly’ I mean shortly and I would expect that we will be able to make a positive statement before the next sitting of Parliament, so it is shortly – the next session of Parliament.

Q135-36/2022

**Operating department practitioners –
Total number; number working elsewhere in GHA**

Clerk: Question 135/2022. The Hon. the Leader of the Opposition.

1040 **Hon. K Azopardi:** Mr Speaker, how many operating department practitioners exist in the complement of the GHA and are there any vacancies at 9th May 2022?

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

1045 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 136.

Clerk: Question 136/2022. The Hon. the Leader of the Opposition.

1050 **Hon. K Azopardi:** Mr Speaker, how many persons currently in the employment of the GHA at 9th May 2022 are qualified operating department practitioners but work in other posts or capacities in the GHA?

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

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Hon. A J Isola: Mr Speaker, in respect of Question 135, there are 10 operating department practitioner (ODP) positions within the complement of the operating theatre department. Of these 10 ODPs, one position remains vacant.

1060 In respect of Question 136, all qualified operating department practitioners working for the GHA are working within the operating theatres department in the capacity of ODPs.

Hon. K Azopardi: Did I understand he said that all persons who are qualified work in the surgical team as ODPs? Is that what he said?

1065 **Hon. A J Isola:** I will read that answer again – my apologies. All qualified operating department practitioners working for the GHA are working within the operating theatres department in the capacity of ODPs. So they are all qualified.

1070 **Hon. K Azopardi:** Mr Speaker, I am not sure if we are talking about the same thing. First of all, he has given me the answer to how many there are in the complement and there is one vacancy, I understand that; but I also then asked how many are there who are qualified ODPs but work in other posts. My information is that there are some people who have been sent for training and are qualified ODPs but are not ODPs – in other words have not filled a vacancy because vacancies may not have arisen, so they are working in other capacities but may be called upon to be ODPs from time to time. Could he perhaps check on that information?

1075 **Hon. A J Isola:** Mr Speaker, I think the answer to the question is that all of the ones working in the theatre department are qualified ODPs. Two recently qualified ODPs are currently working within theatres backfilling pending vacancies. I think that is the information the hon. Member is referring to.

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Q137/2022
Operating department practitioners –
Amount spent on training

Clerk: Question 137/2022. The Hon. the Leader of the Opposition.

1085 **Hon. K Azopardi:** Mr Speaker, how much money has the GHA spent on training in respect of operating department practitioners in the financial years 2019-20, 2020-21 and 2021-22, broken down by year?

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

1090 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

Answer to Q137/2022

2018-2019 Financial Year

OXFORD BROOKES UNIVERSITY (BSc Operating Department Practitioner programme)

Programme commenced 16/01/19

2018-2019 Financial year	
Flying Faculty Collaboration Set-up fee (03/01/19)	15,000.00
Flying Faculty Collaboration Year 1 January 2019 ODP Fee (16/01/19)	53,378.80
Association for Perioperative Practice AfPP Registration fee x 2 students	120.00
Bursary 1 student @ £650.00 per month x 3	1,635.48
2019-2021 Financial year - budget carried over due to Covid 19	
Association for Perioperative Practice AfPP Registration fee x 3 students	180.00
Flying Faculty Collaboration Year 1 June 2019 ODP Fee (04/06/19 sent 18/06/19)	26,689.40
Flying Faculty Collaboration Year 1 Dec 2019 ODP Fee (19/11/19)	26,689.40
Flying Faculty Collaboration Year 2 January 2020 ODP Fee (10/03/20)	55,711.69
Flying Faculty Collaboration Year 2 June 2020 ODP Fee (06/07/20)	27,855.55
Flying Faculty Collaboration Year 2 Dec 2020 ODP Fee (04/11/20)	27,855.85
Flying Faculty Collaboration Year 3 January 2021 ODP Fee (06/01/21)	53,513.51
Bursary 1 student @ £650.00 per month x 24	15,600.00
2021-2022 Financial year	
Flying Faculty Collaboration Year 3 June 2021 ODP Fee (10/05/21)	26,756.76
Flying Faculty Collaboration Year 3 Dec 2021 ODP Fee (25/11/21)	26,756.76
Bursary 1 student @ £650.00 per month x 12	7,674.19

1095 **Hon. K Azopardi:** Mr Speaker, obviously there would need to be a calculation but this looks to me like a sum in excess of £250,000 – is that right, in total?

Hon. A J Isola: No, Mr Speaker. The number for 2019-21, which is two financial years rolled into one, is £234,000, the number in respect of 2018-19 is £70,000 and the number in the financial year 2021-22 is £61,000, so it is £316,000 total.

1100 **Hon. K Azopardi:** Mr Speaker, how many people qualified as a result of this process?

Hon. A J Isola: Mr Speaker, I do not have that information in respect of each of the years 2018-19, 2019-21 or 2021-22. I would need to refer back to my office to get that information.

1105 **Hon. K Azopardi:** The Hon. Minister just gave us the figures in relation to the other question ... that there are 10 ODP posts and there is one vacancy. (*Interjection by Hon. A J Isola*) I thought you said there is one vacancy.

Hon. A J Isola: I said in respect of his question ... [*Inaudible*]

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Hon. K Azopardi: Yes, but unless I am wrong, as part of the other question you said that there was one current vacancy. The hon. Member can check, perhaps, and see that we are not talking at cross-purposes, but as I understood his answer there are 10 people in the complement, there is currently one vacancy and there are also two people who are recently qualified, do not work as ODPs and presumably qualified as a result of this programme. (*Interjection*) Yes, correct. I am assuming also that not all of them have gone through this training programme, but it just seems like a very high figure for training if, in effect, as a result of that process you have had two or three people qualify. So can the Minister check how many people qualified as a result of this investment of training? That is what I am asking him to check.

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Hon. A J Isola: Yes, Mr Speaker, and that is the information I will provide to him once it is available to me.

Clerk: Question 139/2022 –

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Mr Speaker: Hold on a second. The Hon. Mr Reyes.

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

1130 Just a quick glance at the table the Minister has kindly provided, with an interest in education it struck my attention that under 2018-19 it says 'Bursary 1 student @ £650.00 per month x 3'. That should be £1,950 and we come up with a figure of £1,635.48. It does not tally. For 2019-21 £650 x 24 months is correct, £15,600. But again, for the financial year 2021-22, £650 for 12 months is £7,800. I do not quite understand how we get £7,674.19.

1135 I appreciate that the Minister can only provide us with information that he is provided with, but if he is going to review some further information, perhaps he would like to double check that. It does seem very basic mathematics ... that you end up with pence on something where you did not start with any pence but whole-pound figures.

1140 **Hon. A J Isola:** Mr Speaker, I am grateful to the hon. Member for his keen eye. I had not noticed that and I will certainly revert and make sure that it is correct. I am grateful.

1145 **Hon. K Azopardi:** May I ask just a final one, because staring at the schedule for the first time, as I do sitting here, I just wonder if perhaps part of the answer to what I was asking – which he is going to check, of course, because it may not be; we may not be making the right analysis ... I see from the breakdown by financial year that there is a payment of a professional association registration fee for students. There are two student registration fees paid for 2018-19 and there are three for 2019-21. I do not know how long this course is, so it is either five students or some of the students are registering in successive years because the course is longer than one or two years, but in any event, whether it is two or five students it seems like a relatively small number of people for whom there has been an outlay of training of £360,000, so perhaps the hon. Member

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can check that and revert to us with precisely how many people qualified as a result of this investment.

1155 **Hon. A J Isola:** Mr Speaker, I do not know whether it is two, three or five and I would not want to guess which one of those or other numbers it could be. It could also be that these training programmes relate to conditional and continuing professional development for the existing members of staff. I do not know, so before I respond I would like to get the full information and not mislead the hon. Member or the House.

Q139/2022

Social workers –

Numbers re current employees, departures at end of contract and resignations

1160 **Clerk:** Question 139/2022. The Hon. Ms M D Hassan Nahon.

Hon. K Azopardi: How many social workers are there currently working within the Social Services system, how many in the last three years have left at the end of an 11-month contract and how many have resigned in the last two years?

1165 **Clerk:** Answer, the Hon. Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, at present there are 26 social workers working within the Social Services system. Seven social workers have left within the last three years at the end of an 11-month contract and in the last two years seven social workers have resigned.

1175 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister for that answer. My question is: given the number of social workers who have left, which represents a fair portion of the number of social workers employed, can the Minister enlighten us on whether the Social Services system is looking into itself in order to find out why it is that there is such a quick turnover, how that might affect the end user, children and the vulnerable, and whether this represents a lack of continuity that might result in overall dissatisfaction or poor standards?

1180 **Hon. A J Isola:** I said that there were 26 social workers working within the system at present. Seven have resigned over two years – I do not think that is a particularly high number – and seven have left at the end of their 11-month contracts.

1185 As you know, the Government policy is that wherever there is a vacancy and a local resident can do the job that we require them to do, that is the preferred option of this Government and obviously that will deliver far better continuity of care than having people who come in and leave from other jurisdictions.

1190 **Hon. Ms M D Hassan Nahon:** Mr Speaker, is the Minister saying that nationality trumps longevity when you have a short contract among people who may be forging connections, trust and bonds with the end user? Is it more important to ensure that the nationality of that worker is Gibraltarian over the longevity and the service that that worker might be giving and fulfilling in terms of his or her role to the end user?

1195 **Hon. A J Isola:** Mr Speaker, if the hon. Lady listened to the answers I give she would not have to get up and ask these questions. I said local residents, nothing to do with nationality. The only person who has mentioned nationality is the lady herself: local residents.

Clerk: Question 140/2022 –

Mr Speaker: The Hon. Daniel Feetham would like to ask a question.

1200 **Hon. D A Feetham:** Thank you very much, Mr Speaker.

The Hon. Minister said seven had essentially done their 11 months and therefore had left. Presumably their contracts were not renewed or they had themselves decided to leave. He then referenced that with the statement about the Government's policy to fill vacancies with local residents, but have these seven that have left been filled by people who are residing in Gibraltar?

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Hon. A J Isola: Mr Speaker, my understanding is that of the people we need we have them in place, so if somebody was no longer required because an 11-month contract terminated or somebody resigned, then that position would be filled in order to ensure that we have the complement that we need to provide the service that we give. I am not able to say to the hon. Member these four will be replaced. What I am saying is that I am not aware of any that have not.

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Hon. D A Feetham: I ask the question because of course when answering the question from the hon. Lady to my left the implication in the answer appeared to be, 'We have not renewed these seven but the Government has a policy of filling these vacancies with locals.' That appeared to be the reason why and that is the reason why I am asking.

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Mr Speaker, I will come back next time round – or somebody from this side of the House perhaps – to probe the Government further in relation to some of these. Apologies, Mr Speaker, I just wanted to explain that.

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Hon. Ms M D Hassan Nahon: Mr Speaker, can I just ask one more supplementary? I think if I did not make myself clear to the Minister, what my question was angling to was does the Government find it acceptable to have a revolving-door policy perhaps once you take a long term view over a few years of this 11-month contracting of staff in a sector where the users need the continuity?

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Hon. A J Isola: Mr Speaker, the policy and the process of having people covering for each other is probably best known in the medical services area. Locums are brought in every day of the week in every hospital across the entire world to continue to provide services to patients when there is not sufficient resource from within. What we are seeking to do, and I think the hon. Members opposite will agree but the Hon. Mr Feetham has indicated he will come back with further questions and we will answer those when they come ... but if we have local residents we are paying to train who we know are coming back, it does not seem to be sensible, having funded their training, to then say when they come back 'no jobs' because all the jobs have been taken by non-residents. That is the issue.

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If the hon. Lady is suggesting that by having locums we are not providing continuity of care, then I would not agree with the hon. Lady for the reasons I have already given.

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Hon. Ms M D Hassan Nahon: Mr Speaker, can I just pick up something that the Minister just raised? I would like to make him aware – or ask in the form of a question – that there is a cohort of graduates in social care work, which ex-Minister Costa funded and there was a lot of press about it at the time, who are currently sitting without jobs or any opportunities. I asked this question some time ago and was told that there simply are not any, so I would like to ask the Minister where this funding has gone to, considering that I have spoken to a few of them and they are very frustrated that they are not being called upon to the system.

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Hon. A J Isola: Mr Speaker, I am not sure if the hon. Lady is telling us that we should not give 11-month contracts so that we can provide continuity of care – with which we do not agree – and

1250 on the other hand saying we have local cohorts looking for a job and they cannot get into the service. It is one or the other because they diametrically conflict with each other. Either you support the notion that we should have 11-month contracts for non-residents in order to enable the local residents to have those jobs as and when they are trained and ready for those jobs, or not. What you cannot do is in one supplementary ask in one direction and then ask in exactly the contradictory manner the same question.

1255 **Hon. Ms M D Hassan Nahon:** Mr Speaker, it is exactly the opposite of what I have done. There is an issue where seven social workers have left the system after 11 months and you have a Minister telling me that it is because they want to have a different policy, have residents, and then you have residents who are sitting there without being called up for a job when they have been funded by the same system that is not employing them. The contradictions are not on my side; I
1260 am just here to ask questions on the contradictions coming from the Government side and the spending which apparently is not going anywhere in our system.

Hon. A J Isola: Mr Speaker, no, the hon. Lady's first supplementary question was complaining that the granting of 11-month contracts deprives the users of continuity of care, so she was saying
1265 that it is wrong to give 11-month contracts. The last question she has asked why aren't we employing the locals who we paid to train and are back.

If we do what she said in the first supplementary question, which is stop the 11-month contracts and employ everyone indefinitely, then there is no chance of them coming back. It has to be one or the other, and that is the answer I have given. As far as we are concerned, we prefer
1270 to have locally resident people providing continuity of care within the Health Service, but when we cannot we issue shorter-term contracts.

Hon. Ms M D Hassan Nahon: But, Mr Speaker, that is my question –

1275 **Mr Speaker:** This is the final supplementary.

Hon. Ms M D Hassan Nahon: Yes. That is my question. How can the Minister say that we cannot when we have people sitting there who have been funded by the taxpayer, who can? It is simple
1280 and I do not understand what is not comprehensible about it.

Hon. A J Isola: Mr Speaker, if the people the hon. Lady is referring to are qualified for the vacancies we have, then of course they will be considered. That is exactly what we are trying to do.

1285 **Chief Minister (Hon. F R Picardo):** Mr Speaker, may I make a point about this matter, because it has arisen on a number of occasions in different guises in this House? It is only a very short point that I think all hon. Members should consider and it is that in relation to these contracts that we sometimes talk about of different longevity or whether or not they become indefinite, the liability is always on the part of the Government. People always seem to ignore in the debate that the
1290 employee may decide to go at any time, and then they are not criticised because they may have decided to go to another job which might be in Gibraltar or elsewhere at higher pay or because they simply got fed up with the sector. It is always when the Government says 'you have reached the end of your term of employment period' etc. that there is criticism, but these are contracts which require two parties to them and very often it is the other party that decides not to continue,
1295 and that should also be borne in mind.

Q140-43/2022
Dementia sufferers –
Numbers, residence, domiciliary care

Clerk: Question 140/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many people have been diagnosed with dementia, and of those diagnosed (a) how many are men and how many are women, and (b) how many men and
1300 how many women of those diagnosed with dementia are under 65 years of age?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
1305 Mr Speaker, I will answer this question together with Questions 141 to 143.

Clerk: Question 141/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many of those individuals diagnosed with dementia are at
1310 ERS facilities and how many are in the community, living at home?

Clerk: Question 142/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Of those Individuals living with dementia in the community, how
1315 many are receiving domiciliary care?

Clerk: Question 143/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many people with dementia waiting for a bed at ERS are
1320 there (a) living at home, (b) at St Bernard's Hospital and (c) at Ocean Views.

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

Hon. A J Isola: Mr Speaker, there are 180 people diagnosed with dementia, of whom 105 are
1325 female and 75 are male. Of those diagnosed, there are two females and two males under the age of 65.

There are 141 people diagnosed with dementia residing at ERS facilities. ERS also supports 39
people living with dementia in the community. There will be a number of people living with
1330 dementia in the community who are not necessarily receiving support through ERS, i.e. only receiving domiciliary care.

Of the individuals living with dementia in the community, 134 are receiving domiciliary care.

Out of the people living with dementia who are waiting for a bed at ERS, there are four living
at home, 13 at St Bernard's Hospital and four at Ocean Views.

Hon. Ms M D Hassan Nahon: Mr Speaker, when we talk about domiciliary care, is the Minister
1335 looking to increase the possibilities of that bracket of domiciliary care for patients who are living at home? Does he consider it satisfactory? From my understanding and my experience of people living with dementia, they have concerns and reservations – their families – that the domiciliary care is just a little bit less than they would need, or maybe more than a little bit less. So I would
1340 like to know if the Government is reviewing any more domiciliary care for dementia sufferers.

Hon. A J Isola: Mr Speaker, in short, no, I am not aware of the instance that the hon. Lady refers to. I think that the services review each and every case individually and provide the care that they

1345 believe is necessary to support that person with the care that they need. I am not aware of that issue.

Mr Speaker: The Hon. Daniel Feetham.

1350 **Hon. D A Feetham:** Just in relation to the statistics that he has provided in answer to Question 140 – that is the 180 people who have been diagnosed with dementia – I have noticed that there is a considerable disparity here between female and male: 105 females and 75 males. Is that within international norms? Is that something that the Minister is in a position to answer, whether these statistics are within international norms? There just seems, to me, to be a considerably disparity between the number of females and the number of males suffering from dementia.

1355 **Hon. A J Isola:** Mr Speaker, I would not be able to comment on that observation. I agree with the observation he has made. I am assuming there will be some reason for it – I will certainly ask – but I do not know the answer to that question.

1360 **Mr Speaker:** The Hon. Damon Bossino.

1365 **Hon. D J Bossino:** Mr Speaker, in terms of the numbers, I am not sure if the categorisation is correct, or I may be misunderstanding it. The total number is 180 in response to Question 140, and then the numbers in relation to Question 141 add up ... I think it is 141 – I may not have taken an accurate note – plus 39. But then, with Question 142, the answer for domiciliary care is 134. I am not sure how those numbers correlate. Do you add the 134 to the 141? I am not too sure, because it seems like a bigger ... if you add them all up. I may be misunderstanding how the categorisations work.

1370 **Mr Speaker:** The Hon. Edwin Reyes.

1375 **Hon. E J Reyes:** Perhaps if I put the question this way to the Minister: from Question 141 the Minister has told us that there are 39 individuals diagnosed with dementia who are living at home, and then for Question 142 – of those individuals living with dementia in the community how many are receiving domiciliary care – it is 134. If 134 with dementia are receiving domiciliary care, is it correct to assume that they are living at home? So then it does not tally with the answer to Question 141, where there were 39 living at home. That is where the confusion arises for non-mathematicians, like myself, Mr Speaker.

1380 **Hon. A J Isola:** Mr Speaker, I will happily review the numbers. These are the numbers I have been provided with. I would just say that it also says at the end of the answer to Question 141: 'There will be a number of people living with dementia in the community who are not necessarily receiving support through ERS, i.e. only receiving domiciliary care.' I agree the 134 is larger than I would have expected to have seen and so I am happy to review that and come back.

1385 **Hon. D J Bossino:** The issue here is that it may have an impact on the overall number. So it may be, indeed, higher than 180, or maybe not, but I think it is a justified question in the circumstances.

1390 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.
I do not know if the Minister is aware that the latest figures in 2019 are that there were 449 people in Gibraltar with dementia. How on earth can we now assume that that figure has gone down by more than double? Does that sound about right, Mr Speaker?

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Hon. A J Isola: Mr Speaker, I do not know if that sounds about right but I will go back and have a look at the 2019 numbers and see how they compare to what we have today and why there has been any change as suggested by the lady, or at all. It may or may not be right.

1400 **Mr Speaker:** Next question.

Q145/2022

Waiting lists –

Plans to improve waiting times and reduce backlogs

Clerk: Question 145/2022. The Hon. Ms M D Hassan Nahon.

1405 **Hon. Ms M D Hassan Nahon:** Has the new Health Minister got any waiting list incentives to improve waiting times and the general backlog stemming from the COVID pandemic; and, if so, can he expand on these?

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

1410 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the Director General has launched a review of all waiting times post COVID and will work with clinical colleagues in taking appropriate action. We will continue to discuss these issues in our regular meetings with a view to improving waiting times and backlogs moving forward.

1415 **Hon. Ms M D Hassan Nahon:** Mr Speaker, will these initiatives revolve around the GHA, or will we be seeing more of an outsource strategy, paying extra in order to reduce these waiting lists?

1420 **Hon. A J Isola:** Mr Speaker, there is a review ongoing, as I have said. I would expect the review, once it is completed, to cover whatever is the most efficient way of dealing with the backlog as quickly as we possibly can.

There is, at the moment, for example in the area of dental care, a tender out to private practice to help us to reduce the dental waiting list as quickly as we possibly can and as efficiently as we possibly can, so I suspect that once the review is complete it will be a mixture of how we can reduce this number in the shortest time.

Q146/2022

Urology –

Number of specialists and on-call duties

1425 **Clerk:** Question 146/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many specialist urologists are there in the Health Service and how often are they on call?

1430 **Clerk:** Answer, the Hon. Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, there are two consultant urologists in the GHA. At present they are covering the service between them on a one-in-two on-call basis.

1435 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if we are being covered as a one in two, I believe that poses a risk. Would there not be a better strategy to ensure that urology – emergency urology and on-call urology – is covered all the time and not 50% of the time?

1440 **Hon. A J Isola:** Mr Speaker, the professionals engaged with providing the quality of care that we require of them have advised that this is adequate and working. The urologists have agreed to continue covering on this basis until the job plan is agreed, which, as I mentioned earlier, is ongoing.

1445 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I genuinely do not understand. I know that the other side like to say that I do not understand things a lot of the time, but this is one of the times when I do not.

I would like the Minister to answer how a healthcare professional can state that the emergency cover is only ever needing to be available 50% of the time. How can they predict that the other 50% of the time there might not be a terrible emergency and that they know best, that the other 50% of the time it is not necessary to cover? Is the Minister saying that these urologists stare into a crystal ball and they know that on Monday, Wednesday and Friday there is going to be an emergency but on Thursday, Tuesday and Sunday they can be off? How exactly does that work?

1455 **Hon. A J Isola:** Mr Speaker, I think the characterisation that the hon. Lady has made of the role that these professionals play is inaccurate. If somebody has an emergency, where do they go? They do not go looking for a urologist, they go to A&E, where they get seen by a doctor who deals with the emergency.

The person who is the specialist is on call. The on-call urologist will be much closer to the hospital here than in most parts of the world, so in terms of delivering the service that we believe we require, I think that the professionals advising us have come to the right decision. The hon. Lady is not right in her assessment of giving emergency service: we give it.

1465 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I really am trying to understand this. If there is a patient, for example, who turns up at A&E with testicular torsion and needs an emergency urologist and there is no emergency cover because it is one in two, and that night, when this patient is dying of testicular torsion, there is no specialist, is the Minister telling me that an A&E doctor will do, that they will scramble for the urologist who is not meant to be on call because, as he says, it is only one in two and that night it is not the one in two?

1470 **Hon. A J Isola:** Mr Speaker, I do not believe the hon. Lady is qualified to make any assessment of what clinical needs the GHA may or may not have. The professionals have advised us that this works, it works for the community and provides the quality of care that we want for our people, which is the best available.

1475 As I have already said to the hon. Lady, on-call urologists are available to the GHA and somebody who is in an emergency will be dealt with, as everyone else is dealt with, at A&E and a urologist will be made – on call – available for that patient to be dealt with quicker than most hospitals in the world are able to get them, because of the size and geography of our wonderful homeland.

1480 **Mr Speaker:** Next question.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Thank you, may I ask ...? Perhaps he does not know the answer to this, but how does this two to one compare to, for example, the United Kingdom or other jurisdictions?

1485 Presumably, in making that decision you have looked at what they do in other jurisdictions and made the decision as to whether this is adequate or inadequate.

Hon. A J Isola: Mr Speaker, I have not made any decision, as I have been at pains to stress to the hon. Lady in my answers. The professionals have made the decision. The professionals have given the advice and the professionals who are responsible for all operational aspects of the GHA have made that decision. I do not know, but I am sure they do, what the position is in other countries. I am sure that forms part of their assessment as to what they believe the GHA requires in order to provide the quality of care that we require of them.

1495 **Hon. D A Feetham:** Mr Speaker, bearing in mind that the hon. Lady has brought it to the House, there is obviously a concern about that. Ultimately I understand that he does not make the decisions personally, that of course it is the GHA that is making the decisions based on advice that is provided by the professionals, but I would have thought that if something has been brought to this House the Hon. Minister would be interested in at least ascertaining whether this is comparable favourably to other jurisdictions. Will he undertake to go back and ask that question of the professionals concerned?

1500 **Hon. A J Isola:** *[Inaudible]* ... that it is good enough and I think there is really nothing more to talk about. To have a urologist on call in Gibraltar for the provision of care to our patients I believe to be absolutely reasonable and I am very grateful to the professionals who have given us the advice to be able to do that.

Mr Speaker: I think we need to move on now.

Q147/2022
Tubal ligation –
Current policy re women under 30

Clerk: Question 147/2022. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: What is the current policy on what is commonly known as ‘tube tying’ for women under 30 years of age at the GHA?

Clerk: Answer, the Hon. 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 GHA provides access to sterilisation procedures where, in the opinion of the consultant, there is a clinical indication to do so and where tubal ligation is considered the best clinical option for sterilisation.

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Hon. Ms M D Hassan Nahon: Mr Speaker, can I ask the Minister, given that there are so many reviews going on since the community legalised abortion – and I think, whatever side of the argument one is on, we all want to keep them safe and rare – would the Minister be persuaded or is he at all having any discussions about making this more of a widely available option for women who want to be sterilised and not have to face the potential eventuality of going for an abortion instead?

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Hon. A J Isola: Mr Speaker, of course I am interested in anything that can deliver better care to our people. What I would say to the hon. Lady is that I have no doubt that this and everything

1530 else will form part of the review that is being carried out. Whether it is deemed to be okay or needs change or improvement in one way or another is yet to be seen, but I would tell the hon. Lady that there are three patients under the age of 30 in the last year who have had this, all for clinical reasons.

1535 **Mr Speaker:** Next question.

Q148/2022
Defibrillators –
Maintenance

Clerk: Question 148/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the GHA policy on maintenance of defibrillators around the city?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, by way of background the GHA has advised that defibrillators were very kindly fundraised and purchased by the Gibraltar Cardiac Association.

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The advice of the ambulance staff was obtained in connection to the placing of the defibrillators around Gibraltar. GHA ambulance staff do review defibrillators as and when required. However, this is being looked into with a view to having a more formal arrangement being implemented as to their maintenance.

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Hon. Ms M D Hassan Nahon: Mr Speaker, it is my understanding that several of them are not working properly. I would ask the Minister in good faith to perhaps find out whether this is indeed the case, to ensure that they might work better and potentially help to save a life.

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Hon. A J Isola: Mr Speaker, if the hon. Lady lets me have that information, I will ensure that they are checked and are working as they should be.

Q149/2022
Ambulances –
Supply and management

Clerk: Question 149/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government satisfied with the supply and management of our emergency and transport ambulances?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, although the GHA has not had issues in the past with the sourcing and supply of emergency and transport ambulances, the GHA is not satisfied and is disappointed with the delays with the recent purchase. The GHA, however, recognises that the delays have been due to the

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conversion of the vehicles and the required microchips, of which there have been shortages due to the pandemic. These issues have not only affected Gibraltar but worldwide. Two new ambulances are expected to arrive in September of this year.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his answer.

I have had several representations, which I would happily share with the Minister behind the Speaker's Chair just to show him the veracity of these representations; these have been life-or-death situations.

Given that he has generously explained that they are waiting for more vehicles in order to improve the service, I would like to ask him how are incidents documented, if at all? How are they reported and fed back to the service so that he can understand the data which is out there of failings that are affecting people in our community?

Hon. A J Isola: Mr Speaker, the Director General is very much on the case in respect of ambulances. They form an important part of his review and he has some interesting ideas as to the way forward for our community to get better care quicker when ambulances are needed.

I think that the data available is now being considered and reviewed, and the extent of the data available is improving, which will help him in that assessment to ensure that the kind of incidences that the hon. Lady refers to do not happen in the future. If she has examples, I would be happy to receive them. All I will do is pass them on to ensure that that data is already with them; if not, it will be helpful for them to have it.

Q150/2022
Mortuary –
Location and plans

Clerk: Question 150/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the current status of the location where the mortuary has always been, and what are the plans for the mortuary now that the pandemic has eased?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, this is currently under review.

Hon. Ms M D Hassan Nahon: Mr Speaker, so many reviews going on. I would like to know a little bit more about perhaps how long this review in particular might take, because of course Gibraltar being such a close-knit community, I know from many people I speak to that they really miss having a location to grieve the recently passed when it does happen, and there are many in our community feeling quite aggrieved by the current practices which are perhaps what we see in other countries but not what we are used to in this community.

I would appreciate it if the Minister could give us some kind of timeline as to when this mortuary status of limbo will be illuminated upon the community, because this is a very sensitive issue that people want to understand what to do with when the inevitable happens.

Hon. A J Isola: Mr Speaker, I accept that and I think that it is important in our community to be able to grieve with families in the way that the hon. Lady has described.

As the hon. Lady will know, during COVID the whole place was just shut off, for obvious reasons, and as a result of that it has led to a rethink. This is a cross-department rethink as to what we should do and how we should do it.

1615 I am afraid I am not able to give much more detail than I did in respect of the general review that is being carried out, which will be completed in the coming months. In terms of timetable I cannot be more specific than that because this service and many of the other services that we hope to bring back faster and better post COVID are all forming part of the one review of the global services the GHA provides, so I would ask the hon. Lady to be a little patient and give us some time to come back with some thinking on that.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his answer. I just want to ask if at all the Health Ministry is considering outsourcing this service to another location outside of the Hospital, as we see in nearby La Linea, for example, or if the system will stay within our GHA.

1625 **Hon. A J Isola:** Mr Speaker, I would not wish to pre-empt the review, but I am sure the review will consider all options and report back to us.

Q151/2022

GHA staff professional development – Support re secondment

Clerk: Question 151/2022. The Hon. Ms M D Hassan Nahon.

1630 **Hon. Ms M D Hassan Nahon:** Is the Health Minister satisfied with his Ministry's level of support towards its staff with reference to professional development in the form of secondment for those within the organisation?

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

1635 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I am unsure as to what the hon. Lady is referring to in her question.

As from 10th January 2022 the Ministry of Health – my predecessor's team – was seconded to the offices of the Director General.

1640 **Hon. Ms M D Hassan Nahon:** No, Mr Speaker, I do not think that the Minister has – Sorry, did you finish? I do not think he understood my question in terms of what I was getting at. If I can just explain, I have received some representations that the GHA is no longer supporting staff in expanding their professional development in the form of secondment.

1645 In terms of the representations I have had from a few enrolled nurses who have reported that they were told that they could do their third-year top-up at Gibraltar University, they were told that they could apply after working for two years, which would then make them registered general nurses. They started this process and within a week they were cut off with the excuse of no funding available. Apparently there is only a two-year bracket in which to do this, so if they do not do it after the two years they have to start from scratch for the three years of university all over again, even though they have already banked two, as such. This cut means that none of these individuals can continue their development to further their careers and raise standards, effectively, for the GHA and for all of us. I know that this has led to a certain level of demotivation for these nurses who really want to expand their careers.

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1655 Would the Minister be willing for me to perhaps explain this to him in detail behind the Speaker's Chair and perhaps find out whether there is any possibility of allowing these nurses,

who want to continue their development, to find a place in which to do it in the correct timeframe?

1660 **Hon. A J Isola:** Mr Speaker, yes, and my apologies because we have completely misunderstood the question that the hon. Lady was asking. If the hon. Lady were to detail that to me I would be very happy to pass it on and get a response for her in terms of what the issues are, if there are any – because I am not familiar with the issue that the hon. Lady has raised – and then come back to her. So, yes, I would very much welcome that.

Q152/2022
GHA executive board –
Selection of members

1665 **Clerk:** Question 152/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How were the new GHA executive board members selected?

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

1670 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, there are six executive directors on the GHA board. The appointments were made as follows: Director General appointed by the GHA Chairperson; Medical Director appointed by the GHA Chairperson; Director of Nursing appointed by the GHA Chairperson; Executive Head of ERS appointed by the GHA Chairperson; Executive Head of Workforce appointed by the GHA
1675 Chairperson; and Director of Finance, currently vacant, appointed by the Chairperson as and when that person is appointed.

1680 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just confirm that these are remunerated positions?

Hon. A J Isola: Mr Speaker, these are all professionals within the GHA.

Mr Speaker: The Hon. Roy Clinton.

1685 **Hon. R M Clinton:** Mr Speaker, I do not know if I understood the Minister correctly. He just said they are all GHA personnel, yes?

Hon. A J Isola: Professionals.

1690 **Hon. R M Clinton:** I was looking through the press release and the non-executive directors of the board. Certainly there is an accountant who is not a health professional there.

1695 **Hon. A J Isola:** Mr Speaker, the question was how were the new GHA *executive* board members selected, and that is the answer I have given. They are all executives within the GHA, the Director General, the Medical Director, the Director of Nursing, etc.

Hon. R M Clinton: Sorry, I understand now.

1700 **Mr Speaker:** There is a further supplementary coming from the Hon. Roy Clinton.

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

In terms of remuneration, are the non-executive directors receiving any fees?

Hon. A J Isola: No, Mr Speaker, it is entirely honorary.

1705

Chief Minister (Hon. F R Picardo): Mr Speaker, would this be a convenient moment for the House to recess for 15 minutes before we continue with questions on the environment?

Mr Speaker: The House will recess for 15 minutes and we will return at 6.25.

The House recessed at 6.07 p.m. and resumed at 6.27 p.m.

Procedural

1710 **Mr Speaker:** The Hon. Prof. John Cortes would like to say a few words before we start the session.

1715 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Thank you. Mr Speaker, as I explained to you earlier, I have been suffering from a cough for a few days. I have been tested for COVID and I am negative – it is probably a bad cold or an allergy – so I am going to try to work my way through all the answers. It is possible that I will get a coughing fit and I will have to leave without being able to excuse myself, so I am excusing myself now. My hon. Friend Minister Linares will read any answers and I will come back after a few minutes and deal with the supplementaries.

1720 The Opposition can, of course, withdraw all their questions and save me the trouble, but as I guess they are not going to, with your leave and the understanding of the House I will try to soldier through.

Thank you, Mr Speaker.

1725 **Clerk:** Question 51/2022. The Hon. E J Reyes.

Mr Speaker: Before we continue, because some of these answers are quite lengthy why don't we allow Minister Linares to answer the questions and you can reserve yourself for the supplementaries? That might be the way forward, but it is entirely up to you.

1730

Hon. Prof. J E Cortes: I am grateful to you, Mr Speaker, but I would like to give it a go. I am a little bit better than I have been over the last few days. If I find that I am struggling then I will take you up on your kind offer. Thank you.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q51/2022

Gibraltar Young Minds – Update

Clerk: Question 51/2022. The Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, can the Minister for Education provide an update in respect of the set-up known as Gibraltar Young Minds, which is, or was, run by a GHA employee seconded to the Department of Education?

1740 **Clerk:** Answer, the Hon. Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, Gibraltar Young Minds is a specialist mental health service for children and young adults which was set up internally by the GHA on the arrival of new members to the clinical psychology team, with input from the consultant psychiatrist with responsibility for these service users. The Department of Education, which had conducted a comprehensive review of mental health, social and emotional needs in schools and the College in Gibraltar through a GHA employee seconded to Education, collaborated from an education perspective but was not leading or running this GHA service.

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1750 The seconded individual together with the Educational Adviser for Child Welfare actively engaged with GHA and Care Agency colleagues to share outputs from the phased review and plan the development of referral pathways between organisations, and in particular those specific to school counsellors recently appointed. The Department of Education is a signatory to a memorandum of understanding with the GHA and the Care Agency which identifies priorities that all three agencies will work together to address in respect of children's mental health.

1755 The employee mentioned continues to work with the Director of Education, the Adviser for Child Welfare, Adviser for Special Educational Needs, educational psychologists and school counsellors along with staff across the service to continue to enhance and develop the education mental health strategy.

1760 I am informed that the GHA service is fully up and running.

Hon. E J Reyes: Thank you, Mr Speaker. Within all the information the Minister has given me, is he aware if the GHA employee is still seconded on a full-time basis at the Department of Education, or is it as and when he can be released from other GHA duties?

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Hon. Prof. J E Cortes: Mr Speaker, he is seconded on a full-time basis.

Q52-53/2022

Counsellors and educational psychologists – Numbers available

Clerk: Question 52/2022. The Hon. E J Reyes.

1770 **Hon. E J Reyes:** Can the Minister for Education confirm that there are now six counsellors readily available in schools as per Government's election manifesto?

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

1775 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 53.

Clerk: Question 53/2022. The Hon. E J Reyes.

1780 **Hon. E J Reyes:** How many educational psychologists are currently employed at the Department of Education to serve all schools?

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

Hon. Prof. J E Cortes: Mr Speaker, there are currently four school counsellors employed. Recruitment will continue for additional counsellors during the lifetime of this Parliament.

1785 There are currently two educational psychologists employed at the Department of Education.

Hon. E J Reyes: Mr Speaker, since there are two questions, I have two minor supplementaries. The counsellors are still four in number, although I gather that it is the intention to aim to have six. Does the Minister have an indication by when he hopes the selection process will be complete?

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In respect of Question 53 the Minister has confirmed there are two educational psychologists, but it is my understanding that we used to have three, so is the other one a vacancy that they are in the process of filling or has it been decided to cut down the number of educational psychologists?

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Hon. Prof. J E Cortes: Mr Speaker, I cannot tell the hon. Member when the recruitment will be completed. Clearly recruitment has been stalled as a result of the pandemic, but obviously it is still an aim; they are important posts and the Government still believes that they are important posts.

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In the case of educational psychologists, that is not quite correct. The number has been two substantive ... There has been one trainee who has been able to deal with some sessions, but because one of the former educational psychologists was promoted to education adviser, the trainee then slotted into that post and we are now looking at the possibility of engaging another trainee to understudy. So there have not been three. The fact is there have been three people but one of them has been a trainee.

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Hon. E J Reyes: Thank you for that clarification, Mr Speaker.

Can I refer him back to the counsellors, the four that are available for schools? Is the Minister aware, because the secondary schools tend to be large in size, if these counsellors are in situ on a school-organised basis, or are they based elsewhere and have to be called in by the school and wait for them to be able to come down? I am pointing that question toward the advantage of having a counsellor readily available with immediate effect, if need be, in schools with a thousand pupils each.

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Hon. Prof. J E Cortes: It does not usually work like that. The counsellors do not normally deal with a critical case; they deal with referrals through educational psychologists or from the school teams.

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The counsellors were new. They were added by this administration around the time of the new comprehensives, the new secondary schools, and they are based there, but obviously they are available to all the schools.

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Mr Speaker: Next question.

Q54/2022

Educational psychologists and the GHA – Evidence of multi-disciplinary approach

Clerk: Question 54/2022. The Hon. E J Reyes.

1825 **Hon. E J Reyes:** Can Government provide details of any multi-disciplinary approach currently in place for the benefit of pupils between the Department of Education's educational psychologists and the Gibraltar Health Authority?

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, the two educational psychologists currently employed at the Department of Education are involved in a number of multi-disciplinary workstreams with staff from the Gibraltar Health Authority and indeed other agencies.

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The educational psychologists attend paediatric multi-disciplinary reviews when invited to attend these by GHA staff. The educational psychologists liaise with relevant staff – primarily paediatric therapists and consultant paediatricians – from the GHA when they have shared cases of children and young people in common. They also attend educational multi-disciplinary reviews for pupils attending Government schools and other educational settings, and relevant GHA staff, primarily paediatric therapists and consultant paediatricians, are invited to attend when they are supporting the children and young people who are being reviewed. They form part of joint workstreams and work alongside relevant staff from the GHA and other agencies providing strategic liaison on pathways and policies pertinent to children and young people with additional needs – for example, the ASD pathway. The educational psychologists work closely with relevant staff from the GHA and other agencies to support pupils, particularly at times of transition across schools and across sectors, to ensure as smooth a transition as possible for the children and young people. They form part of the gazetted Special Educational Needs Assessment Panel, which also consists of GHA staff and Care Agency staff, to ensure children and young people's educational needs are met. They form part of the Disability Panel, which also consists of GHA staff and Care Agency staff, to discuss the needs of children and young people with disabilities in our community.

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Mr Speaker: Next question.

Q55/2022

Special needs learning support assistants – Number available in primary schools

Clerk: Question 55/2022. The Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Education provide details of how many special needs learning support assistants are presently available in primary schools?

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, there are currently 122½ – clearly there is one part-timer – special needs learning support assistants (SNLSAs) assigned to support children in Government primary schools. In addition, there are currently a total of 51 such assistants assigned to support children in St Martin's School. Please note that St Martin's School caters for children and young people across the compulsory school years, which includes children of primary school age and children beyond primary or secondary school age.

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It is important to note that the assigning of SNLSAs to educational settings is entirely needs dependent. That is to say that the allocation of SNLSAs to educational settings is dependent on the particular needs of the children who attend those settings at that specific time. Each

1870 educational setting's requirements are subject to change as pupils' needs change, pupils develop, emerging needs are identified or pupils transition to a different educational setting. The number of SNLSAs assigned to each educational setting is dependent on the specific needs of each cohort of children each academic year.

1875 **Hon. E J Reyes:** Thank you, Mr Speaker. I think the Minister has clarified some things there for me. Am I correct in deducing that because it is demand led, the 122½ in the primary schools which is lower and upper primary ... you could have a case that comes in September, the numbers in the lower primary could be lowered because as a pupil moves into upper primary the individual pupil takes it with him, and then there will be the whole process of the new reception year kicking in, the cohort? Is that a correct assumption, so that I know for future reference?
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Hon. Prof. J E Cortes: Yes, Mr Speaker, that is correct.

Q56/2022
Bayside and Westside Schools –
Use of workshops designated for vocational courses

Clerk: Question 56/2022. The Hon. E J Reyes.

1885 **Hon. E J Reyes:** Can the Minister for Education provide details of what usage is being made of the workshops situated on the ground floors of both Bayside and Westside Schools which were purposely designated for vocational courses and trades such as mechanics and wet trades?

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

1890 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, some of these areas are currently being used to support the learning and teaching of existing curriculum subjects. This is the case for the engineering workshop. The garage and wet trade areas are currently not in use.

1895 **Hon. E J Reyes:** Mr Speaker, if the garage and wet trades areas are currently not in use, is it that we are waiting for these particular courses to kick in, or is it that we have now abandoned, for example, the wet trade courses and therefore management would have to rethink their usage?

1900 **Hon. Prof. J E Cortes:** No, Mr Speaker, the courses have abandoned us. City and Guilds, quite unfortunately, discontinued a number of courses from 1st August 2021: Level 2 Technical Engineering vehicle, Technology, Design and Planning in the Built Environment, and Cookery and Service for the Hospitality Industry. They are carrying out a whole review and they were the courses that we were going to offer, so unfortunately they are not available. The Department of Education is, however, in contact with other authorities with a view to being accepted as a location for these courses, and obviously as soon as we are able to start those courses we have the facilities available. Unfortunately it was completely beyond our control and the courses that we were going to offer have ceased to be offered by City and Guilds.
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Q57/2022

**Vocational training –
Details of courses delivered in secondary schools**

Clerk: Question 57/2022. The Hon. E J Reyes.

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Hon. E J Reyes: Can Government provide details of vocational courses being delivered at our secondary schools for the academic year 2021-22 together with details of numbers of students following these courses, the educational establishment delivering the courses, the completion date of the courses and the qualifications obtainable upon successful completion of said courses?

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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, there are a total of 18 students who will complete their Level 2 Hair and Beauty course delivered at Westside and Bayside Schools in salons that were created. Unfortunately those courses were not discontinued and they will be completing this academic year. An additional nine from Bayside School and seven from Westside School are expected to complete the same Hair and Beauty course next year.

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We have 78 students at Bayside and 23 students at Westside who will complete their Level 2 Digital Technologies qualification at the end of this academic year. A further 24 students from Bayside and 12 from Westside are expected to complete their Level 2 Digital Technologies qualification in 2023.

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We must not forget that we also have 125 students at our secondary schools and 286 at the Gibraltar College who are following courses which are vocationally assessed. That is they are in subject areas not traditionally considered as vocational subjects but are being assessed in a vocational manner. This includes the four students who are now working towards the new Music Performance qualification which has been introduced this year. This number does not include the students who at some points in the journey complete ASDAN qualifications, which are vocationally assessed at Levels 1 and 2 at our secondary schools.

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Hon. E J Reyes: I am very grateful for that information, Mr Speaker.

The Minister went on to save me the trouble of having to specifically go on to something ... He has given us the example of the music courses and so on. Can he confirm that these would end up leading to a Level 1 or Level 2 qualification and, the same as before, an estimated completion date when they are bound to finish this current examination period, or is there still another year to go?

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Hon. Prof. J E Cortes: Mr Speaker, the Music Performance course is a two-year course, so it is due to finish next year and it is an A-level equivalent. *(Interjection)* Yes. The Music Performance course which is being offered by the College in association with the Academy of Music and Performing Arts is A-level equivalent.

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Hon. E J Reyes: Thank you that's helpful Level 3, rather than a Level 3, Am I correct?

Hon. Prof. J E Cortes: Yes, Mr Speaker, but it has the same value for university purposes.

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Hon. E J Reyes: I know there is a Minister on that side of the House as well with that sort of educational experience.

The Level 2 is considered more or less equivalent to a GCSE, or it should be accepted internationally as that, and therefore the Level 3 is an A-Level; and the Level 1 – which unfortunately in some private sector markets is not given as much credit but from an educational point of view is also worthwhile – is equivalent to a foundation and almost quasi-GCSE?

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Hon. Prof. J E Cortes: Yes, absolutely, Mr Speaker, and this actually opens up an opportunity for young people who may not have wanted or may not have been able to follow a more strictly academic route, to gain qualifications which will serve them well in future life.

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Q58/2022
School leaving age –
Update re possible changes

Clerk: Question 58/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education provide updated details in respect of any possible changes it hopes to introduce in respect of the school leaving age, so as to bring this into line with the United Kingdom?

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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, the Government is considering increasing the school leaving age to 16 in its current review of the Education Act.

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

We have spoken about this in the past, so it is still a work in progress, but looking further into the details of the United Kingdom, it is not as simple as saying the school leaving age is 16. The student may leave school at 16 if up to the age of 18 they are enrolled in a type of apprenticeship or employment programme that would teach them some skills and gain experience. Is the Minister inclined to hope that Gibraltar will follow a bit more that route? In other words, it is not a question of simply reaching a given birthday, like 16, and then saying the individual can stay at home and roam the streets, but rather that they be engaged in a recognised type of programme, as seems to be the case in the United Kingdom?

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Hon. Prof. J E Cortes: Mr Speaker, I personally would not be inclined to be so prescriptive. I am not sure that that may not be the outcome, but certainly that is not the way we are going at the moment. But as I said, this is currently under consideration in a wide review of the legislation and is something that clearly is under discussion. My personal view is that we should not be so prescriptive.

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Q59/2022
Scholarship contracts –
Total amount outstanding re courses not completed and action taken

Clerk: Question 59/2022. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government provide updated details of the grand total debt outstanding from students who have not successfully completed any courses for which they were granted scholarships, together with details of what actions are being taken against debtors who are failing to make repayments as required by their scholarship contracts?

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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, the grand total debt outstanding as at 6th May 2022, when the answer was compiled, amounts to £1,107,436.20. Debtors who fail to honour repayments despite several written reminders are referred to the Central Arrears Unit.

Hon. E J Reyes: Mr Speaker, I am glad to know that the Minister has done a good job: he has reduced by £199,000 the debt as of when he answered my Question 544.

Just a small point of clarification. In the past the Minister has answered and given me a footnote saying that those students who have not been referred to the Central Arrears Unit have been chased up by the Department of Education, and in today's answer he has made, again, a reference to the Central Arrears Unit. Is it a question of the Department of Education having first tried to contact these people trying to deal with them and all the pending cases now pass fully to the Central Arrears Unit so that the Department of Education per se has done its job and it is now all centralised at the Central Arrears Unit?

Hon. Prof. J E Cortes: Yes, the Department of Education tries to assist, in a friendly manner, families who are facing the obligation to pay a debt which they would rather not pay. We are sensitive about it and the Department talks to the families and writes to them. On occasion, they reach a payment agreement, depending on means and so on, but clearly there are times when the Department is unsuccessful and it is those cases that are referred to the Central Arrears Unit. I believe that most of the older cases are now with them, but clearly these things happen all the time so it is quite dynamic. There will be new cases that maybe have happened a week or two ago and one or two that are coming in a week or two's time.

It is unfortunate. It has to be dealt with. The Department is as sensitive and understanding as possible, but the debt is there and they will try to recover it.

Hon. E J Reyes: Thank you, Mr Speaker. I tend to concur with the Minister that one has to approach sensitively those students who may have entered into difficulties and may not be able to complete their courses.

Given that we are now towards the end of an academic year, would the Minister accept ... 'advice' may be the wrong word ... a proposal from me that as some students now approach their final exams, if for medical or other genuine reasons they are unable to complete those studies, rather than become a debtor the Department of Education has an information leaflet giving them in bullet points what course of action the individual may take? For example, that individual could re-enrol next September at the university and sit any pending exams they have. Therefore, they comply with the requirement of having successfully completed their course, they do not become debtors to the Department of Education and all it requires is a small investment from their family for an extra term, or whatever the individual [inaudible] Would the Minister for Education take on board perhaps having a little information booklet or sheet with bullet points, or whatever, to assist students through these difficulties and thus enable them not to become debtors and eventually be referred to the Central Arrears Unit?

Hon. Prof. J E Cortes: Mr Speaker, the information is provided when young people and families come. Whether it is in the form of a booklet ... It is more likely in the form of a pdf or an email. There are meetings held.

Obviously there are situations where, for example, it is for medical reasons that can be confirmed as genuine medical reasons. Obviously these are situations that could be abused. I think that is relatively rare but it is possible, so we have to be absolutely certain that the reasons are legitimate and there is a sympathetic interchange.

Quite the format of the information I am not absolutely aware of, but I am sure that the Department shares and assists as much as possible.

Mr Speaker: Next question.

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Q60/2022
Vaping within school precincts–
Confirmation of reports received

Clerk: Question 60/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state whether reports have been received by the Department of Education as to the prevalence of children vaping in and within the school precincts?

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, there have been some reports of vaping coming from parents, other pupils and external agencies such as Public Health, but the secondary schools had already identified the issue within their own institutions.

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The issue is being addressed in various ways including multi-agency collaboration, education on the dangers of vaping via sharing information on Google Classroom and school Twitter accounts, education on the dangers of vaping through the curriculum and sharing of resources via Public Health and PSHE working parties, identification of areas in school premises that are being used to vape and monitoring of these areas, liaison with parents/carers of pupils identified as vaping on school premises, liaison with RGP, parents/carers and students found vaping, and communication with RGP as regards concerns over illegal purchasing of vaping apparatus.

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In most cases the school has identified the specific vaping behaviour and contacted the parents. School staff have found that children who would prefer not to come to school have used vaping by other students as an excuse and have painted a more negative picture than what is happening in reality. For example, a child with friendship issues who did not want to come to school said he had not gone to school because this was happening.

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School staff have found that some of the reports of vaping have not resulted from first-hand observations of young people vaping. School staff feel that the vaping behaviour is one that only a small minority of young people engage in, and whilst they of course want to raise awareness as to the dangers, curb the behaviour and prevent others from following suit, they are not of the opinion that this is a widespread issue of significant concern.

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Hon. K Azopardi: Mr Speaker, can the Minister help us by telling us whether he has any information on the numbers of children who have been observed first hand and – because he made a distinction in his answer about the first hand observation and then the second-hand reports – the number of second-hand reports?

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Hon. Prof. J E Cortes: Mr Speaker, I have not been provided with those figures in the answer, but I am happy to chase them up and share them with the Hon. Leader of the Opposition and the Hon. Mr Phillips. I will do that very soon.

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Hon. K Azopardi: Finally on that, he has spoken about awareness and so on, but to the extent that there has been first-hand observation, what kind of action are teachers recommended to take?

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Hon. Prof. J E Cortes: I tried to summarise some of them, but they are spoken to, their parents are spoken to; if it is something that is getting out of hand then there might be police intervention, but normally, as the Hon. the Leader of the Opposition knows, the school will try to deal with it internally, try to give advice and try to stop the behaviour. It is challenging, of course. Smoking ...
2100 it is another version of that, but the school tries to control it as best it can.

Q61-62/2022

Used motor vehicles –

Intentions re banning non-hybrid/electric vehicles and promoting electric vehicles

Clerk: Question 61/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state its position on the importance of gas-guzzling used motor vehicles and confirm whether it intends to ban the importation of non-hybrid/electric motor vehicles?
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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, I will answer this question with Question 62.
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Clerk: Question 62/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.
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Hon. K Azopardi: Mr Speaker, can the Government confirm what steps it is taking to encourage and promote electrification of motor vehicles in order to further the decarbonisation agenda?

Clerk: Answer, the Hon. the Minister for the Environment and Education.
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Hon. Prof. J E Cortes: Mr Speaker, electrification of the vehicle fleet is one of the principal ways in which we will be decarbonising transport.

Import duty for electric vehicles is zero and cashback incentives are available of £250 for a hybrid vehicle and £2,500 for a full electric vehicle.

For the past three years any individual tax payer installing an electric vehicle charging point has been able to deduct the first £2,000 of the costs against their tax liabilities and we are considering extending this scheme due to increased interest. A cashback incentive of £150 is available for fully electric motorbikes and £200 for electric bicycles.
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By 1st July 2030 every vehicle registered in Gibraltar will have to be at least a hybrid. This applies to new and second-hand vehicles being registered for the first time in Gibraltar as from the 1st July 2030.
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As from 1st July 2035 Gibraltar will only allow the registration of fully electric vehicles where the propulsion of the vehicle does not in any way rely on the internal combustion engine, whether fuelled by diesel or unleaded petrol.
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The Ministry of Transport is also working on the rollout of further public electric vehicle charging points in addition to those already available at Midtown car park.

Government has committed, within the Climate Change Strategy, to purchase only electric or at minimum hybrid vehicles as of next year. The Government's position on combustion engine motor vehicles is clearly and comprehensively laid out in the Gibraltar Climate Change Strategy, which includes a roadmap for the decarbonisation of the transport sector. A ban on the
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importation of petrol and diesel mopeds will be introduced as from 2023. In addition, and in order to prevent the market from continuing to be filled with older, more polluting vehicles, the Government will also ban the importation of used passenger cars and light commercial vehicles with combustion engines in 2023. As part of its medium-term roadmap to net zero, the
2145 Government will introduce an outright ban on the sale and importation of new conventional petrol and diesel cars, vans and motorbikes as from 2026. Moreover, no vehicles fuelled by petrol will be allowed to be registered by 2030.

Hon. K Azopardi: Mr Speaker, I welcome the hon. Member's answer on all those fronts.
2150 It struck me, listening to him, that I guess the success of that agenda must presumably depend to some extent on the number of electric charging points there are around Gibraltar. Does he have an idea of how many there are now – I do not, but he might – and how many he thinks are needed for a successful strategy, given the clear schedule of timescales of the banning of certain vehicles that he has rolled out? Does he have an idea, in the strategy that has been carved out, how many
2155 charging points are required? And then thirdly – I will just ask the question so I do not have to get up again – the kind of investment that he thinks needs to be made in terms of providing charging points?

Hon. Prof. J E Cortes: Mr Speaker, I do not have the figures. I would say that at the moment
2160 we certainly do not have enough and there is pressure from vehicle purchasers for more.

I can say that we are in discussion with industry and they are working together with us to try and develop ... They themselves are having to respond to the move towards electric vehicles from manufacturers, so it is something that we are working together on because this is happening around the world. Again, this is something that we are working with industry on to determine how
2165 many we would need.

There are cities in other parts of the world that are developing electric vehicle charging hubs, very much like a petrol station but multi-layered for that purpose. It is a challenge that we will be facing like the rest of the world will be facing. I suppose it is not really more of a challenge than when people used to drive horse-driven carts and said, when they heard about petrol, 'How on
2170 earth are we ever going to have stations to fill up with petrol all around the country?'

So it is a challenge that is coming, but I am confident that, working within Government Departments and very closely with industry, we will be able to have a roadmap for that process which will be superimposed on the aims that I have described today.

Hon. K Azopardi: I hear what the hon. Member says, but given that the Government has quite clearly set out a roadmap of dates would it not be also sensible to have collated statistics on the number of charging points there are? From my own limited research on it, it is not the same as filling up a car with petrol, which may take three or four minutes. I understand the charging process is, in some cases, quite lengthy. To fully charge a car it could take a much more significant
2180 period of time.

It may be that there needs to be a better-planned roll-out in terms of things like ... For example, if a development is going to be done, for some decades we have had requirements for parking spaces per development ... those parking spaces should come with a certain number of electric charging points – things like that, which I am sure the hon. Member might have in mind in terms
2185 of new things, but of course that does not cater for existing developments or indeed the vast number of vehicles in Gibraltar and so on.

So, if they are going to take that brave decision of a clear roadmap on dates, I encourage the hon. Member ... Does he agree that there should be a collation of statistics and a well-planned-out strategy on charging points?
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Hon. K Azopardi: Yes, Mr Speaker, absolutely, and not just on this point, on a whole range of issues that have been identified in the Climate Change Strategy. In fact, we are working

interdepartmentally on setting up net zero delivery bodies and working groups to focus on each individual aspect and to come up with exactly this kind of roadmap.

2195 Already, as the Hon. Leader of the Opposition has stated, there is a requirement in every new development. It used to be 20%. Now the Development and Planning Commission is asking usually for at least 40% and I suspect that in future developments they will be required to ask for 100%. That is future-retro-fitting, will clearly be an issue, and this is what these working groups will focus on because we have to have a roadmap in order to achieve it, but I can assure the Hon. Leader of the Opposition that work is in hand to produce exactly that.

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Chief Minister (F R Picardo): Mr Speaker, if it is helpful, because I think we need to also just bear in mind one thing, there is no such thing as an electrical charging point for a vehicle of one type, there are many different types, and so we have to be careful that we do not think that there is one way to charge an electric vehicle which works for every electric vehicle.

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You can set up a thousand electrical charging points and find that they only charge 20% of the electric vehicles that you have in Gibraltar. There is not, at the moment, a standard, and one of the things that we have been very keen to do is not to do more until there is a standard because the industry is expecting to come up with an industry standard that will charge all vehicles, existing electrical and future electrical vehicles, and it therefore would be a problem now to choose one type of electrical charger and roll it out across the board. That is one of the reasons we have not done more yet.

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As the owner, through HM Government of Gibraltar, of one of the first electric vehicles there was in Gibraltar – which we chose in place of the gas-guzzling Jaguar that hon. Members used to have their leader conveyed in, which used to cost between £85 and £120 to fill with petrol and which we have replaced with a Tesla that costs 85 pence to charge – we are very pleased to see the conversion to electric and hybrid on the other side.

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Hon. Prof. J E Cortes: I thank the Chief Minister for that very helpful contribution in support of this discussion.

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If I may add a couple of things, one is that there are faster chargers and slower chargers; that, I think, is covered by the Hon. Chief Minister's contribution. The other things is that I would not be true to the aims of my friend and colleague the Hon. Paul Balban, who also reminds us that we have to reduce the use of cars as part of achieving this decarbonisation, and also that other technologies are coming on board.

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There is a lot of movement now internationally – and I saw this in COP26 when I was in Glasgow at the end of last year – towards hydrogen as a fuel alternative, particularly for larger vehicles which might struggle ... the electric engine might struggle for heavier goods vehicles. The indication is that these will turn to hydrogen and that is something that we also have to be open to. When hydrogen is burnt in oxygen it produces water, so it is non-polluting.

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All these things have to be kept constantly under review and we have to wait for the industry to lead on this as well.

Q63/2022
No-idling legislation –
Update

Clerk: Question 63/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government confirm that, despite previous questions in this House, nothing is done to strengthen anti-idling laws or prevent further damage to young lungs and our air quality?

2240 **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 no-idling legislation is in near-final draft form. We expect to publish it in coming months. The Environmental Agency will be enforcing this legislation with assistance from other relevant bodies such as the Royal Gibraltar Police, as needed.

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Q64-70/2022

Air quality –

Rational re location of mesh pods; monitor upgrades, periods offline, additional monitors to improve coverage; compliance with WHO recommendations; actions to improve

Clerk: Question 64/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

2250 **Hon. K Azopardi:** Mr Speaker, can the Government state the rationale for the positioning of the current AQ mesh monitors?

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

2255 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 65 to 70.

Clerk: Question 65/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

2260 **Hon. K Azopardi:** Mr Speaker, can the Government state what upgrades have been made to the current AQ monitors over the last two years?

Clerk: Question 66/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government confirm how many occasions the AQ monitors have been offline over the last two years and for what duration?

2270 **Clerk:** Question 67/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state that it is in full compliance with WHO revised air quality recommendations?

2275 **Clerk:** Question 68/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

2280 **Hon. K Azopardi:** Mr Speaker, can the Government state why it appears that levels of nitrogen dioxide at Harbour Views Road are 15 times greater than the level of the WHO annual mean limit of nitrogen dioxide?

Clerk: Question 69/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

2285 **Hon. K Azopardi:** Mr Speaker, can the Government set out what it has done to better improve our air quality over the last two years?

2290 **Clerk:** Question 70/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government confirm that it will roll out further AQ monitors to cover more areas of Gibraltar?

2295 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Hon. Prof. J E Cortes: Mr Speaker, the Environmental Agency has three air quality (AQ) mesh pods currently positioned at Rosia Road by the clock tower, Devil's Tower Road and Harbour Views Road. These locations were identified in consultation with Ricardo, our consultants in the UK. The rationale for the positioning of these mesh pods at each location is as follows. Rosia Road is located specifically to investigate complaints of emissions from the dockyard. Devil's Tower Road is located to provide baseline data prior to the opening of the Airport tunnel road; it is anticipated that the increase in traffic will impact the concentrations measured on Devil's Tower Road. Harbour Views Road is located to investigate concentrations resulting from emissions from the cruise liner terminal and the Port.

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2305 The Government has placed an order for replacement of eight of the fixed real-time analysers used within the monitoring network. These will be installed in the near future. They were going to be installed last week but they were not able to come over in the end. There have been some breakdowns of the equipment. The length of time of these breakdowns ranges from a couple of days to several months. The Environmental Agency can solve some of the minor issues but not most of the major fixes, which must be done by the company that installed the equipment, Ricardo. The ones that stayed unfixed for a number of months coincided with COVID, so they had problems visiting Gibraltar during the pandemic, but now they are due to catch up and all the monitors will be upgraded, repaired and fully functional.

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2315 The World Health Organization revised their air quality recommendations in 2021 – they moved the goalposts – just as, for the first time ever, Gibraltar happened to have achieved compliance with the former PM2.5 levels. We are now not yet in full compliance with the revised WHO air quality recommendations. These are much more stringent than the legislative objectives that have governed air quality strategies both in Gibraltar and across Europe since 2000. For example, the annual mean World Health Organization guideline of 10ug/m3 is 25% of the corresponding EU limit value of 40 for nitrogen dioxide, and that sadly continues to be widely exceeded all across all of Europe. We continue to aspire to this but it is unrealistic to be immediately compliant with these revisions, which are focused, and rightly so, on health outcomes and not on achievability. The revised WHO PM2.5 guidelines, for example, could potentially be exceeded just by natural sources outside the control of governing bodies, such as Sahara dust or sea salt. Pollutants such as nitrogen dioxide are more controllable and we will continue to try to achieve the new standards.

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2325 A quick analysis, for the site referenced in Question 68, of provisional data for 2022 – there still have not been the quality assurance and quality control applications, which will then modify the data – shows an average of around 43 ug/m3, and I stress the word 'average', which is consistent

2330 with roadside concentrations across other parts of Gibraltar and across the UK. This is an
exceedance of the World Health Organization guideline but it is about four times the revised
2335 guideline, not 15 times. It is possible that the Hon. Mr Phillips has confused hourly and annual
data here and is comparing one peak hourly value with an annual mean guideline. You cannot do
that. When you have a graph like I have here, Mr Speaker, you cannot compare the peak with the
average, and this may be what Mr Phillips has done in preparing his question. It is worth
2340 mentioning that these data have yet to be ratified; I have just said that. There is currently no
modelled evidence to suggest a source, and source apportionment at this location is difficult, but
it is possible that contributions from port activities combined with road traffic are causing this.

The Government has undertaken several projects to improve air quality in Gibraltar over the
2340 last few years. We have had the commissioning of the power station and LNG terminal, along with
the decommissioning of the old power stations. The Environmental Agency has also increased its
presence at all construction sites around Gibraltar with the aim of reducing dust being produced
from these sites. Furthermore, as I previously stated, we now have new equipment on order which
2345 will allow us to capture better and more air quality data. In my answer to an earlier Question I also
detailed measures in relation to traffic, to supplement those of my hon. Friend the Minister for
Transport.

In answer to Question 70, the Environmental Agency has placed orders for two additional AQ
mesh pod monitors, which will be located one in the Port and another in the City Centre.

2350 **Hon. K Azopardi:** Mr Speaker, quite a lot there, so I will just try to ask a couple of questions, if
I may.

First of all, I am glad that they are going to purchase more monitors to do things, to use the
Chief Minister's new slogan, better and faster – and hopefully also cheaper. He did not mention
cheaper, but hopefully it will also be cheaper. *(Interjection by Hon. Chief Minister)* Well, it is your
2355 suggested slogan for us, but I thought you had adopted it quite successfully for yourself.
(Interjection by Hon. Chief Minister)

Mr Speaker, can I just ask, in terms of the upgrade, can he give us a bit more information? He
has spoken about the three points where they have installed these air quality monitors. Is there a
2360 plan to install more of those types of monitors around Gibraltar? If so, why? If not, why not? He
has explained the rationale of why those are there, but I guess you could construct a rationale for
monitoring air quality in other parts of Gibraltar for different reasons. He is well versed in the area,
so is there a plan to do that, given the desire to do more comprehensive air pollution monitoring?

In terms of Question 68 on Harbour Views, he says that the average is four times higher than,
I assume, the new level that he is talking about, and that the average is not 15, it is four. He showed
2365 us the graph, which viewers could not see, obviously, because it was facing us, but helpful in any
event. The average may be four, but from the graph it did look like there were moments where it
was significantly higher than four at moments of the day. Does he think that that is a worrying
thing? Is there something that he thinks could be done to address issues like that, so that we all
enjoy better air quality?

2370 **Hon. Prof. J E Cortes:** Mr Speaker, I am grateful to the Leader of the Opposition for giving me
the opportunity to talk a little bit more about this.

We already have more air monitoring equipment for a place our size than the EU requires. I
know we are not in the EU, but we have said many a time that we wish to maintain EU standards.
2375 It is in Gibraltar's interests for many reasons that we should be seen to be environmentally up
there with the EU, if not better.

The additional mesh pods are less expensive, actually, than the large monitoring stations, and
we have deployed, as I explained, in a number of areas. The two additional ones that are coming ...
and of course you could put them everywhere. There are less accurate diffusion tubes all over the
2380 place, which are also published regularly, but these are a little bit more detailed. At the two places
where these are going to go, one is in the Port area, where we realise there is industrial activity,

2385 and the other one is in the city centre. We are moving the large monitoring point from Witham's Road, which has served its purpose. It was there to monitor how we could improve the poor air quality as a result of the temporary power stations that were there. That has now been totally resolved. That is now moving to Devil's Tower Road, where we will capture any changes as a result of the tunnel. The other one, therefore, is going in the city centre, where we also are aware that there is a lot of traffic and we want to capture that. So those are the two. If we could have more we would put more in, but there is also the possibility of overkill. We know we have to work on air quality; I do not have to see a graph to tell me.

2390 On the graph in particular, the World Health Organization is stricter. The EU requires a reading of 40 ug/m³. This one is averaging at 43, so we are a little bit over. We would not like to be that much over. Perhaps this could be one of the first Parliaments to allow Ministers to put up power points on the screen, and then everybody would see it. Clearly, peaks are not things that we would like to see, but if you have a monitor and there is a vehicle passing by, then it is going to pick up more; but the average is what counts, particularly when these standards are set internationally
2395 by organisations such as the World Health Organization.

I think I have answered most of the points. If I have not, I am happy to do so now if my voice – which is holding up – permits, or subsequently in another question or behind the Speaker's Chair.

Q71/2022
Elliott Hotel –
Fumes from vents at rear

2400 **Clerk:** Question 71/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state what measures the Government has taken in relation to the vents pouring fumes at the back of the Elliott Hotel on to Canon Lane?

2405 **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 Environmental Agency has had communication with the Elliott Hotel regarding smells starting in June 2020 and then again in June 2021. These smells have never been
2410 witnessed or verified from a complainant's home. The smells have been brought to the Environmental Agency's attention by pedestrians and passers-by. The Agency's involvement has been purely from a smells nuisance point of view. The complaints arose because the boilers were due to be serviced at the end of July. The complaints ceased on both occasions once the boilers had been serviced.

2415 In 2021 a similar issue was brought to the Agency's attention, this time due to the lack of maintenance on the burners, which are components of the boilers. The UK company could not fly to Gibraltar to service the equipment, due to COVID restrictions. The burners were serviced by August 2021 and the Environmental Agency has not received any complaints since June 2021.

Q72/2022

**EcoWave Power energy project –
Government position**

2420 **Clerk:** Question 72/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state its position in relation to the wave energy project?

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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, as we have informed this House in the past, the EcoWave energy project was undertaken as a pilot project by a private entity to demonstrate that the technology can be directly connected to an electricity grid.

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The pilot was built and originally supposed to operate for two years with the purpose of proving that wave energy can safely connect to the grid and withstand the Gibraltar storms using its storm-protection mechanism. However, the company decided to keep the pilot station operational for a longer time, as it was used as a real-conditions R&D facility for the company.

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After six years of successful testing operations in Gibraltar – three times the original period – the company, EcoWave Power, that owns and operated the floaters decided to remove them and relocate them to the Port of Los Angeles for testing in a different maritime environment. Government remains open to the possibility of installing further wave power in Gibraltar if suitable locations can be found.

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Hon. K Azopardi: Mr Speaker, this is my colleague's question so he might have been more sighted on the detail than I am, but may I just ask the Minister: given that there was a long testing period, presumably that data was shared with Government – is that right? – and, if so, did the Government reach any conclusions in terms of the possible use of wave energy as an alternative?

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Hon. Prof. J E Cortes: Mr Speaker, we have not specifically requested the information because this is information in developing a technology that we were not going to be carrying out ourselves. This was for them to develop their technology. If we were to feel that any of the information was useful to us, I am absolutely sure that it would be shared with us.

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The plant was not big enough to provide substantial amounts of energy, but the purpose was to prove that it did produce some energy and that it could be safely linked to a grid. The plants that they are installing elsewhere in the world are considerably larger. They have more space and more coastline, and therefore I am hoping, certainly, because this is good for the environment globally, that the lessons they have learnt in Gibraltar will serve them well, but at this point in time, as I said at the end of my answer, we will be happy to consider it if we can find suitable locations.

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Hon. K Azopardi: Mr Speaker, given that presumably it was at no cost to the Government that they were here and they tested for a longer period than they originally had envisaged, wouldn't it have made sense and wouldn't it make sense now to ask the company to share its data and its conclusions with the Government, so that you can then, as part of a wider strategy, decide whether or not that kind of project would be even useful to look at for consideration? It may be that the statistics do not justify even it, but if it does then at least you have a bank of information.

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Hon. Prof. J E Cortes: Mr Speaker, we have information from the point of view of the hours they operated, how much energy they produced and so on. The technical specification as to

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perhaps the angle of the floater or how to connect the floater to land is something that is important if you are developing a wave energy product, which we are not. We would buy the energy or we would commission the product, but we are not in the business of building wave energy plants. If we were to be in that business, then I am absolutely sure that they would share the data, but that is not the businesses we are in; we are interested in the output.

Hon. K Azopardi: Mr Speaker, finally, I understood that we are interested in the output, but ultimately if we are interested in considering the alternative and a possible investment into the area, we would need to be satisfied that it works. There are waves all around us. It may or may not work – it may simply not work, but I just thought it would be a useful exchange of information given our location and our geographical reality. That is why I asked the hon. Member.

Hon. Prof. J E Cortes: Mr Speaker, if it would assist, I am very happy to ask them for the information and then I will judge whether I think it is useful and I will let the Hon. Leader of the Opposition know. I do not think there is anything there for us, but let's have a go.

Q73/2022
Dog fouling –
Number of fines imposed

Clerk: Question 73/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government provide details as to the number of fines imposed by the pertinent authority in respect of dog fouling offences?

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 Environmental Agency has issued 21 fines in 2022.

Hon. K Azopardi: Mr Speaker, of those fines does he know how many were DNA-tested origin fines?

Hon. Prof. J E Cortes: Mr Speaker, I could not confirm exactly how many are of DNA origin. I will find out, but if I interpret the figures that I have as my supplementary I think that of those 21 at least 12 are from DNA, but I need to confirm that.

Hon. K Azopardi: Mr Speaker, does the Minister have any information as to the DNA testing methodology? The information reaching us is that DNA testing is only done on one day of the week and in certain areas only. Is that true? Does the Hon. Minister know whether DNA testing is, as a matter of course, done every day and in respect of all areas? And if it is a much more constrained methodology, why is that, and doesn't that really not deal with the issue?

Hon. Prof. J E Cortes: Mr Speaker, the testing itself, the analysing, is done in a laboratory outside Gibraltar. I believe it is in Germany – subject to confirmation, so if it is not please do not feel that I am misleading the House. I believe it is in Germany.

What I think the hon. Member is referring to is the collection of DNA samples. There is a weekly foray by Environmental Agency officers to collect samples of dog poop and they will go to different areas; if they have received reports of problems in particular areas then they will target those

2515 areas. I think there are other things that the Environmental Agency officers also need to do, so having them full-time collecting samples I do not think is correct. I think the balance of one day a week is actually suitable and good, and I am satisfied that the operation is handled correctly.

2520 There are other types of dog patrols, which are done partly by the Environmental Agency, sometimes with the support of the Royal Gibraltar Police and very often by the Environmental Protection and Research Unit, which approach dog owners and confirm that they have the proper licences and so on. There have been 12 fines on that specifically in 2022. In fact, only today, just outside here there was an event in which there was an educational initiative with representatives of the Environmental Agency, the Department of the Environment, the Environmental Protection Unit and the Royal Gibraltar Police, making people aware of these issues and going for responsible dog ownership.

2525 I am satisfied there is a lot more being done now than there has been before. Some members of the public have approached us and have been very proactive in working together on this. I must mention one particular member of the public, Mrs Julie Gonzales, who is very committed to this and she has assisted us and has been part of a group working on a strategy.

2530 I think that we are working well on this. Clearly there will always be people who allow their dogs to foul; it is the owner's fault, not the dog's fault, clearly.

Hon. K Azopardi: Thank you. Yes, absolutely – to the last comment.

Does it really need to go to Germany? Is there no better way of doing it, if it cannot be done locally, across the border somewhere closer?

2535 **Hon. Prof. J E Cortes:** Mr Speaker, the first lab that was being used was in Spain; I think it was Seville. We were not satisfied with the timescale in getting results back and there was a time when we were struggling with getting satisfaction – this is now some years ago – so we identified another lab, which is much more efficient and much more effective.

2540 **Hon. K Azopardi:** Mr Speaker, a final one. Does the Minister know how much these tests cost?

Hon. Prof. J E Cortes: The Minister knew. I am going into my memory now – I think it is about £12, something like that. It is not massive and it is certainly less than people out there say about Government spending masses on so-and-so. It is not expensive.

2545 **Hon. D A Feetham:** Could I ask you to give way?

Hon. Prof. J E Cortes: Yes.

2550 **Hon. D A Feetham:** I am grateful – so that I do not have to rise again. Per test presumably he means, and given that they do a weekly collection, does he know broadly how many tests are done a week?

2555 **Hon. Prof. J E Cortes:** Mr Speaker, can I have notice of the detail? They are kept in fridges and sent over in batches in order to reduce transport costs, but if he wants more specific details I will have to have notice.

Q74/2022

**Cleanliness of streets –
Complaints and engagement with Britannia**

Clerk: Question 74/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state how many complaints it has received in relation the cleanliness of our streets and on how many occasions it has had to engage with Britannia to voice those complaints?

2565

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, for the year 2021, 42 complaints were received, of which 14 were engaged with Britannia. Up to 10th May 2022, 11 complaints have been received, of which six have been passed on to Britannia. These include, apart from general cleanliness, reports on accumulations, dog fouling, indiscriminate placing of refuse by neighbours and contractors – and lack of weeding in some areas has just come into my mind. Environmental monitors and litter wardens investigate such complaints to identify the culprits, who, if found, are told to remove them.

2570

Other complaints come from private areas which do not come under the remit of Britannia to clean, hence the difference between the number of complaints received and those passed on to Britannia specifically to act upon.

2575

Hon. K Azopardi: Mr Speaker, is the Government satisfied with how its engagement with Britannia is working and their dealing with these complaints?

2580

Hon. Prof. J E Cortes: Yes, Mr Speaker, the Government is satisfied that when complaints are received by Britannia they are acted upon.

Q75/2022

**Bin sheds –
Lack of maintenance**

Clerk: Question 75/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

2585

Hon. K Azopardi: Mr Speaker, can the Government state why bin sheds across Gibraltar have not been maintained?

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

2590

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, all Government refuse cubicles or bin holding areas are cleaned on a daily basis from Monday to Saturday. All litter bins within are sanitised once a week. All refuse cubicles across Gibraltar are maintained. Reports are sent in by refuse collectors, Britannia and the public in relation to any issues related to the bin holding areas such as broken doors, lighting, unblocking of gullies and vandalism, and these are tackled by the Environmental Monitoring Unit, who in themselves also regularly review and monitor the condition of all refuse cubicles across Gibraltar.

2595

If the hon. Member or indeed the Hon. Mr Phillips have received complaints of a bin store not being maintained, we would be grateful to receive it in order to check and action as appropriate.

2600

Hon. K Azopardi: Mr Speaker, if my hon. colleague who placed the question has any specific information, then of course I will encourage him to pass it on to the Hon. Minister, but anecdotally, when you drive around you do sometimes see bin sheds that are not in as desirable a state as possible, so I would encourage – and would the Minister agree? – that whatever efforts are being made to maintain the bin sheds obviously need to be maintained throughout the year, especially during the summer periods.

2605

Hon. Prof. J E Cortes: Mr Speaker, there are one or two that are quite old and need considerable work, and we are planning on renovating some of these during the course of the next financial year.

2610

Q76-77/2022

Beaches –

Cleaning regime and ensuring standards are met

Clerk: Question 76/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

2615

Hon. K Azopardi: Mr Speaker, now that the weather has improved, can the Government state how it will ensure beach cleaning standards are met given the increased building activity at both Eastern Beach and Caleta?

2620

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 will answer this question together with Question 77.

2625

Clerk: Question 77/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government set out the beach cleaning regime?

2630

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

Hon. Prof. J E Cortes: Yes, Mr Speaker. The environmental monitors, as well as lifeguard supervisors during the beach season, monitor the beaches to ensure that cleaning standards are met. This will continue.

2635

The information specifically on the cleaning regime is provided in the schedule that I now hand over.

Answer to Question 77/2022

All beaches (Camp Bay, Catalan Bay, Eastern Beach, Little Bay, Sandy Bay and Western Beach)

From June – September – General beach cleaning, Monday to Sunday (Late evening)

Major cleaning operation including use of mechanic beach cleaning machine and power hosing where applicable, Monday to Sunday (Early morning)

From October – March – Major cleaning operation including the use of mechanic and power hosing, where applicable, once a week.

April and May – General beach cleaning Saturdays and Sundays

Major cleaning operation including use of mechanical beach cleaning machine and power hosing Saturdays and Sundays.

All inclusive of bank/public holidays.

The servicing of litter and recycling bins at beaches

April to September – Emptying of bins Monday – Sunday three times daily or as required

Cleansing and sanitising once a week or any ad-hoc extra as required.

October to March – Camp Bay, Eastern Beach (North), Little Bay and Sandy Bay – as required.

Refuse Collection at Western Beach – Monday to Sunday, once a day all year round except 25th December and 1st January.

The Management of Public Toilets, Changing Rooms and other facilities

June to September – All facilities open daily from 09:30 to 21:00hrs with the exception of Catalan Bay (North), Catalan Bay (South), Sandy Bay and Western Beach, close at 20:30hrs.

Cleaning and sanitising as required throughout the day.

A major clean-up operation of all the toilets and other facilities are carried out at least once a week.

All the above, inclusive of bank/public holidays.

April and May Cleansing is done by Upper Rock and Beaches Maintenance Team and not Britannia.

Answer to Question 77/2022 cont.

All facilities except Eastern Beach (North) and Catalan Bay (South) are open from midday to 20:00hrs Monday to Friday

Weekends and Public Holidays from 10:00 to 20:00hrs

All toilets cleaned and sanitised as required throughout the day.

October to March cleansing is done by Upper Rock and Beaches Maintenance Team and not Britannia.

Eastern Beach (South), Catalan Bay (North), Little Bay and Camp Bay are open from midday to sundown daily.

These are opened during these months because of their proximity to recreational areas.

These are cleaned and sanitised as required throughout the day.

2640 **Hon. K Azopardi:** Mr Speaker, I am just glancing through the schedule, which has quite a bit of information, but can I ask the broad question ...? Am I right in thinking that the major cleaning happens after April? It looks like that from the schedule. It may be that it is accurate, but I just put it to the hon. Member – given that he is more familiar with the schedule than I am, he can answer it more quickly – that the information we were getting was that from recent times, and I cannot give you a specific moment as to when that happened, the beaches were not being cleaned in winter at all, whereas before they were, although on a light basis. Is that true or not true? It may be that the information we are getting is inaccurate.

2645

2650 **Hon. Prof. J E Cortes:** Mr Speaker, this is not in recent times. The beaches have never had the regular cleaning schedule in the winter – there is relatively little use and often the weather does its own cleaning – but there is refuse collection. As you can see, from October to March there is collection of refuse and if there are any accumulations they will be picked up. When there is a

2655 storm that instead of cleaning the beach may have delivered litter – as often happens when we have material coming down rivers from up the coast – which often ends up in Eastern Beach, then clearly there will be a cleaning operation, but there does not have to be and it would be wasteful of manpower and financial resources to have a regular beach cleaning process on all our beaches throughout the winter. It just would not make sense.

2660 **Hon. K Azopardi:** So as I understand, the hon. Member is saying that this practice of doing lighter cleaning in winter goes back a long way – that is not a recent thing?

Hon. Prof. J E Cortes: Mr Speaker, it certainly goes back for as long as I have been responsible for the beaches, which is now probably six, seven or eight years – probably six or seven – and I suspect it predates certainly our administration.

2665 **A Member:** Yes, it does.

Q78/2022
Sewage plant –
Update re timing

Clerk: Question 78/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

2670 **Hon. K Azopardi:** Mr Speaker, can the Government update the House of the timing for the sewage plant?

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

2675 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Government is in the process of closing the old sewage treatment plant tender which saw the appointment of a preferred bidder, being the joint venture between Northumbrian Water and Modern Water. This process is being initiated as a direct result of Modern Water going into liquidation; I have said this here before. The Government is already engaged in providing technical information to a number of new potential bidders.

2680 **Hon. K Azopardi:** Mr Speaker, on that process can I just get a bit more information? When he says that they are engaged with new potential bidders, is the Government envisaging a new application process or is it that these are bidders that came through the old process and they are still expressing an interest?

2685 Secondly, if it is a new process, do you have a view on timescale? If it is not a new process, do you have a view on timescale? Can you give the House and the public out there more information on that?

2690 **Hon. Prof. J E Cortes:** Mr Speaker, this has been an unfortunate and legally complex situation already. The House is aware that there had been a pre-works contract given to that entity and works had started – the design had been taken all the way to planning and then one of the partners went bankrupt – so there has been a whole legal process, which is now culminating in a formal closure of that tender.

2695 We are still in the process of legal advice on how to take this further, but in order not to waste time we have been approached by a number of credible entities who have sought technical information, which is critical in this project. Fortunately, because a lot of the technical information

2700 had already been garnered and put together for the previous project, it is readily available, so we are now providing this technical information for a small number of serious potential bidders, and when we have legal clarity on the next steps following this removal of cancellation of the old sewage plant then we will announce how we are going to take it forward.

I am very confident that we are coming up with a number of very viable potential solutions.

2705 **Hon. K Azopardi:** It was two entities and one went bankrupt, as the hon. Member says: is it a question of finding a new partner for the one that did not go bankrupt, or are you looking at a new process, a new invitation, a new opportunity to see whether there is a replacement entity or parties that want to do this?

2710 **Hon. Prof. J E Cortes:** While we are awaiting the final legal advice, I would rather not go into any detail, other than to say that the situation is not as he described. It is not a question of looking for another partner to the other entity.

Q79-83/2022

Upper Rock –

Thinning/clearance of vegetation; feral cats; diversification and protection of trees

Clerk: Question 79/2022. The Hon. D A Feetham.

2715 **Hon. D A Feetham:** Mr Speaker, can I declare that I of course live in the Upper Rock? These are questions about the Upper Rock. It is a matter of formality – everybody knows, but I just set it out for the record.

Is there any programme designed to thin out vegetation in the Upper Rock, allowing better habitats for birds and animals?

2720 **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 will answer this question together with Questions 80 to 83.

2725 **Clerk:** Question 80/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what is the Government doing in order to limit the damage caused by feral cats to wildlife in the Upper Rock?

2730 **Clerk:** Question 81/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what programmes are in place in order to introduce different species of trees in the Upper Rock?

2735 **Clerk:** Question 82/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what programmes are in place in order to ensure trees are not choked by overgrown vegetation in the Upper Rock?

2740 **Clerk:** Question 83/2022. The Hon. the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, is it the intention of the Government to create more firebreaks in the Upper Rock by clearing areas of some of its vegetation?

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

2745

Hon. Prof. J E Cortes: Mr Speaker, while I do not have the good fortune of living in the Upper Rock, I declare the interest that I absolutely love it. It is looking beautiful this year. The flowering is ... Sadly, for those of us who seem to be suffering from allergies that is not so good, but it is looking absolutely beautiful and the wildlife appreciates it. Apologies for digressing, Mr Speaker, but I could not resist because it really is beautiful up there at the moment.

2750

The Gibraltar Nature Reserve maintenance team have a regular programme whereby dense low-lying vegetation is cleared in dense woodland areas precisely to create better habitats for birds and other animals. This has been ongoing for 10 years and will continue. Similarly, this work ensures that trees are not choked, as the hon. Member suggests, by overgrown vegetation.

2755

The Department regularly assesses the impacts of feral cats in the reserve. When cats are identified and located, they are trapped when possible and taken to the veterinarian. If the animal is identified as having an owner, it is returned and the owner is spoken to, to ensure that cat owners are informed that cats should not be allowed to wander into the reserve. If the animal is identified as a stray, the animal is kept until it can be rehomed. If it cannot be rehomed, it is passed on to one of the cat charities for them to attempt to rehome the animal or look after it on a permanent basis.

2760

The trees in the nature reserve are those which are representative of vegetation in the region and will survive naturally without human assistance in our climate. There is an argument for the reintroduction of tree species formerly part of the vegetation of the Upper Rock, such as the round-leafed oak, and this is being considered.

2765

In relation to fire breaks, the Department also assesses these regularly and ensures they are maintained on a yearly basis. That said, we are indeed looking at creating further fire breaks in specific areas of the reserve or increasing the size of some of the existing ones.

2770

Hon. D A Feetham: Mr Speaker, just dealing with the question of cats first, and then we will move on to some of the other questions that the Hon. Minister has answered, is part of the problem with feral cats that the charities that the hon. Gentleman has mentioned are in fact ...? One of them, at least, that feeds cats is very near the Upper Rock Nature Reserve – in fact, it is on the boundary of the Upper Rock Nature Reserve – and therefore it is very difficult in those circumstances to prevent those feral cats from actually going into the nature reserve and then causing damage to wildlife birds in particular.

2775

Hon. Prof. J E Cortes: I am not aware of that. I have visited those premises and they are enclosed; the cats are kept enclosed. I know that the cat charities actually do great work in neutering cats in built-up areas, so much so – and I have this directly from the vet and from them – that the population of feral cats in urban areas is decreasing humanely because they are not producing kittens. I do not think they are the problem. There are feral cats on the Upper Rock. They do not really belong there and the cat welfare societies understand the pressures that feral cats put on wildlife and migrating birds as well, and that is being tackled in the way that I have explained. I do not think that those premises are an actual problem. I may be wrong, but I have no evidence to suggest they are.

2780

2785

Hon. D A Feetham: And in relation to neutering of cats – because at the end of the day, short of euthanising cats, and nobody is suggesting that that ought to happen, that is the only way really to control the population of cats – does he have any figures in terms of how many feral cats have been neutered and how perhaps the neutering of feral cats is having an effect on the overall population of feral cats?

2790

Hon. Prof. J E Cortes: Mr Speaker, let me repeat that if a cat as identified in the Upper Rock, the exercise is not to neuter and release, it is to remove, as I have explained.

2795 In urban areas, the cat welfare societies do their work with the support and assistance of the Department of the Environment. I do not have statistics – I am sure my Department has and I am happy to ask for it – but I do have anecdotal evidence from the vet particularly, with whom I meet on a regular basis, that the number of stray kittens being brought in has decreased tremendously. He feels, and I agree, that it is directly thanks to the success of the work of the cat welfare societies, who want cats to be well looked after; they do not want them to increase, but they have a view as to how to deal with that.

Hon. D A Feetham: Thank you, Mr Speaker, and, in fact, as somebody who owns two cats myself, it is not that I am anti-cat or anything like that, it is that feral cats do cause damage to wildlife. I have to say that I accept, as I live up there, that the problem has been more acute in the past – they nearly wiped out the Barbary partridge – than perhaps at present, although I am told, and I do see them, that it is still a problem.

2805 Just turning to the question of the thinning-out of vegetation and the choking of trees, one of the things that strikes me – and I am talking here from my own personal experience but also from talking to other residents in the area, because of course there is a small community there – is that it is just a shame to see so many trees that are being choked by, in particular, the vines with the spines; I think they are called *smilax*, or something like that. This is not a criticism of the Government. We all want the Upper Rock to look at its best. It is a jewel in the crown and we want it to improve – that is why I am asking these questions – but it just seems that perhaps more could be done in order to thin out that that vegetation. It was not when he was a Government Minister, but it was in another incarnation that the hon. Gentleman had prior to becoming involved in politics ... there was talk of the introduction of the Iberian ibex, for example, which of course would have allowed the thinning-out of that vegetation because it would be beaten by the Iberian ibex. Aren't there any imaginative ways of basically thinning out that vegetation and allowing those trees greater space to grow?

Hon. Prof. J E Cortes: Mr Speaker, once again I welcome the opportunity to talk about an area in which I am very comfortable. Thinning of vegetation is continuous, it is labour intensive, so we have to be specific on when we do it. If you do it, you have to do it again probably in five or six years' time, but it does happen. *Smilax* is interesting. It does choke trees but it provides great cover for small birds and it also provides fruiting berries on which they feed, so you do not want to wipe it all out, but those are the plants that we would target in those areas that we are clearing up. One of the areas cleared, for example, is on the way down from the City under Siege exhibition above the Moorish Castle. That is much clearer than it used to be, and that is one of the areas. Certainly there is more to be done, and we will do as time and resources allow.

2825 The Iberian ibex is a project that I was very keen on, but in looking at it further and on seeking advice, because of the proximity of our cliffs to roads and living areas, these animals would go up and down the cliffs like they were completely at home and that could destabilise and cause rock falls. This is why a decision was taken by my Department, with my support, not to progress.

2835 There are other herbivores, but they would have to be semi-domestic. We could have a herd of goats if we had a goatherd looking after the fire breaks. That is actually a genuine possibility, and if anyone wants to offer that it is something that could certainly be looked at. There is one plan which may come to fruition, and we are talking about it, which is to introduce the roe deer – which is a little deer – into Gibraltar. The habitat is right. They would not have a big effect on reducing vegetation but they would have some effect on reducing vegetation. So these are things that are being discussed and I am happy to discuss them further, either here or outside the House.

2840 **Hon. D A Feetham:** I know it is getting late and this is now a conversation between my friend and I in relation to the Upper Rock, but –

2845 **Chief Minister (Hon. F R Picardo):** [inaudible] an adviser and you can [inaudible] (*Laughter*)

Hon. D A Feetham: Yes. But what we do see a lot of in the Upper Rock, and of course it is going to be native, because ... Wild olive trees – which I have to say I am extremely allergic to; that is why I have also had the same problem that the hon. Gentleman has – whilst native to the Upper Rock, appear to have taken over completely in the Upper Rock, hence my question about the introducing of other trees. He knows that I myself have introduced Holm oaks and cork oaks. Cork oaks do not survive in the Upper Rock; in fact, I have lost four or five. He did mention that there was a species of oak that he was looking to introduce. Where are these going to be introduced, because of course it is very difficult, bearing in mind that the whole area has been taken over by these wild olive trees?

Hon. Prof. J E Cortes: Mr Speaker, I am going to be brief – I could speak on this for hours, and give me the opportunity and I am going to, absolutely. So, very briefly, round-leaf oak is a variety of the Holm oak. It is a new name, probably, for the species you have. The problem is that you need to water them through the first summer – maybe you will offer to do so and we can do it – so we have to find an area where watering is not a problem, but it is certainly something that we are contemplating.

Mr Speaker: Next question.

Chief Minister: Mr Speaker, perhaps that actually might be a convenient moment, given that we have talked about the jewel in the crown which is the Upper Rock in the jewel in the crown which is Gibraltar, which is the pearl of the Mediterranean, to such an extent and determined that we are not going to have ibex on the Upper Rock that might fall into the hon. Gentleman's pool, (*Laughter*) and with an assurance from me, as an early-morning Upper Rock cyclist, that there are plenty of partridge in the Upper Rock and they are often almost run over by me, can I move that the House should now adjourn until tomorrow at 3.30 in the afternoon, when we shall start with questions to the incumbent Chief Minister?

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 19th May at 3.30.

I now put the question, which is that this House do now adjourn to Thursday, 19th May at 3.30. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Thursday, 19th May at 3.30.

The House adjourned at 8.05 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.38 p.m. – 8.05 p.m.

Gibraltar, Thursday, 19th May 2022

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The Gibraltar Parliament

The Parliament met at 3.38 p.m.

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

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

Questions for Oral Answer

Procedural

Clerk: Meeting of Parliament, Thursday, 19th May 2022. We continue with Answers to Questions.

The Hon. the Chief Minister.

5

Chief Minister (Hon. F R Picardo): Mr Speaker, just to give the House an indication that the magnificent parliamentary team at No. 6 is having a little bit of a printer issue this afternoon. I expect that all of my questions, with the voluminous amount of disclosure and the exercise of transparency that the Government is about to engage upon, is coming towards us. As soon as they arrive on the station – as GBC used to say in the old days, for those of us who remember that far back – we will be ready to start with my questions, but I am conscious that the Hon. the Minister for the Environment still has one or two to go, so we might continue with him before then.

10

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q84/2022

Skywalk essential maintenance – Details of cost and company carrying out work

Clerk: Question 84/2022. The Hon. D J Bossino.

15

Hon. D J Bossino: Please provide details of the cost of the essential maintenance carried out at the Skywalk site resulting in its temporary closure from 18th to 25th February, together with details of the company that carried it out and the nature of the maintenance.

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

20

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the annual maintenance works were done at a cost of £5,230 by Integral Gibraltar Solutions. This consisted of an inspection of the entire metallic structure and anchor points and protective painting of the entire structure. Extra works to the flooring were done at a cost of £14,431.42 by the same company.

25

Hon. D J Bossino: Thank you. As a point of detail, can the hon. Member give me the full name of the company so I can carry out a search if I decide to do so? I think he said Integral Gibraltar Solutions. That may be the business name; if he has the full name of the company, I would appreciate that.

30 Also, the nature of the contract that the Government has with this company, was this a one-off, or is this the company that is assigned to maintain the Skywalk? And does it do other works for the Government, in particular in the Upper Rock?

Hon. Prof. J E Cortes: Mr Speaker, the name I have given is the name that I have. If it has another expanded name I would need to find out. I am told they are called Integral Gibraltar Solutions. This work was put out to a number of quotes and they were the only company in Gibraltar who offered to do it, in the sense that it is a very specialist type of work and they were the only people who were able to do it. I believe, subject to confirmation, that it was a one-off, but if they remain the only company able to do that specialised work on that location then I suspect they may get to do it again, but I would need to seek further information on that.

Hon. D J Bossino: Yes, simply to find out whether it just has 'Ltd' at the end, or it may have a fuller name – perhaps he can give me that information later on. I will send him a message and if he can deal with it on that basis ... Presumably he does not have the details of the shareholders and directors with him. I assume it is a Gibraltar company. The hon. Member does not know?

Hon. Prof. J E Cortes: Mr Speaker, yes, it would be a Gibraltar company, and I do not know the details of those involved in the company.

50 **Hon. D J Bossino:** Mr Speaker, if I may?

Mr Speaker: One final one.

Hon. D J Bossino: There is quite a bit of information there, and –

55

Mr Speaker: You are asking two supplementaries every time you ask a question, which is fine but let's not extend it beyond what is reasonable.

Hon. D J Bossino: Mr Speaker, the issue here is that whilst I understand that you want brevity and you want the process to move swiftly, this is relevant information which one needs to determine, depending on the answer, so it is very difficult to be beholden to two or three questions.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): But it is the same question each time.

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Hon. D J Bossino: It is not the same question each time.
If I may, in relation –

70 **Mr Speaker:** Just ask a question and then we will see how far we go.

Hon. D J Bossino: Thank you, Mr Speaker.

The other bit of information which the Minister kindly provided related to ... He split it into two. One, I think, was general maintenance – presumably a review – of the site. But then there was another one which dealt with flooring, which is quite a high number, certainly relative to the first tranche – £14,431.47 I think was the precise answer. Can he give us more details in relation

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to that? Does he have any more particulars as to what was wrong with the flooring that resulted in what is a relatively high number?

80 **Hon. Prof. J E Cortes:** Yes, Mr Speaker. There were some issues with the flooring, including some of the seals between the two laminies of the glass. It is sealed, and if you are not careful with the sealing then you can get humidity and mould in between, and obviously the transparency – which is what one wants to have in a skywalk – is compromised. It was that kind of fairly complex technical work.

85 I believe there was some damage also that had to be resolved, and some of the flooring –not the glass flooring but the other pathway – was also damaged. Remember this is a very exposed site. It is at the top of the Rock – Levanter, gales, what have you – so that needed work and it was identified and done quickly because otherwise it would have deteriorated further.

90 **Hon. D J Bossino:** Mr Speaker, the hon. Member talked about going out for quotes, I think he said. Did it formally go out to tender? Was there a formal tender process in relation to this?

Hon. Prof. J E Cortes: Mr Speaker, even with the additional relatively small amount, practice is that you go to a minimum of three quotes and you work on that basis, and that is what happened on this occasion.

Mr Speaker: Next question.

Q85/2022

Solar panels abandoned at Mid Harbours – Plans for removal and details of cost of purchase

Clerk: Question 85/2022. The Hon. D J Bossino.

100 **Hon. D J Bossino:** Please provide details as to when the stacks of unused solar panels are going to be removed or otherwise installed, which now lay abandoned at the Mid Harbours Estate, together with the costs of the panels and from which company they were purchased.

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

105 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the panels in question do not belong to the Government. Therefore, the Government is not aware of the cost, nor is it responsible for their installation.

110 **Hon. D J Bossino:** Mr Speaker, these panels are in the Government estate. I am surprised by the answer. The information I have from the tenants is that they were advised that actually it already belongs to the Government.

115 Just to understand a bit more what is going on here, I understand it is an issue because where they are situated ... I am told they have already moved once. I think they were underneath one of the blocks and they had to be moved because – they are quite high; the stacks are about two and a half metres high – they caused an issue with one of the flats because anybody could have accessed or burgled the flats. That is why they moved them to where they are now, and where they are now presents an issue because a decision, I understand, has been made to remove the current children’s playground and put it very close to where the stacks are now. This is what was explained to me when I visited the area.

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In that context, does the Government have an intention to deal with this in any way? Particularly I think what is of interest to the tenants is to have the stacks removed as soon as possible.

125 With the Speaker's permission, if I may, by way of a further supplementary ...? He says that the stacks do not belong to the Government. Is that because they have not purchased them yet but there is an intention to purchase? He says he is going to explain that point – I would be grateful for that reply.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
130 Mr Speaker, just in order to help the hon. Member, he is absolutely right, the park has to be moved for the simple reason –

Hon. D J Bossino: It is not safe.

135 **Hon. S E Linares:** No, it is not because it is not safe, it is because it creates water ingress down below to the car park because it was not done properly initially and we are putting right what was wrong. So the park is going to be moved where the hon. Member says and we are in the process of doing that.

140 The hon. Member will explain more about the solar panels but I can confirm that the park will be placed down below, yes, for that reason.

Hon. Prof. J E Cortes: I am grateful to my hon. Friend for contributing that explanation.

145 Yes, the panels will not be there forever. As I said, it is a private company that owns them, but this is in relation to a power purchase agreement, so the panels belong to them. When they are installed, the Electricity Authority will purchase the power, as has happened, for example, in the Europa Business Centre, which is currently producing solar power successfully. There have been a number of delays due to technical issues, but I am informed – because I wanted to have the information before answering this question – that these are now resolved and that the work on placing the panels is imminent. Therefore, hopefully they will not be there in order to conflict with
150 the playground, as my hon. Friend has explained.

Hon. D J Bossino: Mr Speaker, can he say – if he has not already, and I do not think he has – which company owns the panels? And, secondly, where is it intended to install them? I imagine it is in the estates, but he has not clarified the position.
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Hon. Prof. J E Cortes: I hesitate to give the name of the company that I have in front of me because the hon. Member is going to ask me for the name, like he did earlier, but I would rather just double-check and let him know.

160 These panels will go on the roof of the estate.

Hon. D J Bossino: He is more than welcome to provide any information he has and then he can back it up with further details, if required.

Hon. Prof. J E Cortes: The name I have in my notes here is Park Solar One.

Q86/2022
Dog parks –
Progress and locations

165 **Clerk:** Question 86/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can the Government update the House on the progress of the development plans for proposed dog parks and their works and locations?

Clerk: Answer, the Hon. 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, the Government was looking at options for dog parks when the pandemic hit. We have, as yet, not revisited these but hope to do so in the near future. Dog parks are important but providing them comes at a cost, and as a result, although we continue committed to the provision of the planned dog parks, other areas of public finance must take priority.

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Hon. K Azopardi: Mr Speaker, that is understood, of course, by Members on this side. I was just asking does it remain the intention of the Government within the life of the Parliament to try to progress those ideas?

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Hon. Prof. J E Cortes: Mr Speaker, it remains the intention, yes, but qualified by what I have just said.

CHIEF MINISTER

Q168/2022

Air traffic control services –

Reason for absence and lack of contingencies on 24th April 2022

Clerk: Question 168/2022. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state why Gibraltar was left without air traffic control support on Sunday, 24th April 2022 and why no contingencies were in place to respond to this situation?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, Her Majesty's Government of Gibraltar does not provide air traffic control services at Gibraltar Airport. These services are provided by the UK Ministry of Defence, who contract NATS Ltd, through Aquila Air Traffic Management Services, to meet the requirement. The Government is therefore not formally answerable in this House for any matters relating to air traffic control, as this is not our area of ministerial responsibility.

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Hon. E J Phillips: Mr Speaker, I think everyone in this House appreciates the answer provided by the Hon. Chief Minister, but I think it is a matter of public interest that visitors to our shores and residents returning to Gibraltar who have difficulties in landing ... and the excuse that is provided, or the reason that is being provided, that it is in relation to a lack of air traffic support ... that it is incumbent on the Government to reassure the public that insofar as civil aviation is concerned ... and commercial airlines coming to our jurisdiction are not affected by these difficulties.

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Whilst I understand that it is not within the Government's remit, it would be helpful if the Government could reassure the public at least that these difficulties will not happen again and that there are contingencies outside the control of the Government that assist in this matter moving forward.

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210 **Hon. Chief Minister:** Mr Speaker, there is a boring issue of procedure in play, and that is that this is Question Time. The hon. Gentleman has not brought a motion about this subject, and perhaps he would not want to because he did not feel it was an issue that should be dealt with in that way, but there were press releases on the subject, I think from his colleague Mr Bossino, which were answered by the Government. I fully recognise that this is a matter of public interest, but this is not Question Time about matters of public interest, this is Question Time about matters
215 which are the ministerial responsibility of the Government.

I have information which the Government garnered about that incident, because of course the Government is very concerned about it and wanted to ensure that the MoD is doing everything possible to ensure for itself that the provision of air traffic control services was uninterrupted in the hours of the commercial operation of the airfield. Of course, Mr Speaker, I would like to share
220 with the House the information that I have, which is, I think, not too dissimilar to the information that was shared publicly already about the events of 24th April, but I think it is important that we recognise, for the purposes of giving business efficacy to the way that we do our work in this House, that at Question Time the Government answers questions about the things that we are ministerially responsible for, and formally we do not have ministerial responsibility for the
225 provision of air traffic control services.

We have an agreement with the Ministry of Defence for the operation of the airfield and we expect, under that service level agreement with the MoD, that they provide the service. I think the MoD were very candid and very open – at least they were with us, Mr Speaker – that they felt very let down by the circumstances of that day and that they are putting in place arrangements
230 with their provider to ensure that this does not happen again. It is the least that we would expect. It is what this community would expect. It is what this community would expect the Government to be doing to follow up in this instance in an area which is not an area of ministerial responsibility but which is an area of public interest.

I am just concerned, Mr Speaker, that in terms of questions we have to be careful that I am not
235 pretending that we have taken on a new area of ministerial responsibility, because we have not and we do not provide air traffic control services.

Hon. K Azopardi: Mr Speaker, I address this point just to clarify, because the way we see it perhaps ... We can disagree on it, but the way we see it, Members opposite... in particular, the
240 Chief Minister is responsible for civil aviation. I believe he has that responsibility, or one of his Ministers is responsible for civil aviation; I cannot remember which one it is.

This is a question put to the Government, *qua* its responsibility for civil aviation, as to whether they have information that they can provide to the Opposition and to the public. It is no more than that. We are not trying to get into a spat with the hon. Member opposite as to who manages
245 the airfield. We accept what he has said at the beginning, but we do think it is a proper question to put. Mr Speaker, respectfully, we do think it is a proper question to put, in terms of responsibilities that Members have opposite for civil aviation, to garner that information and indeed to share it with the public and the Members on this side of the House.

250 **Hon. Chief Minister:** Mr Speaker, I am grateful for the hon. Gentleman's clarification. I was not challenging that it was a proper question. If I had felt it was not a proper question, I would have asked Mr Speaker to rule it out of order and I would not have provided the answer.

I was at pains to point out that what I am saying is that we are not acquiring ministerial responsibility for air traffic control by giving the answer with the information that we have
255 provided, which was not an answer to a question that sought information, as the hon. Gentleman suggested in his intervention when I gave way, because the question actually asked us *why* Gibraltar was left without air traffic control support and why no contingencies were in place to respond. So the hon. Gentleman will forgive me for thinking that it was a question that appeared to seek to assign responsibility on the Government side for this, and for that reason I gave the

260 answer in the way that I have given it, but I think that there is broad agreement across the floor of the House given what the hon. Gentleman has said.

The other information that I have is that as a result of the events of the day in question, one aircraft was delayed by 37 minutes and a second aircraft was delayed by six minutes.

265 I understand that the issue arose as a result of illness and therefore ... In every organisation, however well prepared, this could happen, of course, at any time. The contingencies have been strengthened, so that even in genuine cases such as illness this should not happen again.

Mr Speaker: Next question.

Q169/2022

**Exhaust fumes at land border –
Provision of masks for customs officers**

Clerk: Question 169/2022. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state why customs officers at the land frontier with Spain are not provided with masks to mitigate the effects of inhalation of harmful exhaust fumes from vehicles?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the use of face masks by HM Customs officers is not mandatory. However, their use is not discouraged and they can be worn at the officers' discretion.

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Hon. E J Phillips: Just one further question, Mr Speaker. Has the Government received representations from the customs officers or indeed their particular union in relation to face mask usage? My understanding is it is an issue with them, given the fact that they are obviously working with vehicles all day and it is quite clearly a health hazard for them. I just wanted to know whether 285 they had received formal representations or informal representations about the provision of certain facemasks beyond that discretionary point that he made before in the terms of their use?

Hon. Chief Minister: Mr Speaker, I recall a discussion about this but I seem to recall it was here rather than anywhere else. It is not something that has ever been put to me in the many 290 discussions I have had with customs officers in the time I have been in government, although it may be that before I was in government it was discussed with me.

Masks have changed in the perception of the public in the past 24 months, haven't they? My position has always been as set out, that we would have no difficulty with an officer wearing a mask if they wished to. Indeed, these days we have, in respect of masks, an excess of them, so 295 that not just the appetite but also the smoke may sicken and so die, and so for anybody who wants masks for this purpose the Government would supply the usual masks and we would have no objection to them being provided.

I think we have been through this either in this House or elsewhere before. As it is, arrangements there, if we come back with a successful treaty, may change.

Q170-71/2022
Confiscated tobacco –
Value; whether subject to confiscation order

300 **Clerk:** Question 170/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the value of tobacco, to include cigarettes, that has been confiscated by the law enforcement authorities in the last three years?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 171.

310 **Clerk:** Question 171/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state of that tobacco confiscated whether it has been subjected to a destruction-type order by the courts?

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

Hon. Chief Minister: Mr Speaker, the value of confiscated tobacco, inclusive of cigarettes, in the last three years is £1,331,348 exactly.

All the confiscated tobacco has been destroyed. Destruction orders are used by the courts for confiscated tobacco.

320 **Mr Speaker:** Next question.

Q172/2022
Eastside project –
Impact on natural and marine environment

Clerk: Question 172/2022. The Hon. E J Phillips.

325 **Hon. E J Phillips:** Mr Speaker, can the Government state how it intends to monitor the Eastside project and the impact the development will have on the natural and marine environment of the surrounding area, most notably Caleta?

Clerk: Answer, the Hon. the Chief Minister.

330 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Environmental Impact Assessment for this project requires that the principal contractor, once appointed, produces a robust and comprehensive Construction Environment Management Plan (CEMP) ahead of works. The CEMP will need to be reviewed and approved by Her Majesty's Government of Gibraltar. The purpose of the CEMP is to provide a plan that outlines all required mitigation and control measures to ensure that the development has no adverse environmental impacts.

335 The following outlines some of the requirements that will be included as part of the CEMP: soil chemical analysis; chemical and microbiological analysis of the surrounding marine environment; control measures to ensure encapsulation of accidental spillages and reduction of turbidity in the surrounding marine environment; dust and air quality control, including dust suppression; noise and vibration control; control of light spillage; control of HGVs and traffic management; and

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quality control of all plant and machinery. The intention of the CEMP is to provide a live document whereby control measures can be added or amended as required as works to the development progress.

345 In addition to the CEMP, both the Environmental Agency and Department of the Environment will frequently monitor works covering all potential environmental impacts and work closely with the developer and contactor to ensure not only that the environment is safeguarded but that there is an overall improvement in the area.

Hon. E J Phillips: Mr Speaker, just one further question. Does that also involve consultation 350 with the residents' representative association in the area? There have been a number of representations made to me about the impact on Caleta particularly and I just wondered whether the stakeholders and residents of the area will be involved in that process.

Hon. Chief Minister: Mr Speaker, the short answer is yes, but there is another question on the 355 Order Paper that deals exactly with that. I do not know whether hon. Members actually discuss amongst themselves what questions they are going to put, but there is an exact question on the Order Paper about that. But I will give him the short and straight answer, which is yes.

Q173-74/2022

Victoria Keys –

Floating pollution in harbour; reclamation site rubble cleaning

Clerk: Question 173/2022. The Hon. E J Phillips.

360 **Hon. E J Phillips:** Mr Speaker, can the Government state why there is a recognisable increase in floating pollution in the harbour near Victoria Keys?

Clerk: Answer, the Hon. the Chief Minister.

365 **Chief Minister (Hon. F R Picardo):** I will answer with Question 174, Mr Speaker.

Clerk: Question 173/2022. The Hon. E J Phillips.

370 **Hon. E J Phillips:** Mr Speaker, can the Government confirm how it monitors the cleaning of rubble at Victoria Keys reclamation site?

Clerk: Answer, the Hon. the Chief Minister.

375 **Hon. Chief Minister:** Mr Speaker, the Coaling Island reclamation is enclosed with silt curtains which contain sediment plumes and prevent the dispersal of any floating debris. Unfortunately, the major storm of 4th April 2022 caused severe damage to the silt curtain setup, particularly the seal between the silt curtain and the wharf wall. This has invariably led to the release of some floating debris.

380 The rubble that is being extracted from the Eastside site undergoes a number of processes before it is deposited at Coaling Island, including mechanical and manual cleaning at the Eastside to remove any unsuitable material such as wood, metals, plastics and so forth. Once the rubble is cleaned, it is mechanically processed to achieve the required geotechnical fill specification and then transported to Coaling Island, where it is subjected to further manual cleaning before being 385 deposited in the water.

Hon. E J Phillips: Mr Speaker, in relation to Question 173, can the Chief Minister confirm that the silt curtain issues that have arisen as a result of the major storm have now been remedied?

390 **Hon. Chief Minister:** Mr Speaker, as I understand it, repairs are under way and, as a result, because of the very severe damage there can be still some escape, which is kept to a minimum.

Q175/2022

Rooke site –

Progress re expressions of interest

395 **Clerk:** Question 175/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what progress has been made in respect of the expressions of interest for the Rooke site?

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

Chief Minister (Hon. F R Picardo): The Government continues in discussion with the same preferred bidder.

405 **Hon. R M Clinton:** Mr Speaker, if I may ask the Chief Minister: the same preferred bidder would, if my memory is correct, be this consortium that he made reference to last time?

410 **Hon. Chief Minister:** Well, given that I said last time that that was the preferred bidder and I have said the same bidder is the person that we are talking to, logically the answer to that question can only be yes.

415 **Hon. R M Clinton:** And is there any indication as to when there might be some form of agreement on the sites from the consortium that has expressed an interest? How long does he expect the process to go on? If I recall correctly, I think last time the original expression fell through and he had to put it out to tender again. Is he confident that this will result in an agreement?

420 **Hon. Chief Minister:** Mr Speaker, to set out any timetable is to stymie the Government's negotiating hand. To give any indication of optimism or pessimism would be to perhaps send a signal to the bidder which might be contrary to the Government's negotiating interests. And given that in respect of this site he gave me very clear advice some years ago not to make any announcement until the ink was dry on the paper, I am going to follow his advice and say nothing more until the ink is dry on the paper.

Mr Speaker: Next question.

Q176/2022

**Principal Auditor's Report for year ended 31st March 2016 –
Whether acceptable that none tabled since**

425 **Clerk:** Question 176/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it thinks it is acceptable that the last report of the Principal Auditor tabled in this House was for the year ended 31st March 2016?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Member is aware, Her Majesty's Government of Gibraltar is committed to presenting all parliamentary reports to this House in a timely manner. However, as he is also aware, we have all been engaged in a global pandemic which, as he knows, has had a huge effect on the community as a whole. Additionally, since 2016 we have been dealing with the United Kingdom's exit from the European Union. This has delayed the Supplementary Appropriation Bills for some years, and that consequently has delayed the Auditor's reports.

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Given how assiduously the hon. Gentleman follows these reports and that he is keen to ensure he has these more timeously, I am sure we will be able to ensure that there are no further delays in the tabling of such reports. The Principal Auditor is finalising the audit of the 2016-17 and 2017-18 Public Accounts of Gibraltar and these will be tabled in Parliament as soon as possible after they are complete.

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Mr Speaker: Next question.

Q177/2022

Small Boats Marina – Number of berths sold and amount raised

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Clerk: Question 177/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how many berths have been sold at the Small Boats Marina up to 31st March 2022 and how much money has been raised?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no berths have yet been sold in the Mid Harbours Small Boats Marina up to 31st March 2022 and no money has yet been raised.

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Hon. R M Clinton: Mr Speaker, I thank the Chief Minister for that answer. Given that this was announced in his Budget address last year, is there anything the Government intends to do in respect of the situation? Are they going to withdraw the berths from sale, or are they going to take some other measures to make the purchase of these berths more attractive to people, or not, as the case may be?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman does jump to conclusions. I have told him that we have made no sales and that we have had no income yet. I have not told him that we have had no interest. We have had considerable interest.

Because we are a small administration and we have been a little busy, what we are doing is trying to devise the right way to create the interest, not in land but in the berth, in a way that is the right way to convey that interest upon sale. That has not been something we have been able to resolve yet. We are taking advice from our property advisers and when we resolve that we will start the process of sale.

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This is not a situation, as he has suggested in his supplementary question, of people not being interested in the purchase, which we would have to make more attractive in some way.

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475 **Hon. K Azopardi:** Mr Speaker, can I ask how many people have indicated to the Government that they would like to prospectively – what is the word? – ‘purchase’ the berth, I suppose, subject to, obviously, the legalities of the water rates, presumably, and granting them suitable licences etc? How many are there, and how many people have expressed an interest in respect of how many births?

480 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will know from his training that he has put his finger on it. He has talked about the rights on water and he has talked about licences when what we are trying to do is sell something more substantial than a licence. And this goes beyond a riparian right because of course we are not granting riparian rights, because we do not want anyone to be able to build on a berth or reclaim on a berth etc.

Mr Speaker, I cannot give him the answer because I have not got it here, because it does not arise from the question.

485 **Mr Speaker:** Next question.

Q178/2022
Haven building –
Whether sold

Clerk: Question 178/2022. The Hon. R M Clinton.

490 **Hon. R M Clinton:** Mr Speaker, can the Government advise if the Haven building has been sold by Gibtelecom; and, if so, for what amount and to whom?

Clerk: Answer, the Hon. the Chief Minister.

495 **Chief Minister (Hon. F R Picardo):** Mr Speaker, when Gibtelecom sells that building – and I understand it is presently negotiating – it will, no doubt, make an announcement.

Clerk: Question 179/2022 –

Mr Speaker: The Hon. Roy Clinton wants to ask a supplementary.

500 **Hon. R M Clinton:** Sorry, Mr Speaker. So, the Haven building is obviously being negotiated. The way the Chief Minister has expressed it – ‘negotiated’ – would I be correct in interpreting it as there is actually a sale process ongoing as we speak, or is it, as per the annual report, that it is held for sale and you are looking for prospective purchasers? Or are you in the middle of negotiations with a purchaser?

505 **Hon. Chief Minister:** Mr Speaker, the practice has been established under successive Governments of Gibraltar, in particular after the incorporation of Gibtelecom. They were the ones who had been in government the longest. That information is provided here and tabled here in respect of Gibtelecom, but the day-to-day management of Gibtelecom is not something on which the Chairman of Gibtelecom, who is inevitably a Minister, answers questions in this House.

510 I have tried to give the hon. Gentleman all the information he has sought in his supplementary in my first answer, because I have told him that the sale is presently being negotiated – in other words, the supplementary that he asked is already answered in my first answer – and I have also said that if the sale is agreed, Gibtelecom will no doubt make an announcement. Mr Speaker, I
515 think everything he wants to know is in what I have already said.

Mr Speaker: Next question.

Q179/2022
GJBS –
Report on financial affairs

520 **Clerk:** Question 179/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it has commissioned and received a report in respect of the financial affairs of Gibraltar Joinery and Building Services Ltd; and, if so, what were its conclusions?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has a number of companies under its ownership and control. As shareholder, the Government is keen to ensure that the interests of the taxpayer are protected by verifying that all these companies are operating in the manner that is the most efficient and resilient to insulate the taxpayer to the fullest extent possible. In light of this, all companies are subjected to regular assessments of their performance. These assessments can sometimes be carried out on a desktop basis. They sometimes involve meetings with those at the coalface, however. On other occasions they require us to delve a little deeper and make adjustments to how functions and operations are carried out. These ongoing assessments are carried out on a regular basis in respect of all companies. It is right that they should be carried out and GJBS is no different.

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A review was commissioned by Government through the Office of the Financial Secretary and its representative corporate director into the best way for GJBS to address and progress from the effect in the period of the pandemic and the exchange rate drop arising from Brexit. That report has been received. Indeed, the review into GJBS shows it is no different to most companies in the Gibraltar market and in the wider world. Over the last two years they have faced the COVID pandemic, with the impact this has had for construction. Additionally, the pandemic caught them at a time when they had suffered some losses arising from exchange rate fluctuations that surrounded the various Brexit cliff edges that we went through. In terms of construction cycle, GJBS now also finds itself at a time where there is limited construction work. In addition, it is facing issues of increasing costs and inflation. This situation will not persist indefinitely. It is therefore right, in this case, to delve further to review its activities very carefully to ensure that it is operating in a manner that is resilient and efficient going forward, such that it is fighting fit to meet the new challenges to come. Additionally, GJBS, like most entities, is facing the same challenges of Reset, Restart and Recover.

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The conclusions of the report are wide-ranging. They have led to a series of changes in the structure of the management and operation of GJBS. Some of these changes have been implemented and others are in the process of being implemented. GJBS is a business that has grown both organically and haphazardly. It has had to react out of necessity and step in where other contractors have failed, as was the case with the Bayview and Cumberland projects when OEM and Haymills collapsed.

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As part of this process we have embarked on a process of seeking a new managing director. I need to advise Parliament that Mr Michael Estella, who has been the company's managing director and under whose leadership many of Gibraltar's key projects have been delivered, has announced his retirement, which is effective from 30th June 2022. Michael has provided Gibraltar with 37 years of service in GJBS and he is widely recognised as having been the rock upon which the foundations of GJBS have been built. Mr Estella has served three administrations of the

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565 Government of Gibraltar without permitting his transparent party political allegiance to interfere
with his duties to the company and professional loyalty to the Government as its shareholder.
Michael Estella has been on every building site at all hours to ensure quality control and timely
completion of projects. I extend to him the gratitude of the people of Gibraltar for the hugely
important work he has undertaken for the Governments he has served, and I am sure that my two
predecessors, Sir Peter and Sir Joe, would join me in the praise I have set out. Interviews for a new
570 managing director of GJBS have already been held. I expect that an announcement on whose
appointment has been recommended by the interview board will be made in coming weeks to
ensure that there will be a seamless transition from the current managing director to the new
managing director.

GJBS has an exemplary workforce who are incredibly hardworking and competent. The projects
575 that they have successfully completed speak for themselves and are simply too many to mention.
The Government is committed to drawing on its own commercial experience, in addition to the
recommendations made in the review, to structure GJBS and secure its continued success into the
future for the benefit of the people of Gibraltar with shareholders and its workforce. This new
structure will also heed some of the recommendations that have been received directly by the
580 Government from its consultation with GJBS staff.

Hon. R M Clinton: Mr Speaker, I thank the Chief Minister for his comprehensive report on GJBS.
If I may ask, can he advise who undertook the report?

585 **Hon. Chief Minister:** Mr Speaker, it was not one person, so I cannot advise him of a name.

Hon. R M Clinton: Mr Speaker, it is quite a simple question. Was it an individual or was it a
professional body or a committee? How was this report undertaken?

590 **Hon. Chief Minister:** It was undertaken by the Office of the Financial Secretary, Mr Speaker, so
all of the people in the Office of the Financial Secretary who assist the Financial Secretary have
been involved in assisting him in this respect. It was not undertaken by a particular entity charged
with undertaking it, as I understand it.

595 **Hon. K Azopardi:** The Office of the Financial Secretary: presumably there are identifiable
people. I am not sure if the hon. Member has that information with him. Perhaps he can find out
and then let us know.

On the issue of the management structure, he mentions the retirement of the managing
director. Are there going to be other management changes envisaged likely? In relation to his
600 replacement, the Chief Minister indicated that interviews have been held. I have not seen any sort
of advertisement, so I assume that is an internal processes. Is it likely that it is someone drawn
from the company or from the wider public service? I am not sure if the Chief Minister knows who
exactly has been interviewed, but perhaps he can share with us the kind of profile of the likely
replacement managing director.

605 And then, in terms of going forward, other than managerial recommendations are there
specific financial recommendations as to the operation of the company that he can share in a bit
more detail with us?

Hon. Chief Minister: Mr Speaker, the names of the people in the Office of the Financial
610 Secretary who did the work ... I do not think that is something that the Government would think
is relevant in any way. If he wants me to find out and call him and I tell him it was Peter or Jane,
or Richard or Judy ... I do not know whether he would have more confidence in Peter or Jane or
Richard or Judy than in Albert or Fabian. I am happy to try to find out and tell him, but he knows
that we do not like to share the names of civil servants across the floor of the House. We do not
615 think that is fair.

620 If there is any other entity that I do not have in my mind that was involved I am quite happy to tell the Hon. Mr Clinton and him if I have not been able to provide the answer. People should know that despite the pugilistic style sometimes in Parliament, we do have a WhatsApp group where we share information once in a while and I am happy to put it there. I suppose the modern digital equivalent of 'behind the Speaker's Chair' is 'in the WhatsApp group'.

625 In terms of the advertisement of the vacancy, as I understand it, from memory, the vacancy was advertised. I believe it was advertised in the company because the profile of people being sought ... are the sort of people who have the skills that the management team in the company have, and so the answer to his questions is linked because if there is a recommendation that somebody who applied from within the company should be promoted, then there would have to be other changes throughout the chain of the structure of management at GJBS.

630 I think there have been three senior retirements at GJBS now with Michael's departure, which has seen the three most senior members retire through age-related reasons, nothing else. Lest anybody suggest that the review might have led to those retirements, they have not; they have been age-related retirements and therefore there may be a recommendation that comes that with the appointment of a new management director there should also be other changes, but to a very great extent that would be something that the Government would look to receive the advice of the new managing director on in the way that he or she would see the future of the entity.

635 I think, Mr Speaker, I have dealt with all of his questions. Other recommendations ... Of course, in everything that we look at, especially when the Financial Secretary's Office is the one leading any review, we are going to be looking at robust financial management, which, however good, can always be improved. We are going to be looking at having better structures for the management of payments. As the Government's own payment systems evolve and procurement systems evolve, we would like to see the company's procurement and payment systems evolve, so that we have a more current and better picture of liabilities and of debts due to the company as well, which is the important way of having a full picture of a company's fortunes.

640 We will want to see human resources evolving so that we make the best of the people we have in GJBS. I have said in my first answer we believe we have an excellent and very competent workforce there. I have only had one reflection in respect of the interviews, I have not had any advice yet, but I was told that one individual had made the suggestion that GJBS could do even more in terms of the provision of support for the University in respect of some areas of expertise that GJBS has in engineering etc. So there are many ideas there.

650 I think the next 30 years of GJBS will be even brighter and even stronger. No doubt under successive administrations as the political pendulum swings, they will have their fortunes bloom in favour under any complexion of future Governments of Gibraltar, and I am very excited both to bid a very fond and positive farewell to Michael for the work that he has done and to welcome whoever is recommended to be the new managing director and the workforce that will flourish under him or her.

655 **Hon. K Azopardi:** The Chief Minister in his original answer spoke about, I think, exchange rate issues that the company had had and so on, which had been part of the review. Did the review come to any conclusions as to any specific financial losses that the company suffered as a result of whatever the review was looking at it; and, if so, what were they and to what extent?

660 **Hon. Chief Minister:** Mr Speaker, I do not have any information about any such conclusions here with me today, but I do recall that we have had discussions about this in the past when we have discussed the fortunes of GJBS. There was a period, of course, through which GJBS was trading, and every other company in Gibraltar, where the euro to the pound rate went, as he knows, through the floor, and I think it caught every construction company out in that period, but I do not have the information.

670 **Hon. K Azopardi:** If I recall that discussion, if it is relevant to this, we were talking about sums in the millions, I think. I will not ... All right, yes. My hon. colleague has just passed me an extract from the *Hansard* of 2021 which talks about an advance of around £23 million. I am not sure if that helps the Chief Minister, if those are the exchange rate issues he is talking about which were also discussed as part of this review, or we are talking about something different. He may not have the full report with him, but does he recall from the full report whether it is that kind of sum or a different sum?

675 **Hon. Chief Minister:** No, Mr Speaker. Again, he must not jump to conclusions, as he did last time when we have asked this question – he then went on to say in his Budget speech a month later that we had bailed out GJBS in the sum of £23 million, which was not the case.

680 In the course of that discussion I told him that one of the things that has affected –

Hon. K Azopardi: I am sure I did not say that at all.

685 **Hon. Chief Minister:** Well, in fact, Mr Speaker, I will tell him that in his Budget speech – if he wants to look at *Hansard* for 21st July 2021 at page 12, line 480 – although he has said from a sedentary position, ‘I am sure I did not say that; I am sure I did not say GJBS had been bailed out,’ he said: ‘We have seen GJBS bailed out with £23 million.’

690 Well, Mr Speaker, we had not bailed GJBS out with £23 million. That was the issue that they had on their balance sheet and what I told him was that one of the elements that related to the issues that GJBS was having was the collapse of the pound sterling against the euro. He will find that at page 24, line 960 of the May 2021 *Hansard* that he is referring to. So it is not £23 million by any stretch of the imagination, it is an element of the issues that afflicted GJBS at that time in that period that the euro exchange rate was affecting them as it affected every other construction company in Gibraltar.

695 **Mr Speaker:** Next question.

Q180-81/2022

Government- and GDC-owned companies and subsidiaries – Overdue filing of accounts and audits

Clerk: Question 180/2022. The Hon. R M Clinton.

700 **Hon. R M Clinton:** Mr Speaker, can the Government provide a list of all companies owned by it or the Gibraltar Development Corporation and associated subsidiaries for which the filing of accounts is overdue at Companies House as at 31st March 2022?

Clerk: Answer, the Hon. the Chief Minister.

705 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 181.

Clerk: Question 181/2022. The Hon. R M Clinton.

710 **Hon. R M Clinton:** Mr Speaker, can the Government provide a list of all companies owned by it or the Gibraltar Development Corporation and associated subsidiaries which have not been audited since incorporation to the 31st March 2022?

Clerk: Answer, the Hon. the Chief Minister.

715 **Hon. Chief Minister:** Mr Speaker, I know they are chatting amongst themselves but they should listen – they are going to enjoy this.

The Government owns 59 companies directly or via the GDC. When we took over, all that were then incorporated were overdue their accounts. At the moment, 21 are already up to date, 26 are overdue and 12 have not had any audit since incorporation.

720 The information requested by the hon. Gentleman to Question 180 is provided in the schedule I now hand over to him.

Answer to Question 180/2022

Gibraltar Cleansing Services Ltd
GCP Investments Ltd
Gibraltar Properties Ltd
GSTR Ltd
Kings Bastion Leisure Centre Ltd
Gibraltar Facilities Management Ltd
Midtown Coach & Car Parks Ltd
Gibraltar Joinery & Building Services Gibraltar Car Parks Ltd
Gibraltar Strand Property Company Ltd
Gibraltar Commercial Property Company Ltd
Gibraltar Home Loans Company Ltd
Gibraltar Strand Management Company Ltd
Construction Training Company Ltd
Economic Development & Employment Company Ltd
Employment Training Company Ltd
Gibraltar General Construction Company Ltd
Graduate Research & Development Company Ltd
Skills Enhancement Training Company Ltd
Supported Employment Company Ltd
Gibraltar Community Projects Ltd
Gibraltar Defence Estates and General Services Ltd
KIJY Parkings Ltd
Gibraltar Investment (Holdings) Ltd
Gibraltar Land (Holdings) Ltd
Gibraltar Residential Properties Ltd

Hon. Chief Minister: Mr Speaker, in relation to Question 181, the companies which have not been audited since incorporation as at 31st March 2022 are in the second schedule I now pass to him.

Answer to Question 181/2022

Europa Incinerator Company Ltd
GAR Ltd
GEP Ltd
GEWP Ltd
Gibraltar Air Terminal Ltd
Gibraltar Freeview Ltd
Gibraltar Industrial Cleaners Ltd
Gibraltar International Mint Ltd
Gibraltar Mechanical & Electrical Services Ltd
Gibraltar National Mint Ltd
GSBA Ltd
GSF Ltd

725 **Hon. Chief Minister:** Mr Speaker, that really concludes my answer to his question, I suppose, but additionally I now pass to him a third schedule of a type which could never have existed in

their time – namely, a list of companies which are already up to date with their filings at Companies House. I am sure the hon. Gentleman will be delighted.

Answer to Question 181/2022 cont.

The following are the companies which are up to date with filing at Companies House:

Brympton Co-Ownership Company Ltd	December 20
Credit Finance Company Ltd	December 20
ES Ltd	December 20
GBIC Ltd	December 20
GDC (Directors) Ltd	December 20
Gibraltar Bus Company Ltd	December 20
Gibraltar Co-Ownership Company Ltd	December 20
Gibraltar Estates Management & Administration Ltd	December 20
Gibraltar Estates Maintenance Services Ltd	December 20
Gibraltar General Support Services Ltd	December 20
Gibraltar Investment (Directors) Ltd	December 20
Gibraltar Manchester Property Company Ltd	December 20
Gibraltar National Exploration of Minerals, Gas & Oil Company Ltd	December 20
Gibraltar Residential Properties Aerial Farm Ltd	December 20
Gibraltar Residential Properties Bishop Fitzgerald Ltd	December 20
Gibraltar Residential Properties Coach Park Ltd	December 20
GOC (Secretaries) Ltd	December 20
GRP Management Company Ltd	December 20
RMB Investments Company Ltd	December 20
Westside Two Co-Ownership Company Ltd	December 20
Zero Carbon Footprint Company Ltd	December 20

730 **Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister for the various schedules he has handed over and I would note – to give credit where credit is due – that compared to the position as at December 2019 when there were 31 companies which had filings overdue, we are now down to 26, which is obviously an improvement but not a complete solution, although perhaps a movement in the right direction.

735 In respect of the companies that have never been audited, can the Chief Minister comment as to why that would be the case? There are some entities here, for example – and I think I have had this discussion with the Father of the House before – Gibraltar National Mint and we even have Gibraltar Air Terminal Ltd. Should these not at least have an audit?

740 **Hon. Chief Minister:** Mr Speaker, I agree, they should have had an audit and what he will be very happy to hear is that one of the things that we did when we were first elected was to start the process of getting these companies' books into a fit state.

745 I do not want to be exceedingly partisan, but he does need to understand that there are certain dates which are relevant here. The Government companies, the GDC companies which existed as at May 1996, all had their corporate books in order as at May 1996. After May 1996 a legal requirement is transposed into law – coming back to yesterday's discussion about European conventions about transposition, implementation etc. The transposition into law of that arises

750 from a European directive. The European directive says every company must file its accounts. So, after 1996 the GSD Government, by bringing into effect a European directive, make it a legal requirement that companies should file their accounts and fine any company that fails to file its accounts. And yet they did not file the company accounts for the Government companies, and there were more Government companies after 1996. So, what we find when we are elected in 2011 is not that the companies have failed to file accounts and we simply file the accounts which are ready to be filed, it is that the companies have not had their accounts prepared in some instances from 1996-97, and so the exercise is an exercise of reconstruction.

755 There are some companies that I incorporated after 2011 which have not yet had that exercise completed but it is on the way to being done and being totally completed, and those entities which were incorporated before 2011 which have not had their accounts since incorporation or have not had their accounts since 1996 in some instances have already had them or in other instances are about to have them. This is not an easy process, as the hon. Gentleman knows, because to reconstruct the accounts of a company going back to 1998 is extraordinarily difficult and it is costing the Government a lot of money, but it must be done because it is a legal requirement. Even if it is going to take us a decade, as it is taking us, I am committed that we will have completed the exercise of ensuring that all of the Government's companies will have their accounts properly filed and they will have been properly filed and audited.

760 Because of the dates that I am referring to, there is a party political point – it is inevitable – but he and I agree that a company must comply with the law. It must have its accounts, it must have its audits, where appropriate, and it must have those audits and accounts filed. Although he gives me faint praise – it is only five that we have improved on, because he has asked for up to date – a lot of the others are now almost up to date and I do anticipate that that number, 26, will be reduced greatly very soon and that we will soon get what we both want, which is that the third schedule, which is the one that he did not ask me for, will be the schedule which will have all of the Government's companies on it. Then the discipline should continue under, again, successive administrations I have no doubt, but the political pendulum swings, and we should never once again fall into the trap where we fail to see a Government keep its company accounts in order, keep its company audits in order and file the accounts of the companies, as the Government requires every other entity to do that is a shareholder of a company in our jurisdiction.

775 **Hon. R M Clinton:** Mr Speaker, I think on that point we agree across the House – for once!

780 In terms of his characterisation of these companies going back to 1996, I have to point out to him that, as he has already recognised, there are some entities that were incorporated here after 2011. Is he still going to use the characterisation of having to reconstruct accounts for entities such as the National Mint, which was created under his Government? Surely not. What would he say is the reason for companies such as National Mint not being audited since incorporation? This is a company his Government created.

790 **Hon. Chief Minister:** Mr Speaker, sometimes companies are incorporated but they have no activity, in which case it is very easy to do an account etc., and in some instances they have a lot of activity and we have failed, like they failed, to have the accounts prepared timeously. That is why I am telling him that there is a commitment to ensure that those are put in place. It is not as if I have suggested that all of the companies that are not up to date and have not been audited are all the ones incorporated in their time; I have set out in my answer that there are some in our time also, but that we are very close to finalising that.

795 The thing is that it is remarkable to think about – how long have we been around, Mr Speaker? – but 25 years ago they went to an election, with the hon. Gentleman looking particularly young, saying that they were going to publish the company accounts. They were in government for a decade and a half and they did not publish the company accounts. Well, we have published a lot of the company accounts: we had 59, we have 26 that are not there yet. We are getting there and we are going to give effect to our commitment to ensure that the accounts

800 are filed and we are going to give effect to their commitment that the Government company
accounts be filed, even though after a decade and a half in government they did not give effect to
that commitment.

We should all, I think, on this one, seek to find the thread of agreement in what we are doing.
On this, Mr Speaker, he rightly clock-watches the Government because this is an external legal
805 requirement – it is a requirement of the law of Gibraltar – and we are putting it right, and I am
very proud of the fact we are putting right. He must not underestimate how many hours are going
into putting this right and the effort that is required to put it right, in particular when it relates to
another administration, because obviously at least in the life of an administration decision makers
810 are still around and you can still contact them etc. In the context of a company that was trading
in 1997 and 1998, we will have to call up the hon. Gentleman who is now the Leader of the
Opposition and ask him what his travel expenses were about if they were charged through a
company, because we are literally having to reconstruct stuff.

But I think it is a good-news story for all of us that the Government of Gibraltar is putting its
company house in order. We have been doing so for some time. I have given this information
815 periodically when the hon. Gentleman has asked. The direction of travel, he would agree, is the
right one. He will tell me it is not fast enough, and if he tells me it is not fast enough I will reply
saying at least in 10 years we have got more or less there, in 15 years the party that you represent
did not get there. I have no doubt, Mr Speaker, if the hon. Gentleman had been in government
between 1996 and 2011 this would not have happened because this is an issue that with him
820 sitting at the Cabinet table would not have happened. We have a lot of lawyers sitting round the
Cabinet table. We talk a lot, we count a little less. This is being put right and I think that is the
good-news story for all of us.

Hon. K Azopardi: On a point of order, Mr Speaker, some minutes ago the hon. Member accused
825 me of having said that as part of my Budget speech I had said that GJBS had been bailed out by
£23 million. I said from a sedentary position that I could not recall that I said that and he insisted
that I did and directed me to an extract. Well, I have the extract on my phone, and if you scroll up
the page you will see that it was another hon. Member who said it and not I. I want to give the
Hon. Chief Minister an opportunity to correct the record. I have *Hansard* on my phone.

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman is referring me to a matter of public
record, and so ... The thing that I have is this extract which has been provided to me, which is that
page that I have told him about, which says 'Azopardi Budget 2021'. If he tells me that that is not
'Azopardi Budget 2021', I am happy to correct the record. Can he tell me who the speaker was, so
835 I can check?

Hon. K Azopardi: Let's be clear: the page does not have 'Azopardi Budget 2021' on it, it has
'Gibraltar Parliament, Wednesday, 21st July 2021'. He has asserted in this House that it was me. I
am telling him that, if you scroll up, it was not me and I am giving him the opportunity to correct
840 the record. It was another Member on this side of the House, but he has assured the people of
Gibraltar it was me. I am now telling him it is not true. He should check his facts and not be so
enthusiastic about the stuff that he spins out for the people of Gibraltar that is plainly untrue.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman seems not to have heard me in his
845 enthusiasm to win a minor factual point. I have told him, as he can see, that I have been given the
extract with the words 'Azopardi Budget 2021' written on it. He can see that because I am holding
it up, and he can see that the words 'Azopardi Budget' are written in blue ink. That is to say they
have been written in by somebody for me. What I said was – in case he did not hear me, in case
his enthusiasm is so effervescent inside his brain that it did not allow him to hear the speaker – if
850 he assures me that it was not him and he simply tells me who the other speaker was, I will check
and confirm that he is right and I am wrong. That is all I am asking, Mr Speaker.

Hon. K Azopardi: Mr Speaker, it is quite basic, actually. Let the Chief Minister not point to civil servants who have scrawled my name at the top of a piece of paper. He is the one who is supposed to do his homework. He is the one who comes to this House. He is the one who assures the people of Gibraltar, because he thought it was a political point that he was making, that it was me, because he thought it was put-down. It was not, in fact, me and he should correct the record.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows me well enough to know that of all the people he has come across in this House, the one least likely to try to deflect a bullet and try to make it hit an innocent civil servant is me. It was the former Chief Minister who used to blame those who would be preparing him for anything that might go wrong and take the credit for anything that might go right. He might recall that, because he used to sit next to the former Chief Minister before taking against him and leading another party. *(Interjections)*

So, Mr Speaker, it is very simple – *(Interjection by Hon. K Azopardi)* Because I was doing the thing he says I should do, which is be honest with him, which is what I always try to do. Why did I tell him that? Because I was given this page and it had his name on it, and I rely on the people who assist me. I do my homework, but I do it to the extent that time allows. In other words, coming here to answer his questions is not necessarily the thing that is going to take up most of my time.

I have now checked, Mr Speaker. The person who made the statement that I attributed to him is the man that he entrusts with the public finances of Gibraltar, the Shadow Member for Public Finances, Mr Clinton, not him. I am very happy to correct the record and say that it was the GSD, if not him, who had said that we had bailed out GJBS in the sum of £23 million, which was not correct.

Mr Speaker, can we now get on with it?

Hon. K Azopardi: What I was seeking was a point of order so that the hon. Member corrects the record. He has done it in a sour way. He has chosen to do it in a sour way instead of actually being man enough to say, 'I made a mistake, mistakes are human, and fair enough.'

Hon. Chief Minister: Mr Speaker, I thought I had done it in the most magnanimous way possible, which was to accept that I was wrong, to try and move on but to reflect who it was. It must have been obvious to you, as it was to me, Mr Speaker, that the hon. Gentleman did not want to tell me who had made the statement. *(Interjections)* He simply wanted to make the assertion that it was not him. *(Interjection by Hon. K Azopardi)* If the hon. Gentleman simply wants to be the Macavity of Gibraltar politics, showing that it is just not him and he is not there, that is fine. *(Interjection by Hon. K Azopardi)*

People in Gibraltar, I think, respect those who take responsibility. I take responsibility for the things that I say in this House and I take responsibility for the things that go wrong in Gibraltar. The things that go right are to the credit of those who have done them; the things that go wrong are my responsibility. The buck stops with me. He has heard me say it on television. He is not going to find me cowering out of anything – whether it is the debt or the deficit – like he is doing now, despite having agreed that we should do all the BEAT measures.

Mr Speaker: Next question.

Q182/2022
Eruca Investments Ltd –
Subordinated liquidity facility

Clerk: Question 182/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if Eruca Investments Ltd has drawn upon the subordinated liquidity facility made available to it; and, if so, when and in what amount?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is unable to answer the question as Eruca Investments Ltd is a privately owned company held by investors in Gibraltar. The House will nonetheless wish to note that the accounts for the year ending 31st March 2020 for that company are filed at Companies House.

Hon. R M Clinton: Mr Speaker, yes, but the facility was, I think, between Gibraltar Properties Ltd, which is a Government-owned, directly or indirectly, company and Eruca Investments Ltd, so surely the Government would know if the facility had been drawn upon.

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Hon. Chief Minister: Mr Speaker, the question is specific: if Eruca Investments Ltd has drawn down upon that subordinated liquidity facility. He is asking the Government. The Government is not the proprietor of Eruca Investments Ltd.

Hon. R M Clinton: Yes, Mr Speaker, we know that, but the other side to the transaction is a Government-owned, directly or indirectly, company, so the Government would know, or should know, if a call has been made upon that facility.

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Hon. Chief Minister: Mr Speaker, the Government is accountable in this House for the actions of the assets it controls, and we do not control Eruca Investments Ltd.

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Hon. R M Clinton: Mr Speaker, I think we all understand that. The question I am asking is the other party to the transaction ... There is a facility arrangement, a subordinated liquidity facility, which Eruca has the benefit of. The other side to that transaction is the Government-owned, directly or indirectly, entity. All I am asking in this question is has that facility being drawn upon. You must know, having the control of the other side to the transaction, whether that has happened or not. I am not asking about Eruca.

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Hon. Chief Minister: Well, Mr Speaker, the question is about Eruca.

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Hon. R M Clinton: Mr Speaker, there are two parties to this subordinated liquidity facility, one of which is Eruca and the other side is a Government entity, owned or controlled directly or indirectly. Is the Chief Minister telling us that he has no idea whether this facility has been drawn upon? It is as simple as that.

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Hon. Chief Minister: No, Mr Speaker, the Chief Minister is saying that the question as drafted we consider to be a question about an entity that we do not control, and therefore ... The Government cannot be drawn to answer questions about an entity that it does not control in this form, I am sorry to say. This is not for lack of transparency, this is not for lack of accountability, as they will pretend, it is just that they ask us about a company that we do not control and they ask us, in the context of that company, to make a statement. I have directed him to the fact that the accounts of that company have been filed because they have been provided to me. They are at Companies House, in case he has not seen that they are filed for the period which I have referred to the House, but I am advised that the Government cannot answer the question as drafted because we are not the controllers of that company.

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Mr Speaker: The Hon. Chief Minister has given an answer. It may not be the answer that perhaps the hon. Gentleman was expecting or hoping for, but I will allow the Leader of the Opposition one final question.

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Hon. K Azopardi: Thank you, Mr Speaker.

The question as drafted says: 'Can the Government advise if Eruca Investments Ltd has drawn upon the subordinated liquidity facility ...?' The subordinated liquidity facility is made with a company controlled by the Government, so really what this is saying is can the Government confirm if the Government company has given Eruca the money? That is really what this is and everybody understands that, so can the Government say whether the Government company has given Eruca the money? Yes or no? The Chief Minister is refusing to say, or it has not happened?

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Hon. Chief Minister: Mr Speaker, that is not the question that is on the Order Paper, and that is not the question that I have been asked to answer. I am very happy to answer the question if he puts it like that next time.

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Hon. K Azopardi: He is playing on words. It is posed like that.

Mr Speaker: I think both Members may be playing with words. The Hon. Chief Minister has said that if you put a question at the next meeting of the House he will be able to answer the direct question with a direct answer.

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Hon. K Azopardi: Mr Speaker, we are happy on this side of the House to put a direct question as long as we then do not get an answer that it is within the six-month rule. He has invited the question –

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Hon. Chief Minister: Will the hon. Gentleman give way? The Government would not raise an objection because it would be a different question. That is what the Government is saying. The Government is not playing on words, Mr Speaker. The Government is trying to play with a straight wicket to ensure that people have the information they should have in order to ensure that we follow parliamentary rules, which is also our obligation, and give the right information in the context of the right questions. If they make it difficult for us, we cannot give the information, but if the hon. Gentleman puts a question in the way that he has now proposed, we will be able to give the answer from the Government side, and we of course could not suggest that it is the same question within six months because it would be a completely different question, which would be capable of being answered.

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Hon. K Azopardi: Mr Speaker, I had given way to the hon. Member. Can I just say that of course we will file a question? If he is not prepared to say now because he has put himself in a particular position and he now insists that it must be repeated, that is fine, but everybody who picks up this question would understand that we are asking can the Government advise if the Government-owned company has paid Eruca the money which it contracted to do.

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We are not making it difficult for the hon. Member opposite. The hon. Member opposite went to Oxford. He is one of the most intelligent people I know. He understands what this question is about. He refuses to answer. It is a matter for him. We will ask him again in different language, that is all.

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Hon. Chief Minister: Mr Speaker, that is the nicest thing the hon. Gentleman has ever said to me. *(Laughter)* He has added cream and chives to my sour: I now feel like a complete political Pringle, and tasty at that.

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1000 We are genuinely trying to achieve the aim for which we are here, which is to provide the information. I do not think there are many experts in subordinated liquidity facilities who will go around saying, 'Well, yes, absolutely right, I could have read it that way.' This is a complex area of law and the Government is trying to ensure it complies with its legal obligations to its contractual partners and answers questions that it has to answer and not questions that it could be suggested are not questions to the Government but questions to the Government's contractual partners as drafted.

1005 **Mr Speaker:** Next question.

Q183/2022

Finance Bill –

Whether to be brought to Parliament during Budget debate

Clerk: Question 183/2022. The Hon. R M Clinton.

1010 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it intends to bring a Finance Bill to Parliament during the 2022 Budget debate?

Clerk: Answer, the Hon. the Chief Minister.

1015 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman raises a question that was discussed at quite some length during the Appropriation Debate last year. We explained our position that we will keep to the Appropriation Bill that is passed in Parliament and seek, where possible, to pass contemporaneous legislation that addresses some of the issues that are raised as part of the Budget, thereby ending a Budget session week or 10 days with as much legislation in place as deals with all of the issues that are raised in the Budget process. This has not always been the case, as it is not always possible to put legislation in place ahead of the Budget session, but we will seek to do so wherever possible. This is somewhat different from having a Finance Bill.

1020 **Hon. R M Clinton:** Mr Speaker, I am glad that the Chief Minister recognises that is different to a Finance Bill because there is provision within our Standing Orders specifically as to how a Finance Bill should be debated in this House and in terms of the timeframes for presenting it. In fact, there is no need for notice but there is a process by which the contents of the Finance Bill are digested and then debated.

1025 I would only ask the Chief Minister to at least consider, for the sake of expediency, putting all these measures into a Finance Bill. It does no harm, and in fact it may be more efficient to do it in that way – and he may even be pleasantly surprised, as he was on the last occasion when we actually found agreement on elements of measures that would be in the Finance Bill. I would just ask the Chief Minister to consider that.

1030 **Hon. Chief Minister:** Mr Speaker, I am very grateful to the hon. Gentleman. He knows that we have slightly different interpretations in this respect.

1035 **Mr Speaker:** Next question.

Q184/2022

**Review of senior public sector salaries and relativities –
Completion and publication**

Clerk: Question 184/2022. The Hon. R M Clinton.

1040 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it has completed its review of senior public sector salaries and relativities, as announced by the Chief Minister in his 2018 Budget address; and, if so, will the Government publish the report?

Clerk: Answer, the Hon. the Chief Minister.

1045 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this has indeed commenced, although, given the circumstances of the last two years, it has not yet been finalised.

1050 **Hon. R M Clinton:** Mr Speaker, can the Chief Minister advise whether this review is being conducted internally, or has somebody externally been contracted to undertake it?

Hon. Chief Minister: It has been externally undertaken, Mr Speaker.

1055 **Hon. R M Clinton:** Would the Chief Minister be able to identify the external party undertaking the review?

Hon. Chief Minister: Yes, Mr Speaker, Ernst and Young as it used to be known, although it is just known as EY now.

1060 **Hon. R M Clinton:** One last supplementary from me, Mr Speaker: when did they commence their review?

1065 **Hon. Chief Minister:** Mr Speaker, I do not know, but I know that the work goes back to April 2021. I cannot tell him the commencement date but the work that I had seen was work that was done in April 2021 and there has been some more work since then as well, so considerably before April 2021.

Q185/2022

**Campion Park –
Payment from Trusted Novus Bank**

Clerk: Question 185/2022. The Hon. R M Clinton.

1070 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it has received payment from Trusted Novus Bank in respect of the cost of the Midtown (Campion) park; and, if so, how much and on what date?

Clerk: Answer, the Hon. the Chief Minister.

1075 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the total development cost for Campion Park was £3,917,879. HM Government of Gibraltar received £3,874,595 on 8th December 2021 from Trusted Novus Bank as a donation towards the costs incurred by Government in connection with the development of Campion Park. The balance between the donation received and the total

development cost is £43,283.64. This balance has now been settled by Trusted Novus Bank with the funds being received this month.

1080

Mr Speaker: Next question.

Q186-87/2022

**Borrowings from GIB and RBSI/NatWest –
Security provided to GIB; extension of time sought from RBSI/NatWest**

1085

Clerk: Question 186/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it has provided the Gibraltar International Bank with any security in respect of the £150 million borrowed from it?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 187.

1095

Clerk: Question 187/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it has sought an extension of time for the £500 million revolving borrowing facility with RBSI/NatWest secured by a UK guarantee that falls due on 3rd December 2023?

1100

Clerk: Answer, the Hon. the Chief Minister.

1105

Hon. Chief Minister: Mr Speaker, the Government did not provide any security in respect of the £150 million borrowed from Gibraltar International Bank. The facility was repaid in full on 7th April 2022 by drawing down the full £150 million from the £500 million RBS facility. This was always the intention from the outset.

Repaying the £150 million temporary GIB facility and transferring all the outstanding liabilities to the RBS facility has consolidated all of the COVID-19 pandemic-related expenditure in one facility. As a result, when full Government revenue is restored and the need to borrow subsides we will be able to crystallise this amount into a new single facility and provide for a sensible and affordable longer-term repayment plan.

1110

Hon. R M Clinton: Mr Speaker, I am grateful for the information the Chief Minister has provided, especially in respect of the repayment of the £150 million.

1115

I just have two supplementaries. The first one is in respect of Gibraltar International Bank. In their accounts for 31st December 2020, in 'Related party transactions' on page 44, 'Advances of interest receivable', which will include the ultimate controlling party, being the Government, it says: 'Outstanding balances at the year-end are secured.' Would it be, in his view, that the statement perhaps needs clarification, or is there some other form of security that the bank may have that perhaps is not in the facility letter, by way of some other side letter?

1120

Secondly, Mr Speaker, as the Chief Minister is aware, the facility with RBS/NatWest, which is guaranteed by the UK government, falls due on 3rd December 2023. I appreciate what he has said about consolidating everything in one place, but is he suggesting that he would seek to somehow obtain a loan from another party on perhaps a longer-dated basis; and, if so, have those sorts of negotiations already started and in fact he has not requested an extension of the UK guarantee?

1125

1130 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman at the end, seeking to deal with the second point first, makes assumptions which are not correct and which I will not address during the course of this Question Time because I think they are issues better addressed during the course of the Appropriation debate when dealing with the debt. He is now talking about the current financial year and the next financial year, so I am going to deal with issues relating to that during the course of the Budget debate.

1135 In the context of the note to the accounts of GIB, I would need to take advice on whether that is correct, despite what I have said, or would need to be corrected. The definition of security in those accounts may or may not include a loan to a shareholder, which may or may not fall within a different definition, and so I do not want to venture into having a discussion without appropriate advice.

Mr Speaker: Next question.

Q188/2022
Migrants entering Gibraltar without valid documents –
Number not yet repatriated

1140 **Clerk:** Question 188/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please look at the answers to Written Questions W17 to W21/2021 and state, by reference to the nationalities listed in answer to Questions W18 and W21, which of those nationals have still not been repatriated?

1145 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there is currently only one individual, of Moroccan nationality, who remains to be repatriated from policing year 2021-22.

Q189/2022
Widows and Orphans Pension Scheme –
Update re Government promise

1150 **Clerk:** Question 189/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, when is the Government going to keep its promises to people in relation to WOPS?

1155 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government fulfilled its promise to people in relation to WOPS. In fact, the answer to this question has not changed since my answer to Question 79/2021.

1160 **Hon. D A Feetham:** Mr Speaker, that cannot possibly be right because there is a Bill on the Order Paper which was published in 2020 that the Government still needs to take, and people are not being paid out, presumably until that Bill actually becomes law. Is that the case? I will be corrected if I am wrong.

1165 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman asks a question about promises made to people. The promise was honoured when the Government opened the window, as we had said that we would, for people to register. We then published a Bill. We have not yet been able to pass the Bill, but we have already done the exercise that we needed to do. All we need to do now is finish the Bill becoming an Act and then the whole process will be complete, so I do not understand why the hon. Gentleman thinks that we have failed to keep our promise in relation to WOPS.

1170 **Hon. D A Feetham:** Well, Mr Speaker, it is simple: there are a number of people who have approached me on a number of occasions asking me to ask the question – I did so last year and I have repeated it this year – because they have been told that until this Bill is actually made law they will not be paid what they are owed in relation to WOPS. That is the information that I am receiving and that is the reason why I am asking the question.

Hon. Chief Minister: Mr Speaker, I think he has got it behind over breast, so to speak. It is not that they will be paid when we pass the Bill into an Act, it is that they will pay the Government.

1180 **Hon. D A Feetham:** No, they will be not entitled.

Hon. Chief Minister: Yes, but we have already told all those who have registered ‘Don’t worry, if the Bill does not become an Act we are going to give effect ... you are going to have the benefit of it.’ So we have fulfilled our promise. We are just in the process of putting in place the formalities, which we have not been able to do but we are in the process of doing.

1190 **Hon. D A Feetham:** Yes, but there are people who are going to the Treasury Department actually prepared to pay, because then they qualify for WOPS later on, and are being told, ‘No, you cannot pay because the Government has to pass this particular law.’ That is what people are telling me. That is the reason why I am asking the question. Surely the promises to people cannot have been completed until the Government has done everything possible to allow these people to qualify – that is go to Treasury, make the payments and then they qualify.

1195 **Hon. Chief Minister:** So, already, Mr Speaker, he has changed from saying that we are not making the payments to saying that we are not able to receive the payments.

I have already told him that nobody is going to suffer because we have told them that as long as they are registered, and if something were to happen, they make the payment even after the inevitable event, which deals with the vesting for WOPS. People will have that honoured, even if we have not been able to put in place the legislation. So, as far as the client is concerned – the constituent in this case – they are covered. We just need to ensure that we make provision for this in the law, which we are in the process of doing – we have already published a Bill.

1205 **Hon. D A Feetham:** May I therefore ask my last question? When does the Government intend to take this particular Bill, which was published in 2020? Is it going to take it this session; and, if it is, when is the Government going to commence the Act when it becomes an Act?

Hon. Chief Minister: In the lifetime of this Parliament, Mr Speaker.

Mr Speaker: Next question.

Q190/2022
Fortress House –
Whether purchased by Government and cost

1210 **Clerk:** Question 190/2022. The Hon. D J Bossino.

Hon. D J Bossino: Has the Government purchased Fortress House; and, if so, for how much?

Clerk: Answer, the Hon. the Chief Minister.

1215

Chief Minister (Hon. F R Picardo): Mr Speaker, no; neither have we expressed an interest in doing so. We already indicated that we were not interested in this asset for the taxpayer, in answer to Question 404/2020.

1220 **Mr Speaker:** Next question.

Q191/2022
Eastside project –
Density and urban impact

Clerk: Question 191/2022. The Hon. D J Bossino.

1225 **Hon. D J Bossino:** Does the Government have any intention of addressing the concerns as to the density and urban impact of the development raised by representatives of Catalan Bay Village in connection with the Eastside project; and, if so, how?

Clerk: Answer, the Hon. the Chief Minister.

1230 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the representations made by members of the public on any planning application are taken into consideration by the Development and Planning Commission when making its decisions. This applies to the representations made by Catalan Bay Village in respect to the outline planning application submitted for the Eastside development. It is not for the Government to intervene in the DPC's processes when considering planning matters. No doubt, if we did, we would be accused of interfering with the DPC's processes.

1235 The Government notes the concerns that we have seen on social media in relation to the Catalan Bay Village on this item. Many of the images which have been provided by some on social media appear, to us, to be inaccurate. Nonetheless, the Government believes that the Eastside project is a very positive project, not just for Catalan Bay but the whole area, which will be renovated and much improved. Each part of it will require full planning permission from the DPC.

1240 At present, there exists a derelict piece of land that has been accumulating waste over the last 30 years, and this development is on a scale that we have not seen before and in a way that will beautify and improve the area very significantly. Nonetheless, the Government defers to the DPC to ensure that the project is done in a way that meets environmental impact assessments and is done in a sensitive manner. The developer and any objections will be heard at the full planning application on all subjects.

1245

Thanks to our policy of openness, transparency and accountability at the DPC, all interested members of the public will be able to object, be heard, and the community as a whole will be able to follow every aspect of the discussion and debate at the DPC. The days of the closed and secret DPC that the GSD asked us to keep secret and closed when we passed the amendment to the Act

1250 are gone. The Government has clearly entered into arrangements with a developer for this project to go ahead because we believe it is a positive project for Gibraltar.

1255 It is important to note that the marina in question, which many have promulgated images of that we do not think are accurate images, effectively provides a breakwater for Hassan Centenary Terraces and the rest of the Eastside development. We think images of it on social media, as I said before and I reiterate, are inaccurate. Without protecting the land of what is now the reclamation, it is not possible to build or insure a building for habitation. The cost of this breakwater is subsidised by the economics of the revenue-generating marina. The reduction or removal of the marina may impact the financial viability of the Eastside project which the Government is contracting for. As a result, delays in protecting the land will also impact the completion of Hassan Centenary Terraces. The marina arm in any event, I should inform the House, will be accessible to the general public and will provide a promenade that can be used by pedestrians, joggers, cyclists and those seeking to fish throughout the whole year.

1265 **Hon. D J Bossino:** I thank the hon. Member for that very full reply. The question really is whether anything at all can be done in relation to the size of the marina. He has made reference that that could have an impact – I think he even said a reduction could have an impact, in terms of the size and the massification – in terms of the finances. That seems to be the focus of the complaints of the Catalan Bay residents.

1270 I saw part of the DPC hearing, where I was able to listen to and watch, through the website, Mr Riddell's contribution in that regard. I must say that when I initially read some of their complaints I thought it was far-fetched. I think it was suggested that it would block the views all the way through to the Caleta Hotel, but I have been shown plans, and from what I can see, it seems that that accusation – that observation; should I put it in more neutral terms? – may actually be more accurate than I originally thought. I thought it was literally just a line going out and it would impact on the northern side rather than on the southern side, but if I can visualise it, it just basically does that and it does align with the Caleta Hotel. But the hon. Member says that the images which have been shown on social media are inaccurate. The Government will have a view. From what I was able to hear in the initial stages of the DPC process, both the Hon. Prof. Cortes and the Hon. Deputy Chief Minister were really supportive ... and dismissive of Mr Riddell's contribution, but the Government can have a view and I would ask the Chief Minister to consider perhaps more carefully the representations being made by the Catalan Bay residents.

1285 The Government has form in relation to this. It took a very bold and firm view, for example – I think it was just before the elections in 2019 – in relation to Queensway Quay Marina, where an application was filed. Admittedly, the Government members in the DBC also had expressed their objections in that process, but then the Government said that if re-elected ... I think he personalised it to himself. The Chief Minister said that if he was returned to office as Chief Minister he would not allow that particular project to go through.

1290 Simply to make this point, if I can assist: it is true that the development plan of 2009 – I think I got the date right on this occasion – does allow for a marina in the area. However, I will just make these two observations. First, the hatched area which is visualised in one of the plans of that development plan is much smaller than the current project, and although the plan says that it should allow for a marina, it is actually a much more reduced area and I am sure that that would be something which the Catalan Bay residents and many people who visit that area, who use that beach, would welcome. Secondly, the expressions of interest image – which I have only just seen because my learned friend has it here – accords with what the Development Plan 2009 envisages, so basically what I am saying is that this project is a lot bigger than was originally envisaged in the development plan. Simply to make this final point if I may, Mr Speaker: the Queensway Quay project was in some part stopped because it was envisaged that a new development plan would be produced, and I think tenders at that stage had gone out.

1300 I just make those points and I would ask the Chief Minister to consider them in the reply. I will welcome his views.

Hon. Chief Minister: Well, Mr Speaker, the only question is that the hon. Gentleman will welcome my views, so I guess I have as much leeway as he had.

1305 I am delighted that he started by telling us that he was able to follow the DPC online. I assume that he therefore regrets that he voted against our move to make the DPC open. In the time that they were in government, the DPC was not open and even the minutes of the DPC were kept secret.

1310 I am very proud that this Government subjects every project, and now even every Government project, to a full and transparent process where the whole community can take part, people at their desks can see what is happening and everybody can turn up and give their point of view. As a result, it will be possible for people to see that the density of this project is much lower than the project that they approved. The Sovereign Bay project, which was being done at the time by Multiplex and the Reuben brothers, had a much higher density, a much greater density than the density of this project. This is a low-rise project, in the main. There was provision for one tower. I think the DPC knocked that tower back, or the area of it. There is a provision in this project for a botanical garden to be included as part of the project, and so the hon. Member talks about the hatched area in one plan, but of course although the hatched area may now be different to what is being proposed to the DPC, on the other side there is a whole area of nature reserve and botanical garden that has been added to the plot.

1320 The hon. Gentleman speaks about Christopher Riddell and the representations that he made. I have to disclose an interest. Christopher Riddell is a friend and I consider him a close friend. I think it is also proper, and I think it was done in the DPC, to indicate – there is another question on the Order Paper about bidders in respect of the Eastside – Mr Riddell was himself also a competitive bidder in respect of plots on the Eastside in respect of this expressions of interest. I am sure the hon. Gentleman knows, because it was said in the meeting of the DPC that he says he followed. We have to put everything in its context. Because he is a friend of mine, I have the greatest respect and affection for Christopher Riddell and I think that he was an exemplary servant of the Government when he worked for the Government. Previously, he was also a colleague of mine at Hassan's and I thought he was an exemplary member of our firm as a lawyer. Before that, he was an engineer and a teacher. I am sure, though I did not know him then, he will have been just as good an engineer and a teacher as he was a lawyer and public servant. In this instance, the advice that the Government has is that the concerns that Mr Riddell has about the marina arm are not accurate. I think Prof. Cortes at the open meeting of the DPC indicated that he thought the environmental issues that were raised by Mr Riddell were misconceived. I also have the highest regard, of course, for Prof. Cortes. I take legal and engineering advice from Chris Riddell and I take environmental advice from John Cortes.

1340 We genuinely believe that some of the issues that seem to concern people at Catalan Bay are not concerns which are scientifically well grounded, and that indeed the area it is proposed the marina should take in the visual representations that have been produced are incorrect and that they will not, for one moment, get anywhere near the line of the Caleta Hotel. Indeed, if you were sitting in the centre of Catalan Bay, the line of the marina will not impede the view of open water from Catalan Bay at all. That is the advice that the Government has, and that, in fact, is what the Government believes it is contracted for and will contract for. There is another question on the Order Paper as to where we are in terms of the contract in respect of the Eastside.

1345 Mr Speaker, few Gibraltarians can pretend to love Catalan Bay more than other Gibraltarians. I think all Gibraltarians love Catalan Bay and want to protect Catalan Bay. Of course, people who live in Catalan Bay are entitled to say that they have that additional interest and demonstration of their love and affection for Catalan Bay, but as the hon. Gentleman knows, I am often to be found there in the better weather, and sometimes in the not so good weather, because I have close personal friends there. I have seen him there when the Deputy Chief Minister and I have been hard at work campaigning and he has been sunning himself on the beach, as the result of the election has subsequently shown!

1355 There should be no suggestion that there is any division between the Government and the
people of Catalan Bay in respect of the protection of Catalan Bay and the enhancement of Catalan
Bay. Indeed, for 30 years we have all failed Catalan Bay because we have all promised the people
of Catalan Bay that we are going to get rid of the reclamation and the mountain etc. This, we
believe, is finally a situation in which we will be able to get rid of that unsightly dust-producing
mountain on Catalan Bay in a way that does not produce any prejudice for Catalan Bay. But in the
1360 process of finalising contracts in respect of the Eastside the Government will ensure – we will bend
over backwards to ensure – that none of what we do creates any adverse consequences for
Catalan Bay. Quite the opposite, we want Catalan Bay to be enhanced by this project and our
discussions with the TNG Foundation, the party we are working with in respect of Catalan Bay and
the Eastside, suggest that there is genuine good faith on the part of the developer in wanting to
ensure that what they do there enhances Gibraltar, enhances the Eastside and enhances, in
1365 particular, Catalan Bay, which becomes a central and most attractive area of that development,
with the Caleta, such as it may be after it goes to DPC, also forming a final part of that. The GSLP
once again fulfilling the GSD’s political commitments of 1986 where they promised to beautify the
east coast for the benefit of residents and tourists and did nothing other than enhance the rubble
mountain.

1370 Mr Speaker, I would sit down there, but I just note that it is Ernest Britto who is on this we send
him all the best.

Mr Speaker: Next question.

Q192/2022
Eastside reclamation –
Discussions with Spain re reported complaint

1375 **Clerk:** Question 192/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, has the Government been in discussions with the UK or Spain in
respect of the reported complaint by Spain in respect of the Eastside reclamation?

1380 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has not engaged in any
discussion or negotiation with Spain in respect of their *note verbale* in respect of this matter.

1385 **Hon. K Azopardi:** Mr Speaker, Spain has, from time to time, said things about the Eastside. This
is not new. During the hon. Member’s tenure I think probably his first contact on this issue was, I
think I found in my research, some complaint by Spain in 2012, so this is long running and it is not
about this particular administration because of course it goes back a long time. But I ask this
question in particular because there was a suggestion when Spain made clear again its complaint
1390 about this, that they were calling on the UK to discuss it within the context of the MoU on the
environment, so I was wondering whether, in the subsequent period, it had been formally tabled
in the discussions. That is really all I was asking.

1395 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman’s question asked about the reported
complaint by Spain. The reports that I saw related to a *note verbale* filed by Spain in respect of the
announcement by the Government of the heads of terms with the TNG Foundation. Spain’s *notes*
verbales in respect of the Eastside in this matter and in respect of all the administrations that have
dealt with it relate to that area of water on which the reclamation is to be found being Spanish

1400 water which we have no right to encroach upon. And so the Government's position is very simple and I am sure would be the same if it were him: we are not going to engage in a discussion, let alone a negotiation, about that water because it is ours.

1405 In the period of our membership of the European Union we have always adhered to the principle that our neighbour has not adhered to, that if a reclamation has transboundary effect we give notice to the other side – and we have only one other side here, Spain – and we act in keeping with the European Directive on Transboundary Effect. The EIA tells us that this reclamation, and indeed the EIA which was put before the DPC for the proposed marina arm etc., concludes – and this is not the Government's conclusion, this is external experts' conclusion – that there is no transboundary effect and therefore the engagement which would be required in keeping with European law would not become engaged.

1410 Indeed, Mr Speaker, one of the things that I have found out during the course of the negotiations etc. is that the European directive is derived from an international convention called the ESPOO Convention, and the ESPOO Convention means that even states outside the European Union who are parties to the ESPOO Convention give notification of transboundary effect to each other and there is a criteria engaged for transboundary effect, and Gibraltar is actually a party to the ESPOO Convention through the United Kingdom. So, even outside our membership of the
1415 European Union, Gibraltar remains committed to doing things properly, and if a reformation in British Gibraltar Territorial Waters, as undoubtedly the waters for three miles to the east side of Gibraltar are, were to have transboundary effect, we would engage with the neighbouring states which it would have transboundary effect on – aka we only have one, Spain – and we would comply with the provisions of the ESPOO Convention to consult, because that is what the law
1420 requires and we comply with our international legal obligations.

I would also say, as I have said previously in this House, that unfortunately, when we were members of the European Union and both the convention and the directive applied, Spain did not do the same thing in relation to reclamations it created in the Bay of Gibraltar which have had a seriously adverse effect on Gibraltar and, indeed, on the neighbouring municipality of La Línea de la Concepción, where we have recently seen its mayor complain that actions have been taken by the Municipality of Algeciras controlling the port without regard to the damage that would be done to parts of the seafront in La Linea, and indeed, in the last storm, which was the storm we were debating in the context of the works being done at Coaling Island, we saw considerable damage to La Linea which the Mayor of La Linea, in public, attributed to the reclamation works of
1425 a place called Isla Verde – Green Island – just off Algeciras.

1430 Mr Speaker, I hope that is a helpful statement of the position of the Government of Gibraltar, which will always comply with its international and, whilst in the European Union, European obligations in respect of transboundary effect.

1435 **Mr Speaker:** Next question.

Q193/2022
Eastside project –
Expressions of interest

Clerk: Question 193/2022. The Hon. the Leader of the Opposition.

1440 **Hon. K Azopardi:** Mr Speaker, how many expressions of interest were received in the Eastside expressions of interest process, and can the Government list the interested parties by name of entity submitting an expression of interest and in respect of which plot?

Clerk: Answer, the Hon. the Chief Minister.

1445 **Chief Minister (Hon. F R Picardo):** Mr Speaker, 19 expressions of interest were received in answer to the Government's advert for expressions of interest for plots on the Eastside reclamation. I cannot give him the names, but I will give him the following information, which I hope will satisfy him.

1450 Applicant 1 applied for plots 5, 11, 12 and 13. Applicant 2 applied for plots 1, 2, 3, 4, 6 and 10. Applicant 3 applied for plots 1 to 13 – that is to say the whole of the plot. Applicant 4 applied for plot 6. Applicant 5 listed one proposal for plots 1 to 13 and a second proposal for plots 4, 5, 10, 11, 12 and 13. Applicant 6 submitted a proposal for plots 1 to 13. Applicant 7 submitted a proposal for plots 12 and 13. Applicant 8 submitted a proposal for plots 5, 12 and 13. Applicant 9 submitted a proposal for plots 1 to 13. Applicant 10 submitted a proposal for plots 6, 7 and 9. Applicant 11 submitted a proposal for plots 1 to 13. Applicant 12 submitted a proposal for plot 6. Applicant 13 submitted a proposal for plot 7. Applicant 14 submitted a proposal for plot 2. Applicant 15 submitted a proposal for plots 1 to 13. Applicant 16 submitted a proposal for plots 12 and 13. Applicant 17 submitted a proposal for plots 5, 12 and 13. Applicant 18 submitted a proposal for plot 4. Applicant 19 submitted a proposal for plots 1 to 5, 6, 7, 8, 9, 11, 12 and 13 – that is to say all plots except plot 6 and plot 10.

1460 **Hon. K Azopardi:** Mr Speaker, I asked can the Government list the interested parties. The Hon. Member has not. Is there a reason for that? Is it because he does not want to – as a matter of policy they just do not want to share that information?

1465 **Hon. Chief Minister:** Mr Speaker, the position that has been taken in this House – which I am quite happy to discuss with the hon. Gentleman – by successive administrations is that we do not disclose the names of parties that are not successful. Very often we are asked by parties not to disclose the nature of their applications unless they are successful. For example, a party may have many irons in the fire for finance and this may be one of them, and they will only progress it in the event that they succeed with a tender process and they do not want other potential lenders to know that they are doing this if they are not going to be successful, because they might be seen to be overextending themselves.

1470 I have no difficulty with giving the hon. Gentleman these names on the basis that it is confidential, but we are not spreading it across the floor of the House. He has another question on the Order Paper in a moment about whether a particular party was one of these bidders, and I will answer that question directly. But I am advised that, like civil servants, the practice has been that we do not give the names across the floor of the House unless it is the successful bidder, and we are advised that we would have to change our tender process to set out that we would be sharing the names of those that bid in order, as data controllers, to be able to share that information publicly.

1480 I have no inconvenience in giving the hon. Gentleman the names. I have got them here in some form, but I would write to him and give him the names and relate them to the applicant number that I have given across the floor of the House, if he is interested.

Mr Speaker: Next question.

Q194/2022
TNG Global Foundation –
Expression of interest re Eastside development

1485 **Clerk:** Question 194/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, did TNG Global Foundation submit a bid for the Eastside development expressions of interest process before the closing date?

1490 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the last expression of interest into the Eastside project closed on Friday, 4th September 2020.

1495 The Government carried out an exercise to determine the highest bidder for each plot and the highest bidder for the entire site. It was found that the latter formula achieved a higher premium for the taxpayer. On that basis, the Government opened negotiations with the highest bidder for the entire site. The Government, as part of its due diligence, sought to establish from this bidder its capacity to pay the premium and capability to carry out the project. After a series of delays and requests for extension before placing £10 million of the total premium in escrow, which the
1500 preferred bidder never did, the Government terminated the negotiations and the expressions of interest in July 2021.

The Government was approached by TNG Global with a considerably higher premium offer in the first week of June 2021 and negotiations concluded with the public announcement made on 18th October 2021. We commenced discussions with TNG only after the preferred bidder failed
1505 to provide the deposit required.

Hon. K Azopardi: Given I do not have the advantage of the list, do I take it that TNG Global did not submit a bid, so it is not one of the 19, one of the 19 became the preferred bidder, there were negotiations, those negotiations fell through and at that stage TNG Global emerged? But it was not one of the 19 – is that right?
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Hon. Chief Minister: TNG Global was not one of the 19. The preferred bidder was the highest bidder. We were negotiating with the highest bidder, and before the negotiations with the highest bidder fell apart, which was at the end of July, in early June TNG expressed to us directly an interest with a much higher bid than any of the other bids that had been received, and indeed the bid that we were negotiating.
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I do not know whether, in fact, already at that stage the preferred bidder had been asked to put down a deposit of £10 million to demonstrate its ability to pay the premium and also to demonstrate its capability of carrying out the project, because we were talking about a project that is going to involve hundreds of millions of pounds over a period of 10 years. And so I want to be specific. Before TNG had approached us we had already asked the preferred bidder to do that. TNG approached us whilst we were waiting for the preferred bidder to do that and came with a bid that was higher than anything we had seen in the 19, and for that reason we started the negotiations with TNG.
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1525 **Hon. K Azopardi:** I understand, but given that there were 18 other parties, did the Government engage with the other 18 parties to see whether, once the highest bidder falls through ...? The highest formal bidder has gone through the process, the negotiations do not work, there are 18 other people on the list. Some of them are for single plots. It may be that the Government had by then formed the view that it wanted to take a holistic view instead of a parcelled view. I do not know if that was part of the thinking, but even if it was part of the thinking, some of the ones on the list of 19 that he has rattled off are bids for all plots, so why not go back to those parties that had formally gone through the expressions of interest process within time and then get them to either put in a second bid or compete with TNG Global? Why wasn't that done on a second-round basis?
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Hon. Chief Minister: Mr Speaker, let me just deal with the first point that the hon. Gentleman raises, which is whether to do individual plots or the whole thing. I said in the course of my first

1540 answer that the Government carried out an exercise to determine the highest bidder for each plot
and whether the highest bidder for each plot and the highest bidder for the entire site gave us the
best for the taxpayer. It was found in the exercise done by LPS that the latter formula, that is to
say the whole plot, achieved a better price for the taxpayer. That was something we wanted to
test. That is why he will see the expressions of interest that we put out actually parcelled the area
1545 into plots, because we thought, 'Look, this has not been able to take off in 30 years as a whole
plot – shall we try to see whether you can get entities interested in single plots? We might be able
to get more in total for the Eastside by parcelling it up into plots.' In fact, once we had received
the information from the bidders, there was no way you got anywhere near the premiums that
you were being offered for the whole plot when you looked at the individual plots.

1550 The exercise of choosing a preferred bidder involved going from 19 to six. So, of the 19, six
were assessed to be serious and in the interests of the taxpayer. Those six were interviewed at
length. They made presentations to the Financial Secretary, to the Deputy Chief Minister and, I
think, to the Minister for Economic Development as well, and we went through the six proposals.
So we had a lot of information about the six most lucrative proposals for the Government, and
the others, it is fair to say, in the Government's view were not mature proposals.

1555 The six proposals that were put produced considerably less for the taxpayer than the TNG
proposal. Even the preferred bidder, which was the highest of the six, produced considerably less
for the taxpayer than the TNG proposal. So, in the context of the TNG proposal, the reason the
Government decided to proceed with it was that it was considerably higher than the 19,
considerably higher than the six, and of course serious and self-financing. With the TNG
1560 Foundation what you have is an entity that is the same entity that controls a Gibraltar retail bank
and is approved for that purpose by the Gibraltar Financial Services Commission and wider
international interests of substance, of which the Government has serious and real cognisance, so
that we have no doubts over the ability of this party to carry out the works which are required for
the full Eastside development as proposed to the Development and Planning Commission.

1565 In the context of the six that we were dealing with, a number were for single plots and a
number were for the full plot, but all of them would have had to prove to the Government – other
than one that was seeking a single plot and is well known to the Government and is well known
to have the substance to do that single plot, which was a very low premium for one single plot –
their ability to pay the premium, which was lower than the premium being offered by TNG, and
1570 to have the ability to finance the works, whilst TNG offered a higher premium, the ability to pay
the premium is well known and the ability to carry out the whole of the works is well known. For
that reason, in this instance the Government, having tested the water of what the market believed
the plot was worth months before and being in the process of doing so, decided that it was in the
interests of the taxpayer to continue with TNG because they paid considerably more than any of
1575 the other bidders that had submitted any proposals whilst the expressions of interest period was
initially open.

Mr Speaker: Next question.

Q195/2022
TNG Global Foundation –
Beneficiaries

Clerk: Question 195/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, can Government confirm who the beneficiaries of the TNG
Global Foundation are?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is unable to confirm the exact beneficiaries of the TNG Global Foundation. The publicly available information in respect of foundations is generally limited to the identity of its counsellors. This information can be readily obtained from Companies House by requesting a foundation profile. We can confirm, however, that they are the entity approved by the Gibraltar Financial Services Commission to own Trusted Novus Bank.

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Hon. K Azopardi: Mr Speaker, we have a profile of TNG Global and, as the hon. Member knows, the profile shows who the counsellors are – and the Act says that the beneficiaries are whoever is in the constitutional documents, which obviously we do not have.

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The reason for the question is because obviously the Government has undertaken this process ... It is explained now in some detail as to what happened in the expressions of interest process, of which TNG were not originally part but it was finally adjudicated the plots. I would assume that in that context the Government would have done due diligence and discovered who the beneficiaries were said to be by TNG Global Foundation, and really what we are asking is who those people are. Will the Government say?

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Hon. Chief Minister: Mr Speaker, a foundation is a little like a trust. I think, for the purposes of this basic debate, we can establish that a foundation is like a trust. The Government knows who it is dealing with. The Government has done its research and its due diligence, and so has the GFSC, and so have other entities that have licensed this entity to own financial services companies in the European Union and outside the European Union. And so there is not anything to be concerned about here because you have this entity also doing regulated business and being approved to do regulated business.

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The problem with giving an answer to the hon. Gentleman ... If he looks at my first Answer, I have said we cannot confirm what the exact beneficiaries of the TNG Global Foundation are, and that is because in a trust beneficiaries can change at any time. Beneficiaries can change by somebody telling somebody – the founder telling his appropriate counsellors – that he wishes to change who the beneficiaries are, or sending a note of change of his wishes or changing the schedule, and because these things are private the Government might be giving information which is not strictly accurate. Unless I have the founder standing next to me, confirming that now the beneficiaries are X, Y and Z, I could be giving information which has become incorrect. We have had this debate before about trusts; that is the issue.

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In the context of the Government knowing who it is dealing with, I have said before in this House I think it is incumbent on a government to always know who it is dealing with, unless it is dealing with a public company the shareholding of which is in the market. The Government knows who it is dealing with, the GFSC knows who it is dealing with, the Swiss financial regulator knows who it is dealing with, the Portuguese financial regulator knows who it is dealing with. It is a regulated entity and therefore I do not think there are concerns about identity here, but I do have concerns about giving information that I cannot nail to the mast as correct the moment that I give it. The founder of the Foundation, as we said in the Government press release and as was said in the press release in relation to Jyske Bank, which became Trusted Novus Bank, is Mr Tuan Tran.

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Hon. K Azopardi: I appreciate that explanation that he has given, but the Government issued a press release on 18th October 2021 which said lots of things, but one of things it said is 'The TNG Global Foundation is the highest of all the proposals put to the Government', adjudicating the project to TNG Global at that moment, so what I am really asking ... We are now in May, but I will ask a more precise question, if I may. On 18th October, when they issued this press release, they presumably would have known at that point who the beneficiaries of TNG Global are. Can he say that he did? If so, who were they? The situation may have changed, but that may invoke all sorts

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of other issues under the agreement in terms of change of control. I am not asking about that. What I am asking about is a point in time: at the time that they issued the press release, did he know who the beneficiaries were, and who were they?

1640 **Hon. Chief Minister:** Mr Speaker, beneficiaries do not control trusts or foundations; counsellors control trusts or foundations. It is a basic [inaudible] point, Mr Speaker. Let's not get too technical about it. I do not think we have to have an argument about that. I know that he wants us to know who we are dealing with in the context of who the beneficiaries of the foundation are. The Government knew that the beneficiaries of the foundation were the same
1645 beneficiaries that had been approved as beneficiaries at the time the entity was approved to own a regulated financial services business in Gibraltar, and therefore we had no concerns about that. We have had no notification that that has changed and the Government, in its guise as wider Government, has not been notified under relevant banking statutes by the Financial Services Commission that it has been notified of a change of beneficiaries of the ultimate beneficial owner
1650 of structures that involve the ownership of a regulated entity in Gibraltar.

Hon. K Azopardi: So, just to be clear on the answer I am getting, at the point in time when they issued the press release they believed that the beneficiaries of TNG Global Foundation were the same beneficiaries that had been approved to own the bank – that is what we are talking about –
1655 through a different entity, because I presume that it is a different entity that owns and controls the bank. As I understood it, they assist the entities with sharing common beneficiaries. That is what he is saying? It is the entity that we are talking about, which is common. The regulated entity is the bank – is that right? It is the same beneficiaries?

1660 **Hon. Chief Minister:** Those were the assurances that we were given, Mr Speaker, and the contracts that are being negotiated require us to be told if there are any changes to that.

Mr Speaker: Next question.

Q196/2022
Eastside tender –
Payment of premium

Clerk: Question 196/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, has the premium for the Eastside tender/development been paid in whole or in part; and, if so, when and in what amount and by whom?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the beneficiaries of the TNG Global Foundation have not yet paid the premium to the Government and no cash has yet been received by the Government for the Eastside project as at 11th May 2022. The Government is in negotiations with TNG to move from heads of terms to a finalised detailed agreement that will result in the premium
1675 of £90 million in cash being paid to the Government.

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TNG has already spent a considerable amount of time in carrying out its planning, surveys and environmental work leading up to the application for outline planning submitted to the DPC and the grant of it by the DPC. Hon. Members will appreciate that paying the premium ahead of having the clarity that the DPC would grant them approval was not possible, and indeed that is what we said would happen, that they would make the payment only after they had received outline
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planning, and that is what we are now negotiating to do, to receive that payment once we have the actual contract provided for.

1685 **Hon. K Azopardi:** So that we understand, as part of the arrangements there was no escrow or deposit payment by TNG at all – is that right?

1690 **Hon. Chief Minister:** No, Mr Speaker, not in this instance, because we did not believe and do not believe that it is necessary to seek an escrow payment from this entity. We are very close to finalising the agreement that will see not in escrow but the full payment of the £90 million to the Government.

1695 **Hon. K Azopardi:** Mr Speaker, I understood from the earlier answer that one of the reasons that the negotiations with the top bid of the 19 fell through was because they did not stump up a £10 million deposit, so why not ask for a deposit from TNG?

1700 **Hon. Chief Minister:** For a very simple reason, Mr Speaker: the preferred bidder of the 19 whom we were negotiating with had been involved in the negotiations for the Eastside project that fell through – that was Blue Water – and they had not been able to come up with the money there, and so we said, ‘Well, fair enough, this looks okay, but you have to demonstrate that you have the money now.’ Here, in the context of the TNG Foundation, you are talking to the guy who owns Jyske Bank and other banks. He has the ability to pay the £90 million and that is the assessment that the Government has made. If he does not pay the £90 million, it will be not because he has not got the money, it will be because we cannot come to terms – but we are now very close to coming to terms, the outline planning is in place and the £90 million, we believe, will be paid and it is just a question of finalising the agreement.

1705 Successive Governments of Gibraltar have been here before and we have not been able to make the Eastside stick. I trust that they wish upon us success in this respect, not just so that we complete their manifesto commitment of 1996 but so that we can all have the benefit of £90 million for our public coffers.

1710 **Hon. K Azopardi:** Mr Speaker, he may not believe it, but I actually wish him success in everything that he does. I may criticise him when he gets it wrong, but at the end of the day I live here, my daughters live here, they have to find jobs and I want him to be successful as much as he can because (*Interjection*) it will make Gibraltar economically and politically sustainable for many decades to come. We may still want to win the next election, but I am sure if he is on this side he will do the same with me.

1715 **Hon. K Azopardi:** Mr Speaker, there is a heads of agreement they are trying to move to final agreement. Can I ask him: at that time, when they negotiated the heads of agreement, were there any time clauses in the heads of agreement? He has explained about the outline: the payment of a premium is conditional on the obtaining of the outline. Were the negotiations up to the final agreement also time limited? Were there any time clauses there? If not, can he give us any kind of idea of timescale? Given that the press release was issued in October and there was quite a lot of detail in the public domain put therein, it has been a few months now already, so how close are they to final agreement?

1725 **Hon. Chief Minister:** Mr Speaker, there were some timelines which did not relate to payment. There were timelines which related to works that need to be done to protect the plot in order to be able to complete the Hassan Centenary Terraces site. As I indicated to him, that protection is required in order to be able to finish those works, insure those homes and sell those homes.

1730 The reason we have not yet completed heads of terms, or rather the agreement, is because now the outline planning has been granted we are very advanced in finalising the full agreement, and it is in everybody’s interests, not least to ensure that costs are kept to a minimum, that we

just go straight to the final agreement and finalise the whole agreement and see the payment of the £90 million now with the outline planning permission already in place.

1735 Mr Speaker, I am grateful for his words about wishing us success on this. I know that it is in the interests of all of us economically, not just in the context of the public finances but also in the context of the economic development of Gibraltar, the socio-economic development of Gibraltar and the GDP of Gibraltar, that we see this project actually finally take off.

1740 I, also, wish him great professional success, as he knows, and I do hope that he has many decades from now still there, still wishing us success, although many decades from now, I have to confess – there is only one Joe Bossano – I will be neither here nor there.

Mr Speaker: Next question.

Q197-98/2022

Eastside site –

Removal of rubble; signing of agreements re financing/development

Clerk: Question 197/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, by 1st May 2022 how much rubble had been moved from the Eastside site to the proposed Victoria Keys site, at what cost and paid by whom?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 198.

Clerk: Question 198/2022. The Hon. the Leader of the Opposition.

1755 **Hon. K Azopardi:** Mr Speaker, has Government now signed the agreements with the Victoria Keys developers in respect of the financing and/or the development of the site?

Clerk: Answer, the Hon. the Chief Minister.

1760 **Hon. Chief Minister:** Mr Speaker, to date the Government has not been able to finalise the agreement with the proposed consortium of Victoria Keys developers.

1765 Up to 1st May 2022, approximately 121,000 tonnes of material has been moved from the Eastside reclamation to the Victoria Keys site. The cost up to this date for the testing, extraction, processing, transportation and placing of material at Coaling Island is £1,697,438.57, paid for by an advance from HM Government of Gibraltar from the Improvement and Development Fund.

1770 **Hon. K Azopardi:** Mr Speaker, in the context of the Eastside development, is the Government expecting to recover that money? I think there was some discussion – I believe it was the Father of the House, where he gave an interview, I think, talking about the rubble costs. I am not sure if that is going to be recovered, this part – or is it future rubble transportation?

1775 On the second question, on the agreement on Victoria Keys, the press release that announced the Victoria Keys development was, I think, released well before the 2019 election, so the negotiations have now been ongoing for some time. We ask for updates from time to time. What is it that is holding up the process, given the length of time? Obviously, the reclamation is going on – it is quite active now; at least there is dumping of rubble into the sea, so it appears that there is a partial reclamation going on – so can he update us on the process on the agreements?

Hon. Chief Minister: Mr Speaker, I think the information that he is relying on is a little dated.

1780 The recovery of the cost for the movement of the rubble will form part of the arrangement
with the Victoria Keys consortium, but the original discussion with the Victoria Keys consortium
and the original proposal which was being discussed with them was for the movement of all of
the rubble at the Eastside. When the TNG proposal comes on to the scene, it changes the canvas
in the sense that TNG want to keep the rubble because they have a use for it. In their proposal,
they use it to fill caissons which produce the marina. Of course, that is environmentally the best
1785 use of that rubble because, first of all, it is encased, and second, it does not have to be moved
from the Eastside to the western side of Gibraltar.

So the new agreement is that the rubble that is moved is only the rubble that is needed to be
moved for the purposes of the second phase of Hassan Centenary Terraces to be erected as
quickly as possible. You would wait an extra six months or a year if you were just moving that part
1790 of the rubble for the marina arm for the TNG foundation, so instead of now going forward to move
all of that spoil to the western side of Gibraltar to create Victoria Keys ... For hon. Gentlemen just
to understand this, as I tried to understand it when it was technically explained to me, if you look
at the rubble mountain on the Eastside as we know it, and you turn that upside down and put it
in the Bay of Gibraltar, that is Victoria Keys. That is where it was going and it would become
1795 Victoria Keys. Now the majority of that mountain is going to be encased in the caissons and
involved in the flattening of the plot that will become the Eastside. So what we are moving and
have now almost entirely moved is what you need to move in order to be able to build Hassan
Centenary Terraces, which means that the transaction with the Victoria Keys entity is a different
transaction, because we are now talking about using different rubble to create Victoria Keys.

1800 So – I do not mind sharing this information with the hon. Gentleman – one of the things that
we are looking at is using the Victoria Keys site as it develops in order to be able to process new
rubble and use new rubble for reclamation in that area, or another reclamation which may provide
for that. As the hon. Gentleman knows, the disposal of rubble in Gibraltar can add considerable
cost to any development, because if you have not got a site in Gibraltar it has to go across the
1805 border and be processed, not just as it needs to be processed here, but it has to be processed in
order to be able to cross a frontier, which is already much more problematic.

In that context, the proposition in respect of Victoria Keys is now a slightly different proposition
and requires a different negotiation, and it has just been impossible, in the context of the work
that we have had to do in the past two years, to have a discussion with the consortium that will
1810 be doing Victoria Keys with us – if we are able to reach terms with them, which we sincerely
believe that we will – on the new proposal for Victoria Keys. There have been a lot of discussions
with them, they are aware of a lot of this, but we have not been able to agree final terms.

We want to agree, obviously, the best terms for the taxpayer. The terms that we had on the
table we thought were extraordinarily good terms for taxpayer, probably one of the best deals
1815 the taxpayer had ever done in respect of property in Gibraltar. The taxpayer was going to see huge
returns and benefit and the problem of the rubble mountain also dealt with by the creation of a
new asset.

So it is a slightly different position and therefore the negotiation is not yet on foot as it needs
to be, but I hope it will be on foot soon. We are, at the top, a very small team doing as much as
1820 we can as quickly as we can, and it is just not possible to finalise and do more at this stage.

Hon. K Azopardi: Mr Speaker, just a final question, if I may? As I understand his explanation
now, with more updated information, it is not about the transportation of the rubble but rather
partial transportation; the rest of it is being flattened – if I can put it in a very simplistic way – to
1825 use as part of the Eastside development, and there is a renegotiation going because that has
impacted on the original scope, the original idea, or at least one of the elements that was in the
Victoria Keys project. Am I right in thinking, though, that the drawings that were published in
2019 ... the end product has not changed; what might have changed is the mechanics of doing it
in terms of the logistics of the rubble that was going to be used? Is the financing also perhaps a

1830 different discussion that needs to be had in terms of the carve-up of the plots, the contribution that Government was going to make? Is that also part of what is holding up the discussion?

Hon. Chief Minister: Mr Speaker, I think the artist still has the same impression because what was published was an artist's impression. I do not know whether the shape of the reclamation would be the same. We have had a lot of discussions internally and externally with our Victoria Keys partners, as they will be, about what the shape of the reclamation should be and where it should be wider, where more value can be added etc. The finances will depend on the structure of the final deal, but we continue to seek the best deal for the taxpayer, and although I have read some unmerited criticism of the proposal, anybody who understands subordinated liquidated
1835 finances and all of that sort of thing, in their heart of hearts when they do an analysis will say, 'Shucks, that is an excellent deal for the taxpayer, undoubtedly the best deal the taxpayer has ever done.'

Hon. R M Clinton: Mr Speaker, just one question. Given the explanation the Chief Minister has given about the rubble mound and who is getting which bit and the inverted [inaudible] land, is it that effectively what he is saying is the Victoria Keys site is going to continue – to use his words – as a rock store until something is decided with the area? But in terms of the actual surface area of the reclamation, is it still envisaged to be the same number of square metres, or is it to be a more modest proposal?
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Hon. Chief Minister: Is he talking about Victoria Keys or the Eastside, Mr Speaker?
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Hon. R M Clinton: Victoria Keys.

Hon. Chief Minister: The same number of square metres, if not more.
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Mr Speaker: Next question.

Q199/2022
Hassan Centenary Terraces –
Updated cost

Clerk: Question 199/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, will the Government provide an updated cost of the Hassan Centenary development?
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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the updated cost of the Hassan Centenary Terraces housing project up to the end of April 2022 is £63.35 million.
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Hon. K Azopardi: Mr Speaker, in terms of the projection of the final cost of the development, has that changed also? Has that been impacted by the current spend? What is the trend for that?
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Hon. Chief Minister: Mr Speaker, the anticipated contracts done for the whole project, the whole of the six blocks, is in the region of £168.5 million. Of course, this will reflect the fact that there has been considerable inflation in respect of the cost of the second phase.

1875 **Mr Speaker:** Next question.

Q200/2022
Airport tunnel –
State of works and opening date

Clerk: Question 200/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, what is the state of the works on the Airport tunnel, and when will it open?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is represented by the hon. Member's firm in these matters. I say that for the purposes of the record.

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The civil engineering and structural engineering works on the tunnel are almost complete, with final snagging and defects correction taking place at the moment. The mechanical and electrical equipment is mostly installed, although not fully completed. This is also undergoing testing and commissioning, and once all is successfully completed the contractor should be in a position to hand the tunnel over. It is not possible to provide a definitive date of when the latter will take place – 'Don't we know it,' he said as an aside (*Interjection*) – but, the anticipated date given by the contractor *at the moment* is 16th August 2022.

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Once the tunnel is handed over and before it can be opened to traffic, there will be a need to carry out a number of works which are outside the scope of the tunnel contract. These are primarily in the area of Devil's Tower Road, Eastern Beach Road and the southern tunnel approaches, and are programmed to take 12 weeks.

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Hon. K Azopardi: Of course I am not going to hold him to it, but in terms of from handover to when it might actually be in use, is there some kind of projection of how long that would be?

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Hon. Chief Minister: Mr Speaker, I have told him that the works that are required are around 12 weeks. He might have asked me, 'Well, why don't you start doing those works now?' As he knows, we have had a very fractious relationship with the contractor. The fraction happened in their time and continued in our time. A lot of these approach works involve areas which connect to areas that are still controlled by the contractor for the tunnel. Some of the work that we have to do is in the tunnel site, and we would have to have a good relationship with the contractor in order to be able to start our works in a way that would be completed satisfactorily with the best interests of the taxpayer in mind in order to be able to say let's press the button and do those works now. We do not have that relationship with the contractor. We therefore do not want to start works that will potentially go on for longer and cost the taxpayer more because of the nature of the relationship with the contractor, and so we will not be prepared to start spending money on the approach works until we actually have the tunnel site in our own control.

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We also do not want to put a date out there for the simple reason that if we put a date out there that people are going to hold the Government to, the Government will be embarrassed if it does not meet that date. Then the contractor, with whom we have a very fractious relationship, will say, 'Now I have one over the Government, because if they do not complete by 16th August 2022, the Opposition and the public will be saying, "Ha, ha, you see: you have failed the deadline."'

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We are not prepared to stick our colours to the mast on any date that we are given by this contractor. We have seen the most disgraceful Spanish practices in the context of the relationship

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that we have had with this contractor and we look forward to no longer having them on site in Gibraltar.

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Q201/2022

**British residents of Gibraltar not holding red ID cards –
Frontier mobility**

Clerk: Question 201/2022. The Hon. the Leader of the Opposition.

1930 **Hon. K Azopardi:** Mr Speaker, how has the Government taken up with Spain and/or the UK and/or the EU the current problems of mobility across the border faced by British residents who do not hold red ID cards, and what indications of resolution have there been?

Clerk: Answer, the Hon. the Chief Minister.

1935 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as the hon. Member opposite is aware, and as I have said publicly on a number of occasions, the United Kingdom, Spain and Gibraltar have been in continued contact on this issue. However, this must sadly be seen against the legal reality that exists for British citizens as a result of the United Kingdom's departure from the European Union.

1940 The fluid movement of persons across the border between Gibraltar and Spain remains a key part of the envisaged agreement for the future relationship of Gibraltar with the European Union. Until that agreement is concluded, however, Spain is bound to apply the EU Schengen Border Code. This provides for a greater intensity of controls at the border with what the European Union terms 'third country nationals'. The code obliges border guards to check and stamp passports and also to question border crossers on matters like the purpose of their visit into the Schengen area and to request proof of their means of subsistence.

1945 Gibraltarian residents of Gibraltar who hold red ID cards have been temporarily exempted by Spain from this requirement pending the negotiation of a new treaty. In the event of no negotiated outcome, the full application of the EU Schengen Border Code would be the default position for all third country nationals entering the Schengen area and this would include Gibraltarian red ID card holders.

1955 **Hon. K Azopardi:** Mr Speaker, clearly we hope that there will be a successful, safe and beneficial agreement negotiated, but in terms of this specific aspect can I just ask this. As the Chief Minister knows, the situation has changed twice. Originally there were assurances given – public assurances – that there was going to be status quo at the border, and in fact, if I can loosely call them blue ID card holders, blue civil registration card holders were going across the border in the same way as they were before. Then it changed at some point. Several months ago it changed to the point where they were still able to do so, but on the basis that their passports would be stamped on the way in and on the way out. It has changed again recently, as he knows, so that

1960 they are now requiring documentation to justify where the person is going and that sort of thing. I understand the answer that he has given, but of course assurances had originally being given during the course of the initial throes of the discussions or negotiations. Is it the case, therefore, that we now need to await the negotiations, and is it the case that it is not possible to obtain interim assurances of original status quo for those holders of non-red ID cards?

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Hon. Chief Minister: Mr Speaker, the Government of Gibraltar has vociferously sought that blue ID card holders have the benefits that they had, which are the same benefits that red ID card holders currently continue to enjoy, until we have a negotiated outcome in the discussions between the European Union and the United Kingdom which involve Gibraltar and Spain. We have

1970 been unable to secure that. We are seeking a concession in that respect. It is not impossible that
by seeking that concession too aggressively we may simply lose the concession that we presently
enjoy. I do not want to say too much about this because I do not want to put at risk the concession
that we presently enjoy, but I would say that it is legally wrong and politically unhelpful, or rather
1975 ... let me rephrase that. It is legally wrong and diplomatically unhelpful for people to allege that
they are being discriminated against because one class of ID card holder in Gibraltar is being given
a more favourable treatment, because those who are not being given favourable treatment are
being given the treatment that European law requires.

The hon. Gentleman should take it from me and every blue ID card holder should take it from
me that the Deputy Chief Minister, the Attorney General and I, and indeed the United Kingdom
1980 authorities, have made vociferous representations seeking to have blue ID card holders continue
to have the concession that they had until recently. We have not been able to achieve that. We
will continue to try to seek that. We will continue to be vociferous behind closed doors in seeking
that concession and seeking that goodwill, but we have to understand the parameters in which
we are operating.

1985 In order to try to represent this in some way that is less, perhaps, controversial, if you were
entering a state that deals with everyone in the same way and that state were to decide that it
wants to deal with one particular group in a particularly positive way, and that group is discernible
in some objective way, then by everybody else alleging discrimination all that is likely to happen
is that the party that is giving the concession is going to say, 'Bugger it, I don't want to be called a
1990 discriminator, I'll treat everyone the same way.' So we have to be very careful. That is not to fail
to understand the plight that some of those who are blue ID card holders are in. That is why the
Deputy Chief Minister, the Attorney General and I have invested so much time in making the
argument in their favour in these negotiations, but the reality is that we either favourably finish
these negotiations or we will all always get the same treatment that blue ID card holders are
1995 getting at the moment. Indeed, let us not be discriminatory ourselves: that is the treatment that
is given to all other category of ID card holders who are not also EU nationals, because we have
other third country nationals in Gibraltar, who are not British citizens, who are also going to be
subject to that treatment. We have green ID card holders, for example, who are non-EEA nationals
who are resident in Gibraltar – they are having the same treatment as well, and we must not
2000 forget them either.

So this is a vexed issue. I can see that there is an opportunity to try to make oneself the
champion of this class of person. I have received an extraordinary number of communications
from people in this situation. I have tried and I think I have replied to all of them. If I have not, I
encourage those who have got in touch with me to get in touch with me again. The former
2005 Minister for Europe, Wendy Morton, was in touch with a large number also. We have a
communication that we agreed with the former Minister for Europe we would send which sets
out some hints and tips as to how to deal with this issue in a way that is, we think, helpful.

Mr Speaker, all I can say is that we need to ensure that we do not cause all ourselves a problem
by failing to understand the legal nature of what is happening at the crossing point between
2010 Gibraltar and the European Union at La Linea at the moment. That frontier is, at the moment,
already an external frontier of the Schengen space subject to the Schengen Border Code. We must
not pretend it is not.

Mr Speaker: Next question.

2015

Q202/2022

**Non-red civilian registration card applications –
Total and numbers granted, refused and pending**

Clerk: Question 202/2022. The Hon. the Leader of the Opposition.

2020 **Hon. K Azopardi:** Mr Speaker, how many applications for non-red civilian registration cards have there been since 1st January 2021; and, of those, how many have been granted or refused and how many were pending at 9th May 2022?

Clerk: Answer, the Hon. the Chief Minister.

2025 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will now hand over a schedule with the information the hon. Gentleman has sought.

Answer to Question 202/2022

Breakdown of applications received by category, since 1st January 2021:

Category	Granted	Pending	Refused
Non-EU Nationals (Green Cards)	1,984	149	1
EU Nationals (Blue Cards)	3,701	306	2
British Nationals (Magenta Cards)	822	94	2

Hon. K Azopardi: Mr Speaker, may I just ask the hon. Member ...? Some months ago I asked him about a policy issue that was holding up the so-called self-sufficient applications. Has that been resolved, or is that still pending the discussions?

2030 **Hon. Chief Minister:** Mr Speaker, the outcome of that discussion will depend very much on the outcome of the treaty negotiations.

Q203-04/2022

**Government public counters –
List including opening hours and plans to increase**

Clerk: Question 203/2022. The Hon. the Leader of the Opposition.

2035 **Hon. K Azopardi:** Mr Speaker, can the Government provide a list of the Departments and public authorities and agencies that currently operate public counters for interaction with members of the public and the opening hours of each such counter?

Clerk: Answer, the Hon. the Chief Minister.

2040 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question with Question 204.

Clerk: Question 204/2022. The Hon. the Leader of the Opposition.

2045 **Hon. K Azopardi:** Mr Speaker, will the Government be increasing the opening hours of public counters operated by Government Departments or public authorities, or opening counters at departments that do not currently operate open public counters?

Clerk: Answer, the Hon. the Chief Minister.

2050 **Hon. Chief Minister:** Mr Speaker, I now hand over a schedule with the information requested. All other Departments that do not operate public counters or have not returned to their pre-COVID-19 counter services interact with members of the public via e-Government services, email, telephone or by pre-booked appointment.

2055 In relation to Question 204, there are currently no plans to open public counters longer, or indeed open new ones. HM Government of Gibraltar is, however, planning to develop a one-stop hub to afford help and support to those persons who require assistance with online systems.

Answer to Question 204/2022

CSRO

Immigration & Visa "Drop Box"	Mon - Fri 08:30 - 15:00
Birth, Death & Marriage Appointments	Mon-Fri 08:30 - 10:30

HM Customs

Custom House	Mon-Thurs 08:30 - 15:00 Fri 08:30 - 14:45
Entry Processing Unit	
General Post	

Treasury

Gibraltar Savings Bank	Mon-Thurs 08:30 - 15:00 Fri 08:30 - 14:30
Payroll	Mon - Fri 08:30 - 15:00

Transport

Gibraltar Parking Management Services	Mon-Thurs 08:30 - 15:00 Fri 08:30 - 14:30
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DVLD

Motor Vehicle Test Centre	Mon-Fri 08:30 - 12:30
Gibraltar Bus Company Ltd	Mon-Fri 08:30 - 15:00

Post Office

Main Street counters	Mon - Thurs 09:00 - 16:15 Fri 09:00 to 16:00 Sat 10:00 to 13:00
Mail Centre - Admiral Rooke	Mon - Thurs 08:30 to 15:15 Fri 08:30 to 15:00
Irish Town - x1 counter	Mon - Fri 09:00 to 15:00

Gibraltar Port Authority

North Mole Harbour office	Mon - Fri 10:00 to 12:00 and 14:30 to 15:30 Summer hours 09:30 to 12:00
Wind Mill office	Mon - Thurs 08:30 to 15:00 Fri 08:30 to 14:30

Gibraltar Tourist Board

Heritage office	Mon - Fri 09:00 - 16:30 Sat 10:00 to 14:30
Frontier office	Mon - Fri 09:00 - 16:30
Coach Park	Mon - Sat 09:00 - 16:30

HM Prison	Mon, Wed, Thurs and Fri 09:00 to 16:30 Tues 09:00 - 16:30 & 17:30 - 19:00
Gibraltar Regulatory Authority	Mon - Fri 09:00 - 17:00
Royal Gibraltar Police	24 hours / 7 days a week
Office of Fair Trading	Mon to Fri 08:30 to 15:00
Upper Rock and Beaches counter and the Fishing Permits Counter	Mon - Thurs 08:30 to 15:00 Fri 08:30 to 14:30
Housing Department	Tues & Thurs 09:00 to 14:00

Gibraltar Sports and Leisure Authority

First Floor Counter	Mon to Fri 09:30 to 15:00
Main Reception	open 7 days a week 07:30 to 11:00

Hon. K Azopardi: Mr Speaker, I do not know if the Chief Minister is aware but this is one of the more municipal issues that constantly gets the attention of people and gets raised with Members on this side of the House.

2060 There is significant public disquiet about public counters. He has handed me a schedule and I will look at it and review it, but there would be significant public disquiet to hear him say that there are no plans to open for longer hours or new ones. People's engagement with e-Government is not a smooth or seamless process. It sometimes does not work in the way that people would like it to work, so in terms of finding alternatives people still think that there should be public counters open across the board in terms of all public services, so that they can engage with real people to solve the problems that they have on the ground.

2065 Can I ask him to reflect on the second aspect of his answer? While of course it is right that they should look for alternatives, like bolstering the process of e-Government and making sure it is more efficient and so on ... I know that they have invested money in e-Government and it is a different debate to see whether there is value for money on that investment, because many millions have been spent on it and it does not appear to trickle down to people in a fast and efficient way.

2070 That is a different debate for another day, but in terms of this issue, giving alternatives to people so that they can engage with public servants, can I ask him to reflect on the second aspect of the answer, because people will be saying, as they do to Members on this side, that they want counters open across the board and for longer?

2080 **Hon. Chief Minister:** Mr Speaker, it will be no surprise to him that, although I have no time to follow him on social media, people have nothing better to do than send me what he says on social media, so I end up having to see it, as it floods my WhatsApp feed when I have better things to do – like, for example, communicate with him on some matter or other. I found it particularly entertaining that he made a headline of the issue of opening public counters on one of his social media feeds, with big blue letters.

2085 He is right, these are the things that matter to people. I can break my neck negotiating 24 hours a day, bring back the best deal in the world, just like Churchill won the war, and get kicked out because a counter is not open or somebody on a counter is not polite, and the hon. Gentleman, like a politician, will make hay of that, as he has. So be it. That, I guess, is municipal politics at its best.

2090 We have said we are opening a general counter, and that general counter, the hon. Gentleman reminds me, as I thought, will deal not just with digital issues: it will be a general counter where you can do all of your counter stuff with the Government. So there will be a counter, you can do all your counter stuff with the Government at that counter, and therefore honour should be satisfied and counters should be provided for all the Government stuff.

2095 But I just want to ... because I have tried to understand the point ... This point was raised in the Cabinet long before it was raised in his social media feed and we have been wrestling with this since the first lockdown and the aftermath of the first lockdown. I have given him some answers

and the only counters that are not open at the moment are six, so the Government has 10 Departments with counters that are open and six have not reopened, so of all of the counters that we had before we have less than a third that have not reopened.

2100 One that has not reopened is the Human Resources department. That is really an internal issue, because there is not much interaction with the general public in Human Resources. The other one is Maritime. Maritime is principally an area of international business that we do online. I have had no complaints about either the Human Resources department counter being closed or the Maritime department counter being closed.

2105 The other one is Town Planning and Building Control. I have had absolutely no complaints whatsoever about that counter being closed, because most people were urging us to be able to do those things more efficiently online.

2110 The Government Law Officers and the Office of Criminal Prosecutions and Litigation had a counter, and that has not reopened. Apparently, it was a historic counter. I do not know whether it was in a historic building or ... historically we had had a counter, I am told, which was for Gazette matters. Again, nobody has complained about that because most of the people who were involved in putting adverts in the Gazette were gagging for us to be able to offer them the opportunity to do it online and send us the money online and send us the advert as a PDF. So nobody has complained about that.

2115 There are two other counters. I have now dealt with four. There are 10 that are open, these are the other four and nobody has complained about these four. The other two we have are the Civil Status and Registration Office and the Housing Works Agency. The Housing Works Agency has traditionally always taken its complaints by phone. Some people wanted to turn up to make their complaints in person, but the phone seems to be the most efficient way of doing it. I have not had any complaints myself about the Housing Works Agency counters being closed.

2120 The only other counter that remains closed is the Civil Status and Registration Office, but of course the Civil Status and Registration Office, which deals at its counters with passport and nationality matters, immigration and visa matters, births, deaths and marriages, has not failed to deal with every birth, every death and every marriage in Gibraltar. The applications for immigration and visa that we have had, most of those were always dealt with remotely because it was people applying for visas to Gibraltar, so they made the application remotely. And passports and nationality – well, I can tell the hon. Gentleman from the volume of applications for exemptions in respect of nationality and passports I have dealt with I cannot imagine that we would have had more applications if the counter was open, and I personally have had no complaints about people saying, 'I cannot go to the counter at the CSRO.'

2130 So I am left with the concern that people are expressing, for some reason, a concern about Government counters, which I do not think is related to the fact that these six have not reopened in the way that they were open before.

2135 A lot has been done online. The process of going online is painful because you have to register. The system is imperfect, but we are getting there. I have had my own issues with going online and registering, and I do not mind saying so – the Hon. Minister for Digital Services had to hold my hand through the process of registration etc., but once you get there, that is it, you are registered. If you are of an age, you do not want to do that, you might not understand it. There are very few people now of an age who do not want to do that – because remember that 20 years ago, when somebody who was 60 retired they were probably already using email; that person is 80 now – but we have a place where they can be guided through these issues, and we will continue to support paper because, as the Hon. Minister has said, we are going to have a general counter not just for digital services but also for all paper services. So now there will be a counter that would deal with all matters that the Government deals with.

2145 And so, Mr Speaker, I think that this is the direction in which we have to continue. If the hon. Gentleman receives a complaint about a particular counter, please, he should get in touch with me because I am trying to understand where it is that the failing to the public is, so that we can put it right if it will not be put right by the general counter that we will open, which we think is the

2150 right way to resolve this problem. But he should note that we have a lot of counters in operation and some of them are open extended hours already, until five o'clock. That is why we are not thinking of extending to later. Some of them are on extended hours until seven o'clock at night, and obviously the RGP counter is open 24 hours a day.

2155 So it is difficult to see where the problem actually lies, but we are listening and we want to resolve the problem, if we can, in a way that makes sense as we go digital and make the investment into digital and see that bear some fruit.

Hon. K Azopardi: Mr Speaker, obviously I will look through the schedule, but it did strike me ... Just looking very quickly through the schedule, there are areas of public service engagement where it is not mentioned. Things like DLSS, for example: traditionally, you have been able to, I think, engage with DLSS. The Health Service is not there. I can see it on the list. I may have missed it, but I do not see the Health Authority there. I do not see the Tax Office. It may be that there needs to be a wider trawl of services, because clearly people engage with different aspects of the public service, not just the ones on that list, and it may be that the list that has been provided to the Members opposite does not actually cater for everything in all aspects – so worth looking at in perhaps a bit more detail.

2165 Secondly, can I just ask, in terms of his answer that there will be a general counter that helps you across the board on all services, he gave a long answer at the beginning, so he may have said it, but where would that be and when will it open?

2170 **Hon. Chief Minister:** Mr Speaker, let me just take the last question first: on 15th June, in the building which is opposite Mackintosh Hall – which used to be Lloyds Bank, as people know it – which is presently being used to help people through the digital process. There are some building works to finalise, but we understand that that is on time and we will be able to provide that service from then, or thenabouts.

2175 I do not think that the Health or DLSS counters came into scope, in the sense that they were never closed, as I understand it; there was always different provision made. All that has happened there – in DLSS, for example – is that a counter became an appointment service and people are seen, but they are just not seen at the counter anymore, which in any event we were always told did not provide the privacy required when people arrived at the counter. DLSS payments continue to be made on a counter basis and we were only shut down for a very short time there, when we did the direct payments, as I understand it.

2180 I do not know whether the Tax is something that shut down and did not reopen, and I think we have approached this on the basis of things that shut down and did not reopen. I think that the relationship now with Tax is done in a different way; it is just not done on the basis of making people queue up. I think people are given an opportunity to register online etc.

2185 I am keen to see where it is that the hon. Gentleman thinks the problems are, so that we understand it as well, in case there is any lacuna after what we have said and the opening of the new facility and the online facility. But I would urge people to give the online facility a chance, even though the registration process is initially a difficult one. I found it extraordinarily difficult to register for online banking. It took me ages to do, and it was always an imperfect process for me. I left it two or three times halfway through because I could not find the sort code and I could not find the account number etc. When I finally did it, a whole new world appeared to open up for me in which now, with my phone and my thumb, I am able to buy the occasional chocolate bar – if I am allowed it by my dietician etc. I think that when you go through that process it works and it works well, and it makes everything easier going forward.

2190 Many years ago, I stopped using cheques to pay for stuff and I went on to direct debit – this was in the days before digital and all the rest of it. I have never missed a bill since, because I went on to direct debit, and that is what we are encouraging people to do. It has an extraordinarily positive effect also on debt to Government. When the hon. Lady was at Housing, for example, she managed that process for new tenants, so that new tenants went on to direct debits and elderly

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tenants were also assisted so that they went on to direct debits. Although I know that lots of people like to go out to the counter and all the rest of it, on rainy weeks having to go out to the counter was not exactly a pleasure and a lot of people welcomed the fact that they could go on to direct debit.

2205 So there are different ways of engaging with the Government, more modern ways of engaging with the Government. It is never going to be seamless, but we try our best to make it as seamless as possible and I would be very interested to hear and to co-operate with the hon. Gentleman if he identifies areas, as I said, of lacunae, gaps, between the service that we will provide from 15th June, the service we are starting to provide electronically and the service we continue to provide at counters.

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Hon. K Azopardi: I detected from his answer that perhaps the answer provided to me has been drafted on the basis that I was asking about which Department had closed its counters. That is not what I asked, Mr Speaker. What, in fact, I asked was for the Government to provide a list of the Departments and public authorities that currently operate public counters for interaction with members of the public. If the Health Authority had not closed its counters but had continued to operate them, they should be on this list; so if, for whatever reason, the list has been prepared wrongly, on a different basis, then can I ask if perhaps he could ask whoever has prepared this list to do a wider trawl across Departments, and if that is the case then an updated schedule could perhaps be sent to me once it is ready?

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Hon. Chief Minister: Mr Speaker, I am happy to look at that. I think that 'not currently operate public counters' has been read, as previously did and no longer do. I do not know whether that is a helpful indication –

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Hon. K Azopardi: If the hon. Member gives way ... That is the second question. The first question says 'Can the Government provide a list of the Departments and public authorities and agencies that currently operate public counters ...?' The first question is 'give me the list of everybody who is operating a public counter'. That is clear. It does not ask whether it has been closed and has reopened. I can see the point that he is about to make on Question 204, but not on Question 203, I would say.

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Hon. Chief Minister: Yes, Mr Speaker, I appreciate his point and I can see why on Question 204 the interpretation would have been correct, and why on Question 203 it is a request for a general trawl. The hon. Gentleman has said 'Departments and public authorities', and I do not know whether it has been interpreted as Departments, and public authorities has not been deemed to include the GHA – he will note I did not challenge that part of his first statement; *(Interjection by Hon. K Azopardi)* yes, indeed – or whether somebody has decided that a counter is not what we operate at the GHA because we do public interaction in the GHA but we may not formally do it at something that is a counter.

2240 I am quite happy to ask that this be checked, to ensure that the trawl has been as wide as the hon. Gentleman wished us to trawl and we can have greater clarity going forward if, when he sees the new list that I will send him, he considers it necessary.

2245 **Mr Speaker:** The Hon. Roy Clinton.

2250 **Hon. R M Clinton:** Thank you, Mr Speaker, just one supplementary. Not too long ago, for the information of the Chief Minister, I was stopped down Main Street by a businessman who found it very frustrating that he could not get through to the Tax Office. He could not get a response by email, he could not get through on the telephone, he could not get any kind of interaction with them. Obviously that is not good for the Government because he may have to pay taxes or something else.

Hon. Chief Minister: [Inaudible] not take his call for everything?

2255 **Hon. R M Clinton:** Well, who knows? But of course the Government services are there to serve the public and there has to be an interaction.

I understand the desire to move towards e-Government, but in a specialist area such as tax, for example, I cannot quite see how a general counter would work. You would have to have it staffed by a Tax Office specialist who would have to have access to their records and everything else. That is purely an extension of the Tax Office. Why not just keep it at the Tax Office? Why spend the money to set up a branch of the Tax Office? Just send people to the Tax Office, which is where the information is.

2260 I think all I am trying to say is I would ask the Chief Minister to consider that when he is considering his wholesale reforms, at least phase them in and bear in mind that if you are going to withdraw one form of interaction you have to either allow time for it or make sure that if they are not going to be able to have face-to-face communication, the other lines of communication are retained open.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman because that is exactly the indication I was asking that we should get, so that we can try to understand where these complaints are coming from.

2270 I am surprised that the hon. Gentleman has referred us to the Tax Office, because I know the Tax Office does an excellent job of communicating with taxpayers. He just needs to look at the amounts that we have paid in rebates to see just how well we are communicating with taxpayers. Of course, if a taxpayer wants to get in touch with the Tax Office, it is for good reason and we are there to serve the public, not just in the Tax Office but in every Department, and we must be accessible to the public.

2280 Undoubtedly, everywhere around the world the COVID pandemic has made government more remote from the citizen, and as we go back we have to ensure that we go back to providing the service not just to the standard that we used to provide it to, but to a higher standard, which is what we think we can do with the introduction of electronic systems.

2285 We do not agree with him that the central counter becomes an outpost of every Department. In fact, in many instances many people attend counters simply to collect or deposit forms and you have, in many Departments, people staffing counters for the purposes simply of waiting for somebody to come to deposit a form, or ask for a form, or make a payment. In some instances, people come to a counter to, in effect, make an appointment with somebody who is not the person behind the counter but is the specialist who will deal with them in the Tax Office. In many instances, you will turn up, you will speak to somebody who is at the counter and you will then go inside to speak to the person who is the specialist in the field that handles your particular tax affair, and so it will be possible to have that initial interaction in the central area and then make the appointment to go to the Tax Office on the day you are going to be seen by the specialist, for example.

2290 There is a lot more that can be done in a central Government counter which is more efficient and not less efficient. The way that the hon. Gentleman has presented it, it would be less efficient to create a colonial outpost of each Government Department in a central Government Department for Government Departments – so that would be a new Department, which would be a Department of Departments, to put it in *Yes Minister* speak. That is not what we are seeking to pursue, and I would not dare to suggest that sitting next to the Minister for Efficiency, Mr Speaker. It is quite the opposite and I hope that after we have opened the counter of counters, we will be able to see an appreciable increase in the efficiency of the service, the availability of the service and the ability of the citizen to interact with the public sector in a way that is favourable for those who do not want or are not able to do so electronically or through the existing counters.

2300 **Mr Speaker:** Next question.

Q205/2022
Child grooming case –
Update re further investigation

2305 **Clerk:** Question 205/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what is the state of the further investigation being conducted into the child grooming case in respect of which a report was delivered to Government by Gillian Guzman QC; what issues are being considered and investigated, and by whom?

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Clerk: Answer, the Hon. the Chief Minister.

2315 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the investigation is led by the Office of the Chief Secretary. The investigation is considering, first of all, whether any changes should be carried out or conducted in respect of laws or practice in this subject-matter area as a result of the Guzman report and whether any Human Resources issues arise in respect thereof.

2320 **Hon. K Azopardi:** Mr Speaker, as I understand it, the report was delivered some time ago, so was the further investigation commissioned immediately thereafter or more recently? If so, irrespective of the timing of when it was commissioned, does he have a ...? I assume he commissioned it. I am assuming that, but he will clarify whether it was somebody else who commissioned it. Did whoever commissioned it give the Chief Secretary an indication of when they would like to receive the report of that body?

2325 **Hon. Chief Minister:** Mr Speaker, I did not commission the investigation. I referred the Guzman report to the Chief Secretary because of the concerns it raised with me. The Chief Secretary himself had received a copy of the Guzman report – he is a former Director of Education – and he himself considered that it was necessary, as a result of the report and the things that the report told us, to do some further work with the benefit of the report on the basis of reviewing whether anything should now change as a result of Ms Guzman’s recommendations and whether any Human Resources consequences should arise. That is, therefore, his investigation under his remit being run by his office.

2330 **Hon. K Azopardi:** Mr Speaker, has he decided that? Is he running the investigation or has he tasked other people to run with that investigation within his Department? Is it just people within his Department? Does it have external support of any type? Does he know who is doing it? I am not asking for names, but ...

2340 **Hon. Chief Minister:** Mr Speaker, as far as I am concerned, the Chief Secretary is running this, but I do not know whether the Chief Secretary is actually doing the running of this. This is his investigation or review, and he is the person who is deciding who should be doing any work that is required. I assume he will be doing some work with some of the hon. Lady’s Departments, some of Prof. Cortes’s Departments and with some of my Departments, in the sense that the Human Resources Department is also formerly my Department. But he is doing that, and it is being run entirely independently by him. His view and my view of the issues that the Guzman report raised were probably, in the same way as with him, exactly the same, and we both agreed that this needed to be now looked into in these respects because I think the Guzman report made clear what the next steps should be.

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Q206/2022
PossAbilities –
Financial assistance from Government

Clerk: Question 206/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, will the Government be financially assisting the charity PossAbilities in its project; and, if so, has it made an assessment of the likely financial or other assistance to this project?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, we are considering some financial assistance to PossAbilities to help them with refurbishing the old St Martin's School. This is a matter that we will touch upon as part of the Budget debate, given that all liabilities in respect of this will arise in this financial year.

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Hon. K Azopardi: Is the Chief Minister willing to share the kind of projection, or is he saying read between the lines and wait for the Budget debate?

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Hon. Chief Minister: Read between the lines, Mr Speaker, and wait for the Budget debate. Because it is a liability arising in this financial year, it requires a debate, and formally I think the money cannot actually be deemed to be used for this purpose until the House has voted it, because it is money arising after 1st April.

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Hon. K Azopardi: Mr Speaker, is this going to be a one-off financial assistance in terms of the refurbishment of St Martin's, or is this going to be recurring assistance in terms of the management of the project and so on – or is that going to then depend on, in effect, private sector or charity funding?

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Hon. Chief Minister: It will be a combination of all those, Mr Speaker, in the sense that we anticipate assisting the fantastic people who have set up PossAbilities, who have brilliant ideas to extend what they used to do already as Little Smiles and to provide a magnificent service going forward, which the hon. Lady has looked at in great detail and Prof. Cortes has looked at in great detail.

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They are an absolutely impressive bunch of people. Ironically, they are an impressive bunch of ladies. I do not say that to be discriminatory, but only because all of the people who have come to see me about this on every occasion have been ladies and they are really committed. They are really working and have been working for many years to have the credibility to put to the Government that we should support them. They have been working for many years providing services to end users who have benefited from what they do, whose parents have entrusted the people behind PossAbilities with their children. And so, given that we have nothing more precious than our children, when we entrust them to someone, those persons have really demonstrated their bona fides and their ability and their commitment.

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I do not want to anticipate the debate on the Budget, but the model that we have in mind here is very much the model that has worked so well in the context of Clubhouse. The problem is I think Emily Olivero every time I think of Clubhouse and I forget the name of the organisation, and Emily has now retired.

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The incredible work that is done by some people in Gibraltar, which sometimes we do not speak about often enough ... When it comes to mental health issues, when it comes to issues of childcare, like Childline, when it comes to issues of mental health also like GibSams and when it comes to issues like PossAbilities and assisting people with disabilities, governments can do things

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2400 but no government of any political hue or complexion can do things with a heart, because we end
up doing things in a way that is institutional. It is impossible for us to do them in any other way,
however much money we might throw at it, whatever disguise we may put upon it. But when you
2405 have people who are themselves touched by these issues, who are deeply personally committed
to these issues and – and I emphasise this – have the track record of having delivered services to
people who have entrusted them with their children and have demonstrated that they can
discharge those functions for years, then the Government is able to say this is a worthy recipient
of Government support, in combination with charitable moneys, in order to continue to provide
2410 that service in an enhanced way to the benefit of people in our community who require these
services. Clubhouse is perhaps the most striking and successful example to date, alongside other
examples such as Childline and GibSams, where the Government helps.

In the context of the Clubhouse proposal, hon. Members will know that Government seconded
an individual who had an interest in this field, from a Government job to Clubhouse, and this is
2415 the same model that we are looking at here, seconding a Government individual – or an individual
who is employed by the Government will now be involved in running that. Part of the
Government's contribution is that person, because that person will no longer be discharging a
function doing something else in Government, they will be doing that.

I have only praise for the way in which those who are behind PossAbilities have approached us,
2420 the way they have worked with us, the way they have answered lists of questions that are
necessary to answer these days under MAPPAs rules and the safeguarding rules, the establishment
of the whole principle. These are not things that can be done on the basis that they might have
been done before, where you thought something was a good idea and you would just run with it.
You have to really go through vigorous processes, and we have. I very much look forward – if there
2425 is anything left to be said in the Budget debate – to saying so and seeking an appropriation from
this House to support this magnificent group of people, which I hope people will all vote in favour
of, because if they vote against it they will be voting against these magnificent people and the
work that they do.

2425 **Mr Speaker:** We have two sets of questions from two separate Ministers.

Hon. Chief Minister: Yes, Mr Speaker. If I may be of assistance, my throat is dry and you have
been sitting there for three and a half hours hearing me a rabbit on. I wonder whether this might
be a convenient moment for the House to at least take a 15-minute break and then return for
2430 other questions.

Mr Speaker: The House will recess for 15 minutes and return at 7.15.

The House recessed at 7.02 p.m. and resumed at 7.19 p.m.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q87/2022

**St Mary's School –
Agreement with developer**

Clerk: We will now resume with Question 87/2022. The Hon. the Leader of the Opposition.

2435 **Hon. K Azopardi:** Mr Speaker, has the Government signed the contract in respect of the future
St Mary's School with the developers of that site; and, if so, what are the financial terms of the
agreement and how long will the agreement run for?

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

2440 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Government entered into an agreement for underlease with the developers of the new St Mary's Lower Primary School, namely Town Range Developments Ltd, on 30th September 2021.

2445 The term of the agreement for underlease is not specified, as it continues only until the underlease itself is signed, albeit there are terms that have a continuing effect and continue for as long as is necessary to give effect to the provisions of the agreement for underlease. The underlease itself, which will replace the agreement for underlease, would be signed only once the property is completed and ready for occupation and all areas properly measured.

2450 The financial terms of the agreement for underlease remain the same as those laid before Parliament in the December 2019 session by the Hon. Gilbert Licudi in answers to questions from the Hon. Roy Clinton and are therefore already public.

2455 **Hon. K Azopardi:** Mr Speaker, my recollection – hence the question – of that session in Parliament in December 2019 was that there was an aspect where the Minister of the time, the Hon. Mr Licudi ... I had an exchange with him where he indicated that there still had to be an agreement on the ... They had roughly agreed the price per square foot, but there had not been a final agreement of the financial terms. That is the reason for the question. There was an indication of possible terms but not final terms, and perhaps the hon. Member could update that.

2460 **Hon. Prof. J E Cortes:** Mr Speaker, I will refer the hon. Member to the answer to Question 245/2019, which actually does give a figure per square foot, and, unless it is a different question session, from my reading it now again, it does not refer to any uncertainty. So perhaps that was previous, but the answer to Question 245 seems, to me, to very clearly state how much it was.

2465 **Hon. K Azopardi:** I am trying to pull it up on my screen, but if the hon. Member has it in front of him, towards the end I think there was a discussion, an exchange with me, where the Minister at the time indicated that there were aspects that needed to be negotiated. If that is not the case in the current answer he has got in front of me, well then I will go back and reflect on the answer he has pointed me to, and if there are follow-up questions I will do it again at the next session.

2470 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, I am happy to entertain any queries, whether at the next session or between.

Q88/2022

Conversion of supply teachers to permanent posts – Cost effect re future pension entitlement

2475 **Clerk:** Question 88/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can the Government confirm whether the recently announced decision to convert a number of supply teachers into permanent posts had any cost effect in terms of future pension entitlement?

2480 **Clerk:** Answer, the Minister for the Environment and Education.

2485 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, supply teachers engaged on fixed-term contracts are eligible to subscribe to the contributory pension scheme. The only increase projected, therefore, relates to progression on the salary scale, for which supply workers are not eligible.

2490 **Hon. E J Reyes:** Mr Speaker, may I get a clarification? I was under the impression that a supply teacher with a fixed-term ... if they are lucky enough and later become substantive in that position, there is a time period when they may opt – for example, if they have worked as supply for one or two years before – to make payment of the contributions that would have been payable then for their part of the pension and therefore that would equate to ... the Government, as the employer would also have to pay a contribution. Is that interpretation correct?

2495 **Hon. Prof. J E Cortes:** No, Mr Speaker, that is not what I have said. The fixed-term contract supply teachers are eligible to subscribe already, as a result of that fixed-term contract, to the pension scheme.

Mr Speaker: Next question.

**Q89 and Q154/2022
Cycling infrastructure –
Plans re new schools and Eastside project**

2500 **Clerk:** Question 89/2022. The Hon. E J Phillips on behalf of the Hon. Ms M D Hassan Nahon.

Hon. E J Phillips: Mr Speaker, are there any plans for cycle lanes in the new schools?

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

2505 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 154.

Clerk: Question 154/2022. The Hon. E J Phillips on behalf of the Hon. Ms M D Hassan Nahon.

2510 **Hon. E J Phillips:** Mr Speaker, what provisions will there be in the new Eastside project to incorporate cycling infrastructure?

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

2515 **Hon. Prof. J E Cortes:** Mr Speaker, the provision of cycle lanes in the area of the new schools being built on Europort Avenue and in the area of the Eastside project are being considered as part of the wider cycling infrastructure project for Gibraltar. Plans are being developed to provide these in these areas and others.

2520 **Hon. E J Phillips:** Mr Speaker, just in relation to the schools, was there no consideration given to the potential for the use of cycle lanes during the period of time when the schools were envisaged? I would have thought that, given the commitment contained in manifestos by the Government, that might have been a bit more of a priority rather than looking at the scoping beyond that, as they seem to be doing now.

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Hon. Prof. J E Cortes: Mr Speaker, as I have said, the school project team is discussing ... I did not say who it was discussing with, but it is discussing with the Traffic and Transport department the incorporation of cycle lanes around the schools.

2530 Clearly I mentioned the one in Europa Avenue because at the new secondary school at Town Range there is not the space, but in Europort the discussions are now around how we can align it in such a way considering the changes that are also going to happen in Europort Avenue. In fact, I had discussions only last week with the Hon. Paul Balban about the matter.

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**SOCIAL SECURITY, ECONOMIC DEVELOPMENT, ENTERPRISE,
TELECOMMUNICATIONS AND THE GSB**

Q155-61/2022

Jewish Home –

Privatisation;

Social Insurance study credits –

Policy re awarding;

Public finances and borrowings –

Updated figures;

Economic Development and Employment Company Ltd –

Subsidiaries and legal entities where shares held

Clerk: Question 155/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the Jewish old people's home has been privatised; and, if so, to whom was the contract awarded and on what date?

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Clerk: Answer, the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question together with Questions 156 to 161.

Clerk: Question 156/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what is its policy in respect of the claim and award of Social Insurance study credits?

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Clerk: Question 157/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following dates: 1st September 2021, 1st October 2021, 1st November 2021, 1st December 2021, 1st January 2022, 1st February 2022, 1st March 2022 and 1st April 2022?

Clerk: Question 158/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the balance on the General Sinking Fund on the following dates: 1st September 2021, 1st October 2021, 1st November 2021, 1st December 2021, 1st January 2022, 1st February 2022, 1st March 2022 and 1st April 2022?

Clerk: Question 159/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government provide a list of subsidiaries and legal entities in which Economic Development and Employment Company Ltd owns shares?

Clerk: Question 160/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government provide a breakdown of its gross direct borrowing as at 31st March 2022 listing all debentures issued and banks borrowed from?

Clerk: Question 161/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise the total and a detailed breakdown of external gross borrowing of all Government or Gibraltar Development Corporation owned companies, with the exception of the Gibraltar International Bank, as at 31st March 2022?

Clerk: Answer, the Minister for Social Security, Economic Development and Enterprise.

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Hon. Sir J J Bossano: Mr Speaker, the Jewish Home has not been privatised.

The policy inherited from the previous administration is as follows. The Income Tax Office receives applications and awards study credits to students on the basis of documentary evidence being provided as to the period and place of study for which the credits are being sought. The underlying requirement for eligibility is that the applicant must be in insurable employment as defined in the Social Security (Employment Injuries Insurance) Act. The credits are applied for the weeks during the whole of the duration which the applicant is undergoing the study.

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The gross debt estimate for September 2021 to January 2022 was £747.7 million. For February and March 2022 it was £727.7 million.

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The aggregate debt was: September 2021 to January 2022, £727.7 million, and February and Mar 2022, £752.7 million.

The estimated cash reserves have been as follows: September 2021, £33 million; October 2021, £31.8 million; November 2021, £44.1 million; December 2021, £29.1 million; January 2022, £19.5 million; February 2022, £33.7 million; and March 2022, £32.7 million.

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The net debt has been as follows: September 2021, £694.7 million; October 2021, £695.9 million; November 2021, £683.6 million; December 2021, £698.6 million; January 2022, £708.2 million; February 2022, £719 million; and March 2022, £720 million.

The requested figures for April 2022 are in the draft Estimate Book, which the hon. Member already has.

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The balance on the General Sinking Fund until March 2022 was the same as previously stated for April. With effect from 1st April 2022, the balance is £25.4 million.

Economic Development and Employment Company owns shares in the following: Construction Training Company Ltd, Employment Training Company Ltd, Graduate Research and Development Company, Skills Enhancement Training Company Ltd, Supported Employment Company Ltd, Gibraltar General Construction Company Ltd, Gibraltar National Exploration Minerals, Gas and Oil Company, RMB Investments Company Ltd and Zero Carbon Footprint Company Ltd.

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The breakdown of gross direct borrowing as at 31st March 2022 was: debentures issued September 2014, £147.7 million; debentures issued October 2014, £100 million; debentures issued October 2019, £75 million; and debentures issued June 2020, £50 million.

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The banks borrowing are Gibraltar International Bank, £150 million; and NatWest International, £275 million.

The borrowing of all the companies was £383.29 million, of which £300 million was by Gibraltar Capital Assets in respect of the housing estates, which the hon. Member already knows. The

2600 balance of the others was ES Ltd, £52.8 million; Gibraltar Bus Company Ltd, £53,000; GCP Investments Ltd, £9.32 million; and Gibraltar Car Parks Ltd, £21.44 million.

Hon. R M Clinton: Mr Speaker, I beg your indulgence as I go through.

2605 Just a very simple question. I think I may have misheard the Hon. Minister on the gross debt level at 1st February 2022. If he could just give me that number again, I would be grateful.

Hon. Sir J J Bossano: It was the same for February and March: £747.7 million.

2610 **Hon. R M Clinton:** If the Minister could check he gave me the aggregate debt, i.e. after Sinking Fund of £752.7 million? Does he recognise that number? And if the Sinking Fund was £20 million, would the gross debt be £772.7 million?

Hon. Sir J J Bossano: A mathematical error. I would have to go back and check. I am giving him the numbers that have been provided to me by the Treasury.

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Hon. R M Clinton: I am grateful to the Minister.

2620 Mr Speaker, I am not going to ask much in the way of supplementaries in terms of the answers he has given to me on the financial information – I will digest that later – but I would ask him about his answer to my Question 156 on the claim of Social Insurance study credit. As he knows, we have corresponded on one particular case, but the issue is this: according to the Social Insurance (Contributions) Regulations section 14B(1):

A student shall not be liable to pay contributions under the Act as an insured person in respect of any week in which he is a student including any periods of vacation.

There is a case that has come to my attention and I passed it along to Sir Joe, where one person was refused study credits. I will quote from the letter this person was sent. It says:

In order for these credits to be awarded, a person should have been registered for Social Insurance purposes before starting studies in the UK.

2625 This creates a perverse situation, where if you have a summer job at the age of 15 selling sweets and your colleague beside you does not, you can then claim study credits later, whereas if he has not had a summer job he cannot, if he has not registered for a job in Gibraltar. I am not sure that was the intention of the Act. I am just wondering whether the Minister has been able to come to a determination as to what is the application of the Act. Otherwise, the Government should be advising all students who go away to study to ensure that they are preregistered for employment. Otherwise, there will be this kind of – I do not want to use the word 'discrimination' – unequal effect of the application of this provision in the Act, where you can have one individual who may have spent one hour selling sweets during the summer and will get four years' worth of study credits, and his colleague who has not and gets nothing. I was wondering if the Minister had come to a determination on that.

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Hon. Sir J J Bossano: Mr Speaker, the question is what is our policy on this, and I have pointed out that we have not introduced any new policy, it has always been like that. It might even have been like that when I was in government in 1996 for all I know, so I am surprised that there should be a loophole of that magnitude and in the 50 years that I have been here nobody has raised it until now.

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All I can tell him is that I am providing the explanation that the Tax Office has provided me with, and it appears that it has always been the case that you cannot get credit if you are not in the insurance schemes before you ask for the credit. I can see that there is some logic in that. If you are not insured in Gibraltar under the Social Insurance Scheme, then you are not a member

2645 of the scheme. Presumably the reason why you have to have paid at least one contribution beforehand is to be in the scheme in order to be able to apply for the credit, because if you have never been in the scheme then there may not be a way of making the application, I imagine.

I think, as a result of this exchange, I will ask the Tax Office to take a look at this and see if there is a loophole where people are being unfairly left out of this opportunity, and look at the possibility of amending if it is possible. It may be that if we remove that criterion of being a member first, we will open it to many other categories of people than the one it is intended to help. I think we would need to have technical advice from the people in the Tax Office on that.

Hon. R M Clinton: I am grateful to the Minister and I do appreciate his assistance on this.

2655 Mr Speaker, just one other supplementary. In terms of the Jewish old people's home ... The reason I raise the question is because Unite, in a public statement, suggested that some form of privatisation had occurred at the Jewish old people's home. Is it perhaps not that the entire service has been privatised but perhaps elements of it? If the Minister would care to perhaps clarify.

2660 **Hon. Sir J J Bossano:** Mr Speaker, nothing is being privatised. The position is that there are currently eight senior citizens who are resident in the John Mackintosh Home who will be moving to the refurbished former Jewish Home, which was closed some eight years ago, but the eight beds left vacant will continue to be in the John Mackintosh Home in the public sector. This is not beds being taken from the public to the private; this is people moving from the public to the private and the beds in the public remaining at the same level. So it is not a conversion of existing facilities into the private, which privatization. This is creating a private facility which will have additional beds, and the beds that are being vacated will then be filled by people who are on the waiting list to enter into the Elderly Residential Service.

2670 **Hon. R M Clinton:** Mr Speaker, if I understand the Minister correctly, then effectively it is a return to the status quo in terms of what happened in the past, when the provision of services in the old people's Jewish Home was effectively private. That is effectively what he is telling us?

2675 **Hon. Sir J J Bossano:** The refurbished home that was closed eight years ago will hopefully be ready by the end of this month and then it will be taken over by the Jewish community and they will run it. The beds that are there are going to be lost, so the number of beds in the ERS will not diminish, but there will be vacant beds and eight people who are on the waiting list will be accommodated in what is vacated in the Mackintosh Home.

2680 **Hon. R M Clinton:** I am grateful to the Minister for that clarification. Just one final one on this. The facility has been refurbished. The cost of that was borne by whom?

2685 **Hon. Sir J J Bossano:** This is one of the projects that is included in the National Economic Plan and is being financed by private capital, by the same entities that are doing all the other works in the National Economic Plan. Eventually, of course, the Government will be paying for the people in the home, and that will provide a return for the person who has invested in the home.

2690 **Hon. R M Clinton:** Mr Speaker, the National Economic Plan ... Am I correct, because I did see signs up for GBIC on the building, that this is the entity that has effectively undertaken the investment? That is the joint venture entity, if I recall.

Hon. Sir J J Bossano: The joint venture is the contractor who has done the refurbishment.

2695 **Hon. R M Clinton:** So the investing entity is this Community Supplies and ...? I forget the last word.

2700 **Hon. K Azopardi:** A very net question. The Minister gave a long list of entities that were owned by the Economic Development and Employment Company Ltd, one of which was ... I cannot remember exactly the name – Oil Exploration, or something like that. What does that company do?

Hon. Sir J J Bossano: Gibraltar Economic Development and Employment is responsible both for training people and for guiding economic development through ventures that are set up.

2705 There are three companies here which are not trading and never started trading because proposals were put to us for doing things, for which we created a vehicle, but then the proposed project did not materialise. Therefore, the companies are still owned but have never actually started trading because the proposals that were put to us were never fulfilled.

2710 Given that my job is to get economic development going with minimal delay, when somebody comes along and says they want to do something with the Government in a certain area, what I do is create the vehicle to do it with £1,000 nominal capital, and then if it happens, it happens, and if it does not happen, the company is still there but it has never actually been able to carry out the investment that was intended.

Mr Speaker: Next question.

Q162-65/2022

Disability Benefit –

Applications and appeals against refusal and number not yet determined; reform of system

2715 **Clerk:** Question 162/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please look at Questions 9 and 10/2021? How many applications for disability benefit and appeals against refusal have there been since 20th April for the former and 3rd March for the latter, setting out the date when each application or appeal was made, i.e. – just to make it clear – by the applicant/appellant?

Clerk: Answer, the Minister for Social Security, Economic Development and Enterprise.

2725 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** I will answer this question with Questions 163 to 165, Mr Speaker.

Clerk: Question 163/2022. The Hon. D A Feetham.

2730 **Hon. D A Feetham:** Mr Speaker, can the Government please look at Questions 9 and 10/2021? How many of the applications and appeals referred to in the answers to those questions remain to be determined?

Clerk: Question 164/2022. The Hon. D A Feetham.

2735 **Hon. D A Feetham:** Mr Speaker, when is the Government going to reform the Disability Benefit system?

Clerk: Question 165/2022. The Hon. D A Feetham.

2740 **Hon. D A Feetham:** Of the applications for Disability Benefit and appeals against refusal made since 20th April 2021 for applications, and 3rd March 2021 for appeals, how many (a) remain to be determined and (b) have been determined?

Clerk: Answer, the Minister for Social Security, Economic Development and Enterprise.

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Hon. Sir J J Bossano: Mr Speaker, 97 applications have been received since 20th April 2021 as follows: 21/04/2021, 23/04/2021, 26/04/2021, 07/05/2021, 10/05/2021, 18/05/2021, 18/05/2021, 20/05/2021, 24/05/2021, 25/05/2021, 25/05/2021, 25/05/2021, 01/06/2021, 04/06/2021, 07/06/2021, 11/06/2021, 21/06/2021, 24/06/2021, 29/06/2021, 02/07/2021, 05/07/2021, 13/07/2021, 30/07/2021, 21/07/2021, 03/08/2021, 03/08/2021, 09/08/2021, 13/08/2021, 13/08/2021, 13/08/2021, 23/08/2021, 26/08/2021, 23/08/2021, 02/09/2021, 03/09/2021, 06/09/2021, 15/09/2021, 21/09/2021, 09/09/2021, 13/09/2021, 24/09/2021, 30/09/2021, 29/09/2021, 08/12/2021, 11/10/2021, 13/10/2021, 13/10/2021, 21/10/2021, 27/10/2021, 27/10/2021, 01/11/2021, 04/11/2021, 10/11/2021, 12/11/2021, 10/11/2021, 15/11/2021, 17/11/2021, 22/11/2021, 26/11/2021, 01/12/2021, 29/11/2021, 03/12/2021, 08/12/2021, 09/12/2021, 08/12/2021, 13/10/2021, 21/12/2021 – that is 67, so far, (*Interjection and laughter*) so you have 67 in 2021 (*Interjection*) – 06/01/2022, 07/01/2022, 11/01/2022, 07/02/2022, 02/02/2022, 15/02/2022, 18/02/2022, 01/03/2022, 01/03/2022, 08/03/2022, 07/03/2022, 07/03/2022, 24/01/2022, 15/03/2022, 23/03/2022, 23/03/2022, 21/03/2022, 04/03/2022, 05/04/2022, 04/02/2022, 28/03/2022, 28/03/2022, 20/04/2022, 25/04/2022, 28/02/2022, 28/02/2022, 12/04/2022, 03/05/2022, 04/05/2022 and 06/05/2022. That is the 97.

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Eight appeals against refusal have been received since 3rd March 2021, as follows: 15/06/2021, 01/09/2021, 14/10/2021, 24/11/2021, 09/12/2021, 09/12/2021, 12/12/2021 and 18/02/2022.

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Twenty-two applications remain to be determined. Six appeals of the eight remain to be determined.

Any reform of the Disability Benefit system will take place when it is ready to be implemented.

Hon. D A Feetham: Mr Speaker, has he answered Question 165? I do not think he has.

2770

Hon. Sir J J Bossano: Ninety-seven applications have been made since 20th April 2021, of which 16 have been determined and 82 remain to be determined. Eight appeals against refusal have been made since 3rd March 2021, of which all eight remain to be determined.

Hon. D A Feetham: Thank you very much, Mr Speaker.

2775

As the Minister for Efficiency, I do wish that he would introduce greater efficiency in the way that he answers the questions, perhaps providing us with a schedule rather than the way he has answered it, but of course that is a matter for the Minister.

I take it from the answer he has provided, which is essentially ‘we will make an announcement when we are ready’, that the Government is committed to reforming the Disability Benefit system.

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Hon. Sir J J Bossano: Mr Speaker, the Government is committed to considering a number of issues and then will decide whether the answer, having considered the issue, is in one direction or another.

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What is obvious from these numbers is that there has been a very substantial rate of growth in the number of people in Gibraltar who become disabled and require help because of their disabilities. It is an extraordinary rate of growth with the present system and I think one needs to look at what we have to do to help more those who need it and whether, in fact, the system is actually being successful in giving the money to those who need it and may be giving money to those who do not need it. Otherwise, something very serious is happening which we need to be conscious of and need to be active about if there is a ...

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2795 We are now talking about a hundred extra people claiming disability every year. That is a huge number compared to what it was. This has resulted in the cost, without any reforms, going up from £5 million to £20 million – 400%. By comparison, the Care Agency, which provides wider cover for people with disabilities on a bigger scale, has gone up by 128% as opposed to 400% in this area. This is certainly something that requires study in depth, in my view.

Hon. D A Feetham: So is he suggesting that the direction of travel in any intended reform is to narrow the availability of Disability Benefit rather than widening it or leaving it as it is?

2800 **Hon. Sir J J Bossano:** I am not suggesting anything other than my concern that there should be a 400% increase – the biggest increase in the entire Estimates Book – on something that appears to still be failing.

2805 If the argument is that we are not doing enough or helping enough and we have had a 400% increase since he was in government, it must have been disastrous then if this is really the situation.

I think there has to be a real study. We have had a situation in children with health and educational needs of a similar nature. The numbers there were in 2011 ... and the numbers now ... The difference is astronomical. It is not something that you can say is happening because of an increase in population. There is no visible explanation. If the figures are accurate in reflecting something that is happening, then it is something that is of great concern and we need to listen how it is happening and why it is happening. And if it is that we are measuring things in a way that is not realistic and the criteria are not in fact working as they should, then it is something that we need to discover.

2815 But in my view, what this reflects, having also been involved during the Budget estimates in looking at the need we have for special needs assistants, for which the numbers are in the Book and Members can see the huge increase there has been in that area ... It is something that I think ... Whatever we thought was going to be done two years ago, I am looking at this perhaps from a different perspective of saying, 'Look, we cannot just say there are more people and we give money to more people and that is it.' Why are we experiencing this level of need now, which was not there 10 years ago?

2825 **Hon. D A Feetham:** I can postulate a reason as to why there are more applicants and more successful applicants now than perhaps that were in the past, and that is because (**Hon. K Azopardi:** More cases.) Well, my learned friend to the right says more cases, but actually I think it is to do with the fact that there is a recognition in society today that you may be disabled in circumstances where perhaps 10, 15 or 20 years ago there was not that recognition. That is the reality. There is more awareness of disability today and what constitutes a disability today than there may have been in the past. That is the reason for this.

2830 Does he not agree with me that the root of the problem ...? I have made this point in this House in debates and, I think, in exchanges across the floor of the House in the past. The root issue is actually getting to grips with the definition of disability for the purposes of this benefit, and there is great uncertainty ... Well, first of all, I would ask that question and perhaps I can ... Otherwise, it will become a little bit unwieldy.

2835 **Hon. Sir J J Bossano:** The answer is that the system was changed a few years ago. Before, it was based on identifying medical conditions that were considered to be inevitably leading to people having a disability in leading a normal life because the medical condition created that situation. Therefore, if you had one of a list of medical conditions you were entitled, and if you did not have one you were not entitled. That was changed to a concept which is how you manage yourself, so it seems, from what I can see from having looked at it with fresh eyes, that you can have two people with the same condition, one of whom is better at coping with the condition and they do not get anything, and the other does not even try and he gets it.

I think that the way of assessing this may be part of the explanation for the otherwise quite worrying increase in numbers and cost, and therefore it may be that we need perhaps a better way of assessing it and then provide the money to those who really need it, whereas we may be giving money based on a criterion which has such a wide range that there are people who are in serious trouble and cannot cope and people who really do not need it and get it. It would not be unusual, because it happens in a lot of things that Government does. You try to draw a line and sometimes you find that you are not doing enough for the people who really need it and you are doing things for people who do not need it. There is more than one example of that.

I think that in looking at the criteria we need to see exactly what it is by looking at how it used to be before the change and how it is now, and maybe look at demographics. Are we talking about more young children coming along with problems – and then it is something we need to be concerned about – or are we talking about some things that people say ... You could argue that everybody who has a stroke, subsequent to the stroke is less capable of looking after themselves than they were before the stroke. That is obvious. So do we say everybody in Gibraltar who has a stroke will now have a disability and we will give them ...? If that is how it is happening, then that could explain how there is no criteria as to if somebody is totally incapacitated or somebody is not able to write with his left hand because his right hand is [inaudible] by the stroke. There are people who lead full and normal lives and it is the shift that has been the focus of the thing, where you know they have a medical condition but you look at how well the person is coping. It seems that the person who makes the effort and copes and cannot produce evidence that he cannot cope is put at a disadvantage from the way the description of the criteria is drafted.

I think since we are going to be continuing standing. There are a number of papers that have already been written and which I have gone through, but they do not point in one direction. They just say when it is this issue you can do this or you can do the other. So it seems to me that the way it has been approached is not sufficiently thorough and more needs to be done so that we can come up with something that we are comfortable is actually going to deal with the nature and the content of what is creating the need that is now not being addressed.

Hon. D A Feetham: The hon. Gentleman is ... Though I am concerned about his motivation, which is pretty transparent – he basically says we have to be very careful about this because it will become unaffordable – of course my concern is that what we do not do is cut down to the detriment of people who genuinely need Disability Benefit.

But the hon. Gentleman is right that it is a question of not only getting the definition of disability right, which is the question that I put to the hon. Gentleman, it is also about the impact of that disability on that person, and in fact that has been the criterion upon which these sorts of applications have been determined, because the test, according to correspondence that I have seen with the many people who come to me about this particular issue, is ‘does your disability affect you in your everyday life?’ – in other words, has a severe impact on your everyday life. That has really been the test, although I have to say that I have also seen some boards that have introduced things such as whether that person could work, and if the person could work the disability was being refused. For example, in England it does not really matter if you are a stockbroker – you may be rich, but you may qualify for Disability Benefit – it is about the condition and potentially the impact of that condition on your life, not on the means of the person.

Does he not agree that at the very least what needs to happen is that people should be left in no doubt at all what the criterion is? In other words, it should be transparent, it should be published, there should be guidelines so that people can look at those guidelines, can look at the test and can say, ‘I qualify’ or ‘I do not qualify’? At the moment let me tell you that that is part of the problem, because the concern of people is that they do not know on what basis perhaps somebody gets it but they do not get it, because they appear to have the same conditions as somebody else. Does he not agree that that must form part of the Government’s review in this area?

2895 **Hon. Sir J J Bossano:** We know what he is saying because he said it before and he also put before the stockbroker example. I certainly would not be in favour of giving it to stockbrokers – for the avoidance of doubt.

I am not willing to commit myself until I get to grips with this. I can tell him that I am not in favour of putting this on a statutory level – I will be clear about that – and I am willing to explain to him outside why not, and then maybe he will understand.

2905 **Hon. D A Feetham:** I am grateful for that offer and of course I will take the hon. Gentleman up on it. It does not need to be statutory, but at the very least there has to be publication of guidelines, very clear criteria so that people know whether they qualify or they do not qualify. Does he agree that at the very least that needs to happen?

2910 **Hon. Sir J J Bossano:** Mr Speaker, I am not going to commit to agreeing to anything until we have gone through the process. I will bear in mind the importance he attaches to this, but I am not going to say yes, we are going to do this, until we have done the work that I think needs to be done.

Mr Speaker: Next question.

Q166/2022
DSS building at Governor's Parade –
Intentions re future use and reason for recent closure

Clerk: Question 166/2022. The Hon. D J Bossino.

2915 **Hon. D J Bossino:** Please state what the intentions are with regard to the Department of Social Security building at Governor's Parade?

Clerk: Answer, the Minister for Social Security, Economic Development and Enterprise.

2920 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** I will answer this question with Question 167.

Clerk: Question 167/2022. The Hon. D A Feetham on behalf of the Hon. Ms M D Hassan Nahon.

2925 **Hon. D A Feetham:** Far less glamorous, I have to say! Why has the DSS building –? (*Interjection by Hon. K Azopardi*) I am glad that you disagree! (*Laughter and interjection*)

Why has the DSS building been closed and staff relocated only in the last month, when the building has been known to be unsafe for the last three years?

2930 **Clerk:** Answer, the Minister for Social Security, Economic Development and Enterprise.

Hon. Sir J J Bossano: Mr Speaker, as regards the future use of the building, no decision has been taken. It is likely that an assessment will be made of how much it would cost to make repairs and improvements. Possibly an invitation for an expression of interest would be issued for its redevelopment, so as to make the decision as to which option produces better value for money.

I am informed that the DSS building has not been unsafe for three years. The electrical infrastructure at the former DSS premises at Governor's Parade was advised as unsafe by the Gibraltar Electrical Authority in January 2022. The staff have been continuing to work from multiple locations since then, including the Royal Gibraltar Post Office and EDEC premises at New

2940 Harbours. Government has committed to the full relocation of the Department on 20th June 2022 – next month.

2945 **Hon. D J Bossino:** Mr Speaker, as far as my question is concerned, I understand that, from what he is telling us, it is very much at the preliminary stage in terms of the decision-making process, but can he commit to just one aspect of the building, given its obvious intrinsic heritage value? I think it is actually quite a beautiful building from my point of view. Can he commit that that aspect will not be in any way impacted or affected, because I think – it depends what is built there – it would have an effect on the surrounding area as well. So could I have that commitment from him just in respect of the heritage aspect?

2950 **Hon. Sir J J Bossano:** I think those are issues that would arise if there was a proposal that the Government considered was worth supporting, and then it would have to go through the whole heritage and planning and everything else. In a building of this age and character, all those things would have to be taken into account anyway before anybody was given permission to do it.

2955 There has been interest from people before we were in a situation of having to take this decision, because of its central location, but now that we are in a position where we either have to spend money on it or see how much we can be [inaudible] that building because somebody wants to come in and use it, it is an opportunity to test the market and then we might decide that we do not want it used for anything else and then have to spend the money to make it fit for purpose.

2960 I think it is not something that is going to happen in the near future. There has to be a fairly long process before we get to that stage, and when that stage comes I have no doubt that the heritage and the architectural value of the thing will prevent anything being done. Nobody is going to come in and knock it down, as far as I can see. *(Interjection and laughter)*

2965 **Hon. D A Feetham:** Don't be sexist!

Mr Speaker, I am going to read to the hon. Gentleman passages of the GGCA press release in relation to this, and then I am going to ask a supplementary question.

The GGCA has said this, and I quote:

the building was severely deteriorated due to water penetration. This resulted in the collapse of the ceiling in the vault area in 2019, the floor of which has been supported by scaffolding since that date. Luckily, no one was in the vault room when the ceiling collapsed, so nobody was injured.

2970 They also say:

the staff would have to use their umbrellas when going to the bathroom ... fuses in the building would blow on a regular basis, resulting in light shortages and fear of electrical shortages and electrocution.

Does the Government feel a sense of shame that there have been civil servants working since 2019 in those conditions?

2975 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I was conducting the negotiations with the GGCA in respect to those matters, and the leadership of the GGCA – when they came and told us that, at the same time as they issued the statement – said, 'We cannot believe that the staff of this Department have not told us before that they were working in these conditions, otherwise we would have brought it to you earlier so that you could have acted earlier.'

2980 The staff of the GGCA at the DSS are, I can only say, a magnificent bunch of people because they have been jovial in dealing with the problems that they have had. They have not raised the alarm until the last minute with their union, so that the union raised it with us even later. Of course we knew that there was a need for a relocation. We had committed ourselves to a relocation, but

we did not appreciate that matters had got to that extent and neither had their own union when they brought it to us.

2985 I can only, once again, thank the members of staff of the DSS because they have been absolutely magnificent in the way that they have continued stoically to provide the service to the public. Recently, they were frustrated, as much as we were frustrated, by our inability to move them, finally, when we wanted to. We had a serious logistical issue –

2990 I know that they are laughing, Mr Speaker, because they laugh at everything. They do not really care about the staff of the DSS, and if only people could see their faces now when I am explaining these issues ...

3000 We continue to work with them, Mr Speaker. We were able to give them the satisfaction that there was a final date on which they would move. They really are the best of us, and I will not stand up and express anything other than huge pride in the public servants that Gibraltar has, in particular the public servants we have in the DSS. I was going to have a meeting with them. On a number of occasions I have had to cancel because of the treaty negotiations. I had a date in the diary when I was able to go, and then five of them caught COVID and it was advised that we should not all meet for that reason. But they really are the absolute best of us, and it ill behoves anyone to try to play politics with them, as the hon. Gentleman is.

Hon. D A Feetham: Perhaps he might wish – and I invite him – to apologise to the staff for having worked under these conditions for such a lengthy period of time.

3005 **Hon. Chief Minister:** Well, Mr Speaker, the thing that he does not know, in trying to dramatically get up to draw me to an apology and then be able – as he has already in relation to the WOPS issue – to post on Facebook about how high-handed the Government is in giving him an answer which sets out an explanation for the things he failed to understand and the questions that he asks ...

3010 I am not going to do anything that the hon. Gentleman invites me to do, because I know that every chalice he hands me is laced with hemlock. I am going to, instead, continue my direct communication with the excellent people, the men and women who work in the DSS Department. I look forward to being able to see them face to face when that part of their cohort have recovered from COVID.

3015 They were incredibly well led in the period of the pandemic by a senior executive officer who has demonstrated a maturity beyond his years and an ability to represent Gibraltar in the negotiations on matters related to the sensitive area of Social Security, which has won plaudits even from the Minister for Economic Development, who is ... Getting plaudits from the Minister for Economic Development is like getting blood out of a stone. I have never had one and I have won three elections! The SEO in question has done an incredible job because the Minister for Economic Development and the DSS has been fulsome in his praise, as has the Attorney General.

3020 Mr Speaker, this is a magnificent bunch of people. Let's leave them out of politics. It is not elegant for us to play games with people, as the hon. Gentleman is trying to do. (*Interjection*)

**Procedural –
Questions for Minister Balban to be answered
in writing or orally at the next session of the House**

Mr Speaker: With that, we end the question-and-answer session for the moment.
The Hon. the Chief Minister.

3025

Hon. Chief Minister: Mr Speaker, I have the honour to table the answers to Written Questions –

Mr Speaker: May I interject here? What is happening to Minister Balban's ...?

3030 **Hon. Chief Minister:** Sorry, Mr Speaker, you are absolutely right. Minister Balban is not in
Gibraltar because of a family emergency – I think hon. Members are aware – and therefore his
questions can either be answered in writing, if they wish, or they can be set aside to be answered
orally at the next session of the House, if they prefer. The last time we had this, I think the Rules
said that they have five days – I think five days, it may be longer – to tell us whether they want
3035 them in writing or orally.

Hon. E J Phillips: I am grateful. We will reflect on that suggestion and within the five days we
will communicate that to the Speaker.

3040 **Hon. Chief Minister:** Thank you, Mr Speaker. I had completely forgotten that we had to put
that option to hon. Members.

I should say that I am sure the whole House will join me in wishing all the best to the Balban
family at this difficult time and wishing all of the members of the family a speedy return to
Gibraltar with all of them healthy to be able to return to us.

3045 Thank you, Mr Speaker. (*Banging on desks*)

Questions for Written Answer

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, it is now my honour to table the answers
to Written Questions W1/2022 to W8/2022.

Mr Speaker: Ordered to lie.

3050

Hon. Chief Minister: Thank you.

Mr Speaker, I move that the House should now adjourn until next Tuesday, 24th May at three
in the afternoon, when we will move on to other matters on the Order Paper.

3055 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Tuesday,
24th May at 3 p.m.

I now put the question, which is that this House do now adjourn until Tuesday, 24th May at
3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, 24th May at 3 p.m.

3060

The House adjourned at 8.05 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.14 p.m. – 3.16 p.m.

Gibraltar, Tuesday, 24th May 2022

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The Gibraltar Parliament

The Parliament met at 3.14 p.m.

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

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

Procedural – Proposal to adjourn to Wednesday, 25th May 2022

Clerk: Meeting of Parliament, Tuesday, 24th May 2022. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as I have informed all hon. Members, this
5 afternoon we are going to see a continuation of the ongoing discussions that the Deputy Chief
Minister and I are involved in, which will require that we be involved virtually from No. 6 Convent
Place. Therefore, we will not be able to continue, this afternoon, with the business of the House.
The Deputy Chief Minister, I know, has been in touch with the Leader of the Opposition and
10 informed him of this, and they have agreed to come together with a sufficient number of Members
that we have a quorum, so that we can adjourn until tomorrow at 3.30 in the afternoon.

Q179/2022

GJBS –

Supplementary information – Mr Charles Savignon appointment as managing director

Chief Minister (Hon. F R Picardo): Mr Speaker, before I adjourn, I should just inform the House
that in relation to Question 179/2022, which related to Gibraltar Joinery and Building Services Ltd,
I had told the House, in answer to that question, that there was an ongoing recruitment process
for a new managing director. That matter has been resolved in the past 24 hours and I am very
15 pleased to inform the House that Charles Savignon has been appointed the new managing director
of GJBS. No doubt he will enjoy the best wishes of all Members of the House for the work he will
do as managing director of that company.

I now move, Mr Speaker, that the House should adjourn until tomorrow at 3.30 in the
20 afternoon.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Wednesday,
25th May at 3.30.

I now put the question, which is that this House do now adjourn to Wednesday, 25th May at
3.30. Those in favour? (**Members:** Aye.) Those against? Passed.

25 The House will now adjourn to Wednesday, 25th May at 3.30.

The House adjourned at 3.16 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.37 p.m. – 6.08 p.m.

Gibraltar, Wednesday, 25th May 2022

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The Gibraltar Parliament

The Parliament met at 3.37 p.m.

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

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

Standing Order 7(1) suspended to proceed with Government Statement

Clerk: Meeting of Parliament, Wednesday, 25th May 2022.
Suspension of Standing Orders. The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with a Government Statement.

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

Gibdock lease – Statement by the Chief Minister

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has agreed to the grant of a new lease over the Gibdock dockyard premises. The new lease has been granted to Balaena Propco Ltd, part of the Balaena Ltd group of companies who have today announced their acquisition of Gibdock. The Balaena group is an offshore utilities business based out of the United Kingdom. The ultimate beneficial owner of these companies is Simon Gillett, a British, UK-based entrepreneur. Mr Speaker, I recognise Mr Gillett in the Gallery today.

15 Change of control protections are included in the new lease, which were not provided for in the old lease.

The new lease terms meet three of the GSLP/Liberal 2019 manifesto commitments. These commitments were to, first, renegotiate the lease so that the dockyard is operated in a manner that does not pose a health risk to the surrounding areas – this is now specifically provided for in the lease as a key performance indicator; second, that the Government is able to ensure that the shipyard is operated in full and proper compliance with the highest environmental standards – this is now also provided for by the inclusion of another key performance indicator requiring adherence to three defined ISO certificates and the application of relevant Gibraltar law on pollution and environmental protection, and additionally there is a KPI commitment to best industry practice and the introduction of best available technology; and thirdly, there is a transition in the lease to shore power, also known as cold ironing, and this will have to be provided, under the lease obligations, within three years.

25 The new lease follows months of collaborative discussions between Balaena and the Government. I want to thank the Financial Secretary, Albert Mena, for his work on this, as well as
30 John Paul Fa alongside him with the support of Land Property Services throughout, our land property agents.

In addition to our manifesto commitments, there are also various other Government objectives that have been hardwired into the new lease, representing a significant improvement over the previous lease. In this respect, the lease now includes environmental, operational and financial key performance indicators, some of which are entirely new and some of which have been carried over and updated from the previous lease, such as the minimum number of resident employees required.

Residents of the area will particularly be very pleased to hear that any noisy works will no longer be allowed outside the hours of 8 p.m. to 8 a.m. Under the current lease, works can continue throughout with no specific reference to noise being curtailed. Works outside of those hours will now only be permitted on the basis of an extenuating works licence, which will only be granted for works for Royal Navy vessels or for works which the Government accepts are urgent. Noise will therefore become an unwelcome exception rather than a constant, unwelcome norm.

There are also various other lease terms that are sensitive to Balaena's growth plans, with the Government keen to give Balaena the greatest possible prospect of success for its new business venture in Gibraltar.

The Government has also felt that it was important, at this challenging time in our political and economic development as a result of Brexit, to keep the dockyard operational as a shipyard and provide a continued element of diversification to Gibraltar's economy at this time. We considered this issue with the benefit of the advice of the Minister for Economic Development, whose relationship with the dockyard goes back at least half a century – which I think is a fair portion of the period in which the dockyard has existed – the same half-century he has been an elected representative of the people of Gibraltar, some part of which he has also spent as a trade union leader, spending many days and hours in the dockyard as a result. In this respect, we will all be happy to hear also that the lease now beds in the continuation of an apprenticeship scheme going forward.

As a result of these arrangements, the Government will immediately start to work closely with Balaena to also explore the feasibility of constructing an access lane through the shipyard that would connect Queensway Road and Rosia Road. I am sure that all hon. Members will know that the Minister for Transport would wish to have been here today to hear this happy announcement. Further details of this will be announced as soon as possible.

The dockyard has been in need of an update to its lease to align with current requirements. Today we have delivered one that is in sync with Gibraltar's modern-day environmental obligations. The terms of the new lease that have been negotiated are highly positive for Gibraltar. As the Government, we have been ready to help out and play our part. I am excited to see what the future is going to bring for Gibdock, its employees and its new owners.

I take this opportunity to congratulate the new owners on their acquisition of Gibdock. The dockyard represents a key part of Gibraltar's real estate and I therefore welcome them to Gibraltar. I wish them great success in their operations. Their commercial success as a company will be our economic success as a nation. I am encouraged to see the drive and energy shown by the new owners, who seek to grow the Gibdock business from strength to strength whilst reducing the negative impact that the previous operations have had on the surrounding area. I consider the acquisition to be more than simply an acquisition of Gibdock: this as an investment in Gibdock and in Gibraltar, yet another vote of confidence in our economy at a sensitive time in our history. The conclusion of this deal at this time, with other competing priorities, is also proof of the Government's relentless desire to continue to grow Gibraltar's economy and our success in attracting quality investment.

Mr Speaker, given the seminal importance of the dockyard in our commercial, military, economic and political history, I am exceptionally – and without establishing any precedent in doing so – laying the new lease on the table of the House for all hon. Members to have immediate access to it.

Mr Speaker, I am grateful for leave to have made this Statement.

Mr Speaker: The Hon. Elliott Phillips.

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Hon. E J Phillips: Mr Speaker, we welcome the Statement by the Chief Minister and look forward to digesting the lease that he has kindly said he will lay on the table of Parliament.

90 Just a number of observations and one question for clarification. Whilst we welcome the change of control and the commitment to the environment first and foremost, and to the working hours that have been the bugbear of many residents of the south district – and, indeed, other areas of Gibraltar that have complained about noise pollution and working hours at Gibdock – just one point of clarification in relation to those environmental KPIs. How is the Government going to monitor compliance? That will be a key question that a number of constituents will undoubtedly have running into the future and insofar as the exception that the Chief Minister spoke about in relation to the Royal Navy, which I think is understandable but obviously we would need to look into that as well.

95 In relation to matters which the Government considers urgent, has the Government formed any view as to, insofar as complying with that test, what ‘urgent’ means in that context? We are just cautious that we still might see those hours in the 8 p.m. to 8 a.m. bracket being offended in some way, but if it is for supremely urgent works that need to be conducted I am sure that the whole community would support it – if those matters were urgent. If the Chief Minister could explain what he meant by that further, then I would be grateful.

100 Thank you, Mr Speaker.

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

Hon. Chief Minister: Mr Speaker, I am very pleased to have been able to come here to make this announcement today in the way that I have. I wanted to do so for the reasons I have set out in my Statement about the seminal importance of the dockyard in our political and economic and social history, as I have already provided for here, but not least because of how this was handled last time it happened. We have to remember that the last time there was a transfer of a lease we even had a situation where private conversations of the then Leader of the Opposition were bandied about by hon. Members when they were on this side of the House, so I think it is important that we put into context the way that the Government is seeking to deal with this matter properly.

115 I hope that when hon. Members do see the lease, which I understand is now with them, they will be able to digest it and not just indigest it, because of course the comparison that they will have to make will be with the lease that they agreed themselves when they were in government, and this is a considerable improvement for the people of Gibraltar, for those who will be running the yard as well and who have acquired it. We have found a new symbiosis between Gibraltar and the yard, which we think is the modern symbiosis that it was right to find at this time, but which could also have been found earlier.

120 In the context of how we will monitor compliance with the environmental KPIs, the first point I want to make to hon. Members is that of course the law of Gibraltar continues to apply as it has applied to date, even under the old lease. At the same time, there are onerous obligations under the lease which reflect the law of Gibraltar and go a little further by setting out more clearly what those obligations are and what they imply and mean. The agencies of the Government of Gibraltar – in the context of the environment, the Environmental Agency – will be how we monitor compliance with particular parts of our environmental legislation and those parts of the lease which require compliance with environmental provisions, but we will also have a role there as landlord, because by bringing some provisions into the lease we have a power as a landlord, not just as a regulator of all of the space that is Gibraltar through the Environmental Agency.

125 Recently, we have been remembering the magnificent work done in that yard at a time, in fact, when there was industrial action; but the unions – then led by Sir Joe – and the Government and all of Gibraltar joined forces to ensure the conversion of two commercial vessels into vessels that

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could sail to the Falklands as part of the task force. And so I think as we look back we remember what it is that has been done at this yard and what it is that may need to be done at this yard at any time – although we always hope in times of peace and not in times of war – and I think the Royal Navy exception, in terms of works that will have to be done to a vessel, is one that everyone in Gibraltar will understand. It goes beyond the commercial. This is something that, because it is about the Royal Navy, runs in our veins and we all understand that exemption.

In the context of urgency, the standard here will be one that is to be set, but it will be the ‘man bites dog’ category, not in the ‘man eats steak’ category. That is to say it will be in the unusual category, not in the normal category, and so simply because something is commercially urgent it will not automatically trigger that the Government of Gibraltar will be prepared to grant a permit. There may be some things that are commercially urgent for which the Government is prepared to grant a trigger and permit works, but those are circumstances which we believe will be few and far between.

What will the standard be? Well, when hon. Members were in government they passed a law that permits the Government to grant such permits in respect of any activity in Gibraltar, any commercial building work in Gibraltar. In the last 10 years I think we have used that power once and we have done so very sparingly, I understand, in relation to, from memory, something to do with the Airport approach lighting etc. So the standard will be a high standard. Hon. Members passed that law and immediately granted a number of permits. We have not done so. We are very conscious that people who live around this yard want to be able to live their lives without the constant difficulties that some have experienced – those who have lived closer to the yard. Indeed, it is true that some of this housing that has been developed around the yard has come after the yard, but as hon. Members who are legally trained will know, the fact that the nuisance comes to [inaudible] is no reason why it is no longer a nuisance. Therefore, we will be very careful to continue the work that we have been doing, and have now seen materialise in this lease, to protect all those who live around the yard at the same time as we protect the yard, its viability and its commercial ability to be a success for all those who work in it and for the Gibraltar economy, which includes all of us.

I hope I have dealt with all the points the hon. Gentleman raised.

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Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, I echo my colleague’s welcoming of the Statement. Any form of inward investment to Gibraltar at this time is, of course, to be welcomed and I think we look forward to this new partnership as set out in the lease – which, as it has just come into our hands, I have only quickly perused.

I note from my quick perusal of the particulars that it is a 35-year lease. My only question to the Government ... I can see there is a reduced rent, a stepped rent and a ceiling rent as a whole calculation based on profitability, but can the Government advise, in terms of immediate cashflow – and I cannot see, looking through the lease, just a quick scan – whether there is any form of premium paid up front? All I can see at the moment is perhaps the first instalment of the first year’s rent of £50,000. Is that correct?

Hon. Chief Minister: Mr Speaker, if hon. Members look at the rent clause, they will see that there are a number of different provisions. There is a provision on rent in the first seven years, a provision in year eight onwards, a provision if KPIs are failed and a provision on rent increase. There were none of those in the lease that they agreed and there was no premium in the lease that they agreed.

This is an assignment of the original lease dealt with by way of new lease because there was a dispute between the Government and the previous leaseholders as to whether they were holding over properly or not, but there is no premium in respect of this lease, as there was not before.

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In the context of the rent, if hon. Members look at the stepped rent and they look at the reduced rent, as it is called, versus the market rent and the ceiling rent, all of which are set out in the document, they will see that this is a considerably better deal for the Government and for the taxpayer than was the case before.

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In the context of the term, the hon. Gentleman is right, this is a 35-year term. Of course, terms need to be agreed on the basis of what needs to be done commercially to finance the ability to enter into these arrangements – that is why the Government has agreed that period – but there are breaks provided for in the lease, which hon. Members will be able to see.

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Mr Speaker, the premium here for the people of Gibraltar, for the taxpayer, is not just in the context of the much higher rent that is payable, but also in the obligation to maintain the number of locally resident employees which is now fixed into the lease itself, which was not the case before; the environmental benefits provided for; and the cost, for example, involved in all of those – in particular the cold ironing cost, which would otherwise have been a cost which the Government would have had to meet, and the obligation to provide the 60 Hz generator, which was previously an obligation of the Government and is now an obligation of the tenant and which they have to comply with in 70 working days. So we have shifted obligations with big financial consequences, and that is the premium to the Government because we no longer have to put out for those costs; they are costs that are being taken by the lessee.

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Mr Speaker: Does any other hon. Member wish to seek any further clarification?

Order of the Day

BILLS

FIRST AND SECOND READING

University of Gibraltar (Amendment) Bill 2021 – First Reading approved

Clerk: (ix) Bills – First and Second Reading.

A Bill for an Act to amend the University of Gibraltar Act. The Hon. Minister for the Environment, Sustainability, Climate Change and Education.

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Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the University of Gibraltar Act be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the University of Gibraltar Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The University of Gibraltar (Amendment) Act 2021.

**University of Gibraltar (Amendment) Bill 2021 –
Second Reading approved**

220 **Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

The Bill makes a limited number of amendments to the University of Gibraltar Act 2015. The principal aim of the Bill is to make the University operationally more independent. There are some other amendments, as I will explain.

Clause 3(2) amends section 2 of the Act, which contains definitions.

225 Clause 3(3) amends section 8(1) of the Act and aims to streamline the functions of the University. Current descriptions are somewhat prescriptive. If amended, and if, in the future, there are further facilities, centres or academies, the Act will not need to be amended as any new areas would be covered. Moreover, the amendments provide the University with the ability to respond to local and regional opportunities and needs as they arise.

230 Clause 3(4) amends section 9(1) of the Act so that the appointment of the chancellor is undertaken by the Minister after consultation with the vice-chancellor.

Clause 3(5) amends section 11 of the Act. As amended, appointed of the vice-chancellor will be undertaken after consultation with the Minister, as opposed to with the Minister's consent. The vice-chancellor's powers will include the ability to summon meetings for both faculty and other academic administrative divisions.

235 Clause 3(6) amends section 13(3) of the Act to provide a suspended or expelled student with a right of appeal to the Public Services Ombudsman in place of the board. Currently a student appeals to the board. However, the amendment means that a neutral third party will be making the final decision, rather than the board, which is affiliated to the University. This also aligns with the University academic regulations.

240 Clause 3(7) substitutes section 15 of the Act, which provides for a registrar. The role is better defined and the registrar's appointment is moved from the board to the vice-chancellor. Their duties will be in accordance with the University academic regulations.

Clause 3(8) makes a consequential amendment to section 16.

245 Clause 3(9) amends section 18(2) of the Act, which sets out the board's powers. The main change is that the appointment of academic and administrative staff and office holders will now be made by the board in consultation with the vice-chancellor. Also, as with previous amendments, instead of requiring ministerial consent, the obligation in paragraph (f) is predicated on a consultation with the Minister.

250 Clause 3(10) substitutes section 19 of the Act with a new section that amends the composition of the board. The board will now be composed of up to eight members rather than seven, including one enrolled degree-seeking student who has been elected by the student body, two persons appointed by the Minister rather than four, and up to two persons appointed by the board. Furthermore, the director will not be entitled to vote at the meetings of the board. The board, rather than the Minister, will appoint their own chairperson. However, this person cannot be a student, the director, the vice-chancellor or the University's financial controller.

255 Clause 3(11) amends section 21 of the Act as a consequence of earlier amendments.

260 Clause 3(12) substitutes section 22 of the Act relating to terms of appointment. Appointment to the board will be for a period of three years; however, if renewed, may not exceed a total period of nine years in office. The enrolled degree-seeking student referred to above may only serve to the end of the academic year in which they cease to be an enrolled degree-seeking student.

Clause 3(13) amends section 44(1)(a) of the Act. The change of the accounting date from 31st December to 31st July is in order to align the financial year with the academic year.

265 Clause 3(14) is a minor amendment to section 56(2) of the Act as a direct consequence of Brexit.

I commend this Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Edwin Reyes.

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

May I start by thanking the Minister, who had a brief interchange with me after the publication of this Bill and so was able to clarify some things for me?

In the Bill, in clause 3(10), which amends section 19(1) of the Act, it says:

The board of the university shall be composed of up to eight members ...

275 and in (b) it says:

one enrolled degree-seeking student, elected by the student body,

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I speak from personal experience because I happened to hold one of those positions when I was an undergraduate at Urbaniana University. The wording that brings in a little bit of doubt to me is where it has to be an 'enrolled degree-seeking student'. Does that mean a student following just a bachelor's degree or, for example, a postgraduate, which could include a master's degree? There may not be a need to modify the Bill per se, but a record of what the intention of the legislators is ... And technically, those graduates who are following a Postgraduate Certificate in Education (PGCE), which the University is running nowadays, are they, generally speaking, classified as degree-seeking students? At the end of the PGCE they obtain a postgraduate certificate, not a degree; they are already graduates holding a degree in their own right. So perhaps a little clarification on that point may help to solve problems in the future.

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Perhaps, Mr Speaker, with your guidance ... I do know – it could be more a question of seeking an amendment to the wording in Third Reading or Committee Stage, but on the amendment, when trying to amend section 22 sorry.... Section 21 has some words struck out and then section 22(1) and 22(2) as existing are deleted completely, and then a new section 22(1) says:

Subject to subsections (1)

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– well, subsection (1) is this one itself now –

and (2),

– which is what follows underneath –

appointments to the board shall be for periods of up to three years,

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I think that should read 'Subject to subsections (2) and (3)' because there is no reference to subsection (3), which was the one I am asking about now, where the enrolled degree-seeking student can only serve to the end of the academic year, and in the new section 22(1) there is no reference to that subsection (3) which is now introduced and did not exist before.

If I am out of order, I can bring it up at the Committee Stage, but perhaps the Minister may appreciate the time to look into it, or offer me some clarification so there is no need to raise the topic at the Committee Stage.

Thank you, Mr Speaker.

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

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Hon. G H Licudi: Mr Speaker, in 2015 we established the University of Gibraltar through Act of Parliament. It was not an Act which we took, for example, from the UK, because in the UK we saw that most universities were established through Royal Charter rather than through Act of

Parliament. We did look at various jurisdictions and various models as to how other jurisdictions did that, but what we did in 2015 was to create something which was fit for Gibraltar, which was fit for a University in Gibraltar.

310 It was always thought at the time that, because we were doing something new in a place like Gibraltar, a small jurisdiction with its own specific type of University, there would come a time when some provisions in the Act at the time would have to be changed and we would have to learn through experience, learn through operational practice and learn through contact with students, the academic board and the regulator, and then bring improvements to the Act.

315 So that was always in the making, but it has been almost seven years since we have had the University of Gibraltar Act and essentially this Act, which was tailored for Gibraltar, almost in a little bit of a dark ... has stood the test of time. It is a testament to those involved at the time in putting this together, in structuring this, in the drafting, in all the research and the trips that were made to learn about how all this should be done. It is a testament to the very hard work of all of those involved at the time that we are here now, seven years later, making some what the Minister has rightly described as limited amendments to the Act which clearly are improvements to the Act.

My understanding is that these improvements arise following discussions with members of the University and recommendations made by the regulator, the University of Gibraltar Regulatory Authority, in order, as the Hon. Minister said, to make the University more operationally independent. All of this is, of course, to be welcomed.

At the time when we established this, we did not have a regulator of universities in Gibraltar. We had the Gibraltar Regulatory Authority, but the Gibraltar Regulatory Authority did not regulate any university or any academic institution, and therefore the feedback that we now have, as a result of the practice of these last seven years, from the regulator and from others involved in the University, was simply not available in 2015. Therefore, we created a model which has worked and has actually worked very well indeed, but there was always going to come a time ... and it has taken seven years, but that is in itself a testament to how good and how solid the legislative foundation of the University was, that it has taken seven years for these recommendations to be made, for the practice of the Act to be in place and for these limited amendments to be made.

335 The Hon. Mr Reyes makes a point and asks about the issue of the degree-seeking student on the board, and it obviously will be a matter for the Hon. Minister to answer the specific question but let me say that I certainly recall that that was one thing which was in the thinking of those putting together the Act at the particular time when we brought this together. We knew that at some stage the Government would want to make an amendment to the Act to bring in a provision such as this whenever other amendments were made, because it was always intended that it was a good idea to have a representative of the student body on the ultimate decision-making body for the University, which is the board of governors, and therefore that is something that is certainly to be welcomed.

345 Aside from the specific legislative provisions, it is worth noting – I think it is a good opportunity, now that we are debating issues to do with the University of Gibraltar – that the University of Gibraltar continues to be a great institution and a source of great pride for me and for others who were involved in establishing the University, and for Gibraltar generally. It has become not just a useful but I would suggest a vital academic component of what Gibraltar has to offer. It is recognised internationally and it is well recognised, and it has an excellent international reputation. The University has been training Gibraltarians and others, each year in greater numbers, for almost seven years. There are a number of courses aimed at professional development across various sectors in Gibraltar, which has benefited many professionals in Gibraltar and many businesses in Gibraltar, and it is always looking to expand its offerings. It has become what all of us who were involved at the time hoped that it would become, a beacon of excellence in the Mediterranean, even to the extent that the University is now blessed with having, as we know, Sir Lindsay Hoyle as the Chancellor.

360 Just to end, Mr Speaker, I would like to pay tribute to Vice-Chancellor Prof. Catherine Bachleda, her staff, the board and everyone who is involved with the University for the excellent work that they are doing and for the continuing expansion that we will see of the University over the years.
Thank you.

Mr Speaker: The Hon. Prof. John Cortes.

365 **Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, first of all, I would like to thank my hon. Friend the Hon. Gilbert Licudi for his intervention. It is, in fact, a testament to the quality of his pioneering work when the University was set up that we are able to now develop and mature the University with minimal changes at a time when we more or less expected the time would be right to move forward. I completely
370 support his praise of the University's vice-chancellor, the staff and the board.

The Hon. Mr Licudi is absolutely correct: these changes, which have the support of the University's board, are the result of their interaction with the University Advisory Board of the Gibraltar Regulatory Authority. As the Hon. Mr Licudi has said, this process could not have
375 happened at the time the University was set up. Whereas in 2015 the University aspired to international recognition, now it is actually obtaining international recognition. It is in contact with Universities UK, it is in contact with the Quality Assurance Agency, and they all have recommended that these steps are logical steps in the maturing of an institution such as the one that the Hon. Gilbert Licudi set up back in 2015. It is a testament to that and also proof of the ambition of the University to become ever more established in the international academic world.

380 In relation to the point that the Hon. Mr Reyes has brought up, I agree with him: I believe that it is an error and that section 22(1) should, in fact, read 'Subject to subsections (2) and (3)' and I would ask that these amendments be made at Committee Stage.

In relation to 'degree-seeking', 'degree-seeking' would include masters and PhD students. It would not, in my opinion, include PGCE students. Whereas I am tempted to suggest an
385 amendment at Committee Stage I will resist the temptation because this was the wording agreed by the board. By me, here, in this place agreeing to a change in what the board has recommended I think would be a little bit of interference or involvement at a level which I do not think I should involve ... If the board feels that they should extend this to PGCE students, or indeed if my interpretation is incorrect, then that will resolve it, but if they feel that this should be extended
390 and there should be wording, then I will bring another Bill with this minor amendment to the House, but I think I owe it to the board to seek their advice, which I am not able to do right now.

Having said that, Mr Speaker, I once again commend the Bill.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the University of
395 Gibraltar Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The University of Gibraltar (Amendment) Act 2021.

**University of Gibraltar (Amendment) Bill 2021 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill
400 be taken today, if all hon. Members agree.

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

**Employment (Bullying at Work) Bill 2022 –
First Reading approved**

405 **Clerk:** A Bill for an Act to amend the Employment (Bullying at Work) Act 2014. The Hon. Minister for Housing, Employment, Youth and Sport.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Employment (Bullying at Work) Act 2014 be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Employment (Bullying at Work) Act 2014 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

415 **Clerk:** The Employment (Bullying at Work) Act 2022.

**Employment (Bullying at Work) Bill 2022 –
Second Reading approved**

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, I have the honour to move that the Bill be now read a second time.

420 The case of *Stagnetto v Cassaglia* under the 2014 Act in the Employment Tribunal, which has resulted in the proceedings before the Supreme Court and the Court of Appeal, has shown that there are a number of issues concerning the interpretation of the 2014 Act. In particular, difficulties have arisen in relation to the meaning of bullying and the liability of employers of the acts of employees. The Court of Appeal judgment described the 2014 Act as a very puzzling piece of legislation. Sir Patrick Elias JA went on to state in his judgment:

It will be obvious from this judgment that I have not found this Act easy to interpret or apply. There is a lack of clarity about fundamental questions, such as precisely what amounts to unlawful bullying and when the employer will be personally liable for the acts or bullying of his employee. Parliament might think it appropriate to amend the legislation to clarify these difficulties and important issues.

425 The Court of Appeal made observations, which can be summarised as follows. Section 4(1) cannot be looked into in isolation. ‘Conduct’ in section 4(1) must be viewed objectively in the context of section 4(2). Section 4(2), for all practical purposes, contains an exhaustive list of conduct which amounts to bullying. Section 4(2)(a) sets out the kind of conduct required under section 4(1) and identifies the typical characteristics of bullying. Section 4(2)(a) captures the main categories of bullying with (b), (c) and (d) seen as specific examples. It is difficult to think of
430 examples of bullying which do not fall within section 4(2)(a). Sections 4(2)(c) and (d) are single incidents, but acts should include at least some of the characteristics of bullying behaviour in section 4(2)(a). This is why the first amendment requires the replacement of the word ‘include’ in section 4(2) with ‘means’. This would clarify the interrelationship between sections 4(1) and (2), confirm that section 4(2) provides an exhaustive list and remove any doubt about the conduct
435 required to amount of bullying.

The Court of Appeal commented about section 4(2)(a) capturing the essence of bullying and that everything else should include some of the characteristics in section 4(2)(a) ... ought to be adopted by spelling out what it is intended to capture by section 4(2)(b), (c) and (d). This will be done by adding the new section 4(2A) as follows. Section 4(2A) should read:

For the purposes of subsections 4(2)(b), (c) and (d), the conduct in question must include behaviour which is offensive, intimidating, abusive, malicious or insulting.

440 The next amendment to this Act is in relation to the liability of employers of bullying by employees. Liability under the 2014 Act is set out in section 6(1), which states:

An employer (A) must not, in relation to employment by A, subject an employee (B) to bullying.

It is immediately apparent that it is the employer that must not subject an employee to bullying. It is therefore the act of the employer that must be looked at in consideration of whether there has been bullying. The problem is that bullying will often not be an act of an employer. In most cases it will be an employee that subjects another employee to bullying.

445 The fundamental problem with section 6, as the Court of Appeal decided, is that the 2014 Act does not give rise to vicarious liability on the part of the employer for the act of the employee. Vicarious liability is a secondary form of liability, which only arises when there is a primary liability by the employee. In the case of the 2014 Act, there is no liability at all of the employee and therefore no vicarious liability of the employer. In the absence of primary liability on the part of the employee, the only way in which the employer can be liable for the acts of the employee is to attribute such acts to the employer or to deem such acts to be the acts of the employer.

450 The Court of Appeal noted that there was no equivalent in 2014 to section 47(1) of the Equal Opportunities Act 2006, which states:

Anything done by a person in the course of his employment shall be treated for the purposes of this Act as done by his employer as well as by him, whether or not it was done with the employer's knowledge or approval.

455 Therefore, the Bill proposes to amend the 2014 Act on the same terms as section 47(1) of the Equal Opportunities Act.

After having discussed this with the Hon. Mr Bossino, who contacted me with some suggestions, and Mr Licudi QC, who has actually been the instigator of these amendments, I propose a further amendment to the amendment before you to, which I have given notice and set out in my letter to you. This is to be able to deal with the issue of the defence to the employer. This will be done by introducing a defence similar to that provided in section 47(3) of the Equal Opportunities Act 2006. This reads as follows:

460 In proceedings brought under this Act against any person in respect of an act alleged to have been done by an employee of his it shall be a defence for that person to prove that he took such steps as were reasonably practicable to prevent the employee from doing that act, or from doing in the course of his employment, acts of that description.

465 So, in order to capture both section 47(1) and (3) of the Equal Opportunities Act 2006, a new section should be inserted – and this is the amendment which I have proposed, which is extra to what already was in the Bill, so this is an amendment to the Bill – which should read:

7A(1) Subject to subsection (2) anything done by a person in the course of employment shall be treated for the purposes of this Act as done by the employer as well as by him, whether or not it is done by the employer's knowledge or approval.

(2) An act done by a person in the course of his employment shall not be treated as done by his employer if in the proceedings brought under this Act the employer proves that he took such steps as were reasonably practicable to prevent the employee from doing that act or from doing in the course of employment acts of that description.

Mr Speaker, I commend this Bill to the House. *(Banging on desks)*

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Damon Bossino.

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Hon. D J Bossino: Mr Speaker, thank you.

I think, firstly, to recognise and acknowledge the assistance that the hon. Member has given. He is right, I did approach him and I made a few points. They were explained to me, the points that I had were clarified, and we were then able to enter into discussions with the Hon. Mr Licudi yesterday in order to improve this legislation.

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The focus of this particular Bill is to take account of the live issues that were before the Court of Appeal in the *Stagnetto v Cassaglia* GHA matter, and that is precisely what this Bill does, so in that sense it is certainly an improvement. I think it has been very much focused on that, and it has dealt with those discrete issues, which although discrete were very important and are a fundamental understanding of the Bill, so most definitely it is an improvement.

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Simply to go through some aspects of this, the substitution of the word 'includes' with 'means' in clause 3(2)(a) of the Bill, which, in turn, amends section 4 of the Act, is in order to deal with an issue which was before the Court as to whether the four items under section 4 which are matters that amounted to bullying should be considered exhaustive or non-exhaustive. By the addition of the word 'means', in effect my interpretation has been confirmed by the hon. Member: it makes it an exhaustive list, so that is now being set in stone, the definition of bullying.

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Furthermore, there has been a further improvement because we now have the addition of a new subsection (2A) under clause 3(2)(b) of the Bill before the House, which very clearly sets out in statutory wording that those examples, in order for them to amount to bullying, must include behaviour which is ... and then it lists the adjectives that apply and currently feature in section 4(2A), which are 'offensive, intimidating, abusive, malicious or insulting'. I think that is going to be of great assistance to the law, to practitioners in the field and to those who fall victim of this very vile and foul behaviour.

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I ask a particular question, simply to clarify: why it was the case that it was decided not to include the word 'persistent' in (c) and (d), which relate to punishment imposed without justification and changes in duties or responsibilities of an employee. In those two instances, if that happens, there is not a requirement for it to be persistent, but the addition of the words that I have just talked about in new section (2A), if it is passed by this House – and is likely to be passed because it is going to have unanimous support, at least from the GSD Opposition, I can say so now ... is that that action has to be offensive, intimidating and so forth. That has been explained to me, that is a policy decision that the Government has taken and that is fair enough, but at least there is clarity in relation to that.

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If I can refer to my notes, there is one point that comes to mind ... I want to make sure that I do not leave anything out ... This would be the final point and I would invite the hon. Members opposite ... I think Mr Licudi may have something to say about this. It arises from my discussions with him yesterday and I think it would be of assistance for the record of this House that he speaks on it, if he may. I raise the point that there was an importation – a very important one, I may say – as a result of clause 3(3), which includes new 7A – again, if passed, but it will be – that, in effect, it is a deeming provision. It really was a failure of the initial Act and one which it is fair to say I do not think was spotted by anybody in the House at the time when we passed it, not even on this side of the House and certainly not on the other side of the House, that if an employee does something, how is the employer made responsible? That was the subject of argument before the Court of Appeal as to whether an employer in those circumstances could be found to be vicariously liable. My hon. and learned Friend, I think as a result of his arguments, said that it was impossible to impose vicarious liability on an employer without there being primary liability first on an employee, and therefore this deeming provision was deemed crucial in order to address that point.

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I do not say this in any derogatory way, but it is, in effect, a copy and paste of the provision – which I think the hon. Member Mr Linares mentioned earlier – from the Equal Opportunities Act,

520 so I went to that and I saw that there was a defence in there available to ... I think it is employers
in that Act, yes. I put that to the hon. Members opposite and an explanation was provided that in
fact there is already a defence available to employers in section 6(5) of the Act, which is a statutory
defence, so long as the employer has a Bullying at Work policy in place and it is properly
525 implemented and they have adequate reviewers and training and all the rest of it. And then there
is a section 5(b), which says:

as soon as reasonably practicable, he

– the employer –

takes all steps as are reasonably necessary to remedy any loss, damage or other detriment suffered by the
complainant as a result of the act or acts of which he complains.

That provides the employer a statutory defence. Nevertheless, the Government took my
530 suggestions on board and was careful that there is not a confusing interplay between the deeming
provision defence or qualification or exceptional and the statutory defence which is already there.
They did not quite import the language in section 47(3) of the Equal Opportunities Act, but it was
slightly amended.

I would invite the Hon. Mr Licudi, if he may, to address the House on that particular point,
because I think it is going to be of assistance in the future in interpreting those provisions, precisely
535 because I still think that there could be room for some confusion. In fact, it is indeed possible –
and I again invite the hon. Member to address the point I am going to make – that if you qualify
for the exception under the deeming provision, it is possible for an employer to go scot free, even
if that employer does not have a Bullying at Work policy in place, which is something I would have
thought this legislation wants to encourage all employers to have in place. If he could address that
540 particular point ... I do appreciate that the wording is slightly different, but again ... I know that
this is now the third occasion, but I do invite the hon. Member to address us on that point.

Other than that, I think, Mr Speaker, I have covered all the points. Simply to repeat that this
side of the House – certainly the GSD side – will be voting in favour.

545 **Mr Speaker:** Does any other hon. Member of the House wish to speak on the general principles
and merits of the Bill? The Hon. Gilbert Licudi.

Hon. G H Licudi: Mr Speaker, first of all, I wish to declare an interest in this matter – not in the
legislation itself, but I was, as has been mentioned already, professionally involved in the cases
550 before the Supreme Court and the Court of Appeal which have given rise to consideration of the
impact of the Court of Appeal decision in particular and the advisability, requirement or necessity
to make these amendments. I should also say I have also been involved in advising the
Government as to what the impact of the Court of Appeal judgment is and the amendments that
ought to be made.

555 Having said that, the Hon. Minister has explained the background to these amendments, how
they arise, the issues which arose in the Court of Appeal, what essentially has been decided and
how that has impacted on the Act as we had it, the 2014 Act. There were two issues – in fact,
there were four issues before the Court of Appeal. Two were substantive and two were
procedural. We do not need to deal with procedural issues, but the two substantive issues
560 concerned the meaning of ‘bullying’ under, in particular, section 4(1) of the Act, and also the
liability of the employer. Issues of, firstly, interpretation arose in respect of both the meaning of
‘bullying’ and the liability of the employer, on which the Court of Appeal helpfully made some
comments and interpreted the legislation in a particular way in order to give the judgment of the
court in that case. As a result of those interpretations, we now know what the judicial
565 interpretation of this Act is in respect of the meaning of ‘bullying’, so strictly speaking, it is not

necessary to introduce these changes in respect of section 4 of the Act, because all we would need to do ... anybody who is involved in any case or advisory work would need to look at the Act, would need to look at judicial pronouncements and say, 'This has been interpreted in this particular way.'

570 What could not be done is ignore the second issue, which is the liability of the employer, because what the court has recognised is that there is, in fact, a lacuna in the legislation. Although vicarious liability was mentioned during the course of the debate in 2014, what none of us who were here – and there are a few lawyers on this side of the House and there were a few lawyers on that side of the House – realised at the time was that, as a matter of law, vicarious liability, for the reasons that have been explained, does not apply in respect of this particular Act. That was
575 something that we did not realise. It has been picked up as a result of argument before the court. There is clearly a lacuna in the legislation which needs to be remedied, and therefore the second amendment that the Bill seeks to introduce is absolutely necessary.

Given that that amendment is necessary and it was required to bring legislation to Parliament, it was clear that this was an opportunity, which has been taken by the Government, to clarify the
580 first issue, which is the meaning of 'bullying', by essentially giving effect to what the Court of Appeal has decided is the proper interpretation of this particular Act. Therefore, the first part of the amendment, which seeks to essentially change in subsection 4(2) 'includes' to 'means', arose as a result of the discussion and argument as to whether the list in section 4(2) was exhaustive or non-exhaustive, but not just that: more importantly, if it was non-exhaustive, what else did it
585 include? That was the crucial issue. What everybody involved in the case came to realise was that it was very difficult – in fact, just about impossible – to come up with examples of what could properly and objectively be viewed as bullying conduct which would not fall within one or other of the provisions of section 4(2) of the Act. Therefore, the court was satisfied and said that for all practical purposes section 4(2) provides an exhaustive list. What the amendment does is clarify
590 that that is, in fact, what is intended and that is, in fact, what is going to be the case. The list is now exhaustive and it is clear from the language which is now used, which now leaves no room for any doubt whatsoever.

The hon. Member opposite raises the issue of some provisions in section 4(2) requiring persistent conduct and others are not required persistent conduct. Section 4(2)(a) talks about
595 abusive, insulting, intimidating, malicious behaviour; section 4(2)(b) talks about unjustified criticism. Those require persistent acts, and it is now clear, as a result of the clarification and the rulings of the court, that where the behaviour in question falls within those particular subsections, it involves criticism or it involves abusive, intimidating or malicious conduct etc., those acts are required to be malicious for the purposes of falling within the definition of bullying.

600 It is worth noting also at this stage that what section 4(2) does is set out the meaning of 'conduct' where conduct is referred to in 4(1), because the basic definition or meaning of 'bullying' is in 4(1), where it talks of a person engaging in conduct which has the purpose or effect of causing humiliation, distress etc. When you consider what does 'conduct' mean, you now look exclusively at 4(2) and the list in 4(2). One of the difficulties that arose is if you look at 4(1) in isolation and
605 forget 4(2), and see that a person carries out bullying if he engages in conduct which has the purpose or effect of causing distress etc., the question that arises is what does 'conduct' mean? Does it mean any conduct at all which has that purpose or that effect? What the Court of Appeal has decided – and this is a very important interpretation – is that 'conduct' does not mean any conduct. The conduct in question must be viewed objectively and be capable, when viewed
610 objectively, as amounting to bullying conduct. That is why the Court of Appeal then went on to say the typical characteristics of bullying are actually in 4(2)(a), which is behaviour which is insulting, abusive, intimidating, malicious, etc., and given that those are the typical characteristics of bullying, those are the ones that should permeate throughout all other forms of conduct to determine whether there has been bullying conduct or not. That is what has given rise to the other
615 amendment to section 4, which is, in introduction, that for the purposes of (b), (c) and (d) in subsection (2), some of the characteristics in (a) must be present because those are the characteristics that define bullying. What is clear is that this Act is about preventing and providing

remedies for bullying conduct – not for any type of conduct which has certain purposes or certain effects, but for bullying conduct – and we now know what that type of conduct is.

620 As regards the issue of (c) and (d), which is punishment imposed without justification and changes in duties without reasonable justification, and the fact that the word ‘persistent’ is not present in there, which the hon. Member has raised, that was always the case. In 2014 when we introduced this legislation, a distinction was drawn between (a) and (b), which mention persistent, and (c) and (d), which do not mention persistent. I would venture to suggest that ‘persistent’ in
625 the context of (c) and (d) does not really make sense because then you would need to have *persistent* punishment by the employer or *persistent* changes in duties and responsibilities. Now what you will require, as a result of the decision and these amendments, is not persistent punishment or changes but punishment which is imposed without justification or changes without justification but which also include behaviour of a type which is abusive, insulting, malicious, etc.
630 That is what brings it within the context of being bullied rather than looked at in isolation as a punishment.

Those are the issues that arise in relation to section 4, and I understand that I have covered the issues that the hon. Member has raised.

The second issue concerns the liability of the employer, and the principal problem of this Act
635 is that it does not provide for liability by employees. It does not provide that an employee is liable for bullying somebody else, or that an employee must not subject another employee to bullying. It provides that an employer must not subject an employee to bullying. Therefore, given that there is only primary liability of the employer, there is this issue with vicarious liability, which is a form of secondary liability. The absence of that primary liability means that the employer is not
640 vicariously liable at all, although I recognise ...

I do not want to bore anyone with the legal language. Just to put it in a practical context so that the point is clearly understood, let us take the example of a negligent surgeon who performs an operation, does it negligently and causes harm to the patient. Typically, the patient or the family of the aggrieved patient will take action against the health authority involved – against the
645 hospital, against the clinic/provider – although they can also take action against the surgeon. The reason that the hospital/clinic/health provider is liable is where the surgeon is acting in the course of his employment as an employee of that institution and because the surgeon is liable himself. So the surgeon can be sued, he has primary liability for his own negligence, but then there is secondary, or what we call in legal terms vicarious liability on the part of the employer, and that
650 arises only where somebody acts in the course of employment. That is a typical example of where vicarious liability arises. But you must be able to sue the person who does the act, you must be able to sue the person who is primarily liable – in that example the surgeon. Under this Act, you cannot do that with an employee because the Act does not provide that an employee must not subject another to bullying or is liable for bullying, and therefore there must be another way in
655 which an employer can be liable, so that, as the hon. Member said, the employer cannot simply get off scot-free saying, ‘Well, that wasn’t my act and therefore I am not liable.’ We saw that there was a similar provision in the Equal Opportunities Act section 47(1), which is essentially a deeming provision. It treats the acts of employees, when done in the course of employment, as being the acts of the employer. It is important to say that that is not the same as vicarious liability. That is
660 deeming those acts to have been the acts of the employer; therefore, the employer is primarily liable and is caught by the provisions of the Act.

The hon. Member raised, in correspondence with my friend the Hon. Minister, the issue of section 47(3) in the Equal Opportunities Act, which provides a defence or an exception to circumstances when acts of an employee will not be treated as an act of the employer. This is
665 something that had been considered at the time, certainly when I was looking into this and suggesting to the Government what amendments ought to be proposed. As the hon. Member has said, there is already a statutory defence in the Act at section 6(5), in the context of bullying in particular. Section 6(5) provides a general defence to employers where the employer adopts the Bullying at Work policy, which is in the Schedule to the Act, where the employer implements and

670 takes reasonable steps to remedy any loss or damage caused by any wrongful acts of the employer
or an employee. So that provides a general defence, and the view that was taken originally was
you have already got a defence and it would be unusual to have two statutory defences in the
same Act.

675 But given that the point was raised and was looked at again, it is clear to see that what is now
going to be section 7A(1) deals with something slightly different to section 6(5). Section 6(5) deals
with proactive steps taken by the employer putting in place the policy and acting pursuant to that
policy. Section 7A focuses on the acts of an employee and the circumstances in which those acts
of an employee are to be treated as the acts of the employer. There may be occasions when the
two may overlap – the issue of the proposed amendment to the exception when acts will not be
680 treated as acts of the employer, and section 6(5). There may be some overlap, but essentially,
once the amendment is done, the focus on what is looked at in terms of whether the employer is
liable or not and whether there has been bullying depends on the question being asked of the
Employment Tribunal and the particular circumstances that arise in the case. If the question is ‘Is
the Employment Tribunal considering whether the employer has adopted and implemented the
685 Bullying at Work policy and therefore has a general defence?’ it would look at section 6(5). If the
question is different, and if the question is ‘Are the acts of the employee to be treated as the acts
of the employer?’ then the focus will be slightly different, and that is where 7A(2) would come in.

The hon. Member raises the question and suggests that there should be no room for confusion
and we should not have a confusing overlap. I recognise that there might be some overlap. There
690 might be circumstances where the employer has adopted the policy, has implemented the policy
and therefore says, in response to a suggestion that acts should be treated as his, ‘I have acted
reasonably: this is what I have done.’ So it is possible that both elements can come into play, but
there may be circumstances where, for the particular reasons which apply in any particular case,
the employer has taken reasonable steps in respect of specific acts – outside the policy, nothing
695 to do with the policy – of an employee or a group of employees, the employer takes reasonable
steps to prevent that happening, and that would allow the employer to say, ‘In these
circumstances, the acts of the employee should not be treated as my own, because I have taken
steps *a, b, c* and *d* to prevent all this happening, separate from the policy.’ It may be that the policy
700 is one of those steps, so the policy could be one of those steps, but there may be other steps that
the employer takes in respect of specific acts or specific employees or specific groups of
employees which fall outside the policy and would therefore allow the employer to say, ‘Because
I have acted reasonably, in these specific circumstances these acts of the employee should not be
attributed to me and I should not be made liable as a result.’ That seems reasonable and sensible.

I give way to the hon. Member.

705 **Hon. D J Bossino:** I know he was in mid-flow. Just two points. One is a general point of slight
disagreement, but simply to congratulate the Government for undertaking this piece of
legislation, which is actually ... The Court of Appeal encouraged legislators to amend not just the
issue about the deeming provision point but also what amounts to bullying. They made those two
710 points and encouraged Parliament to make the amendments in order to clarify those two points.
But it did include also the statutory definition of what amounts to, as they put it, bullying.

Secondly, Mr Speaker, just one point of detail which he and I have discussed, but again it is to
place it on the record the House. The soon-to-be new section 7A(2) talks about the employer
proving that he took such steps as were reasonably practicable. Any lawyer looking at this would
715 assume, I think quite rightly, that the standard of proof would be on the civil standard on the
balance of probabilities, but if he could simply clarify that by way of reminder before he sits down.

Hon. G H Licudi: Mr Speaker, yes, certainly that would be the intention of those words.
Whenever you have a provision where a defendant or a respondent in a particular case ... the
720 burden of proof shifts as a result of certain things being established and the burden of proof shifts
to the defendant or the respondent, the standard in order to satisfy that burden of proof will be

on a balance of probabilities and on what is known as a civil standard of proof. That is certainly, as far as I understand ... Although I am not part of the Government and the Hon. Minister can confirm for the Government that that is also the Government's understanding, that would certainly be the intention of this particular provision. As it is in relation to section 6(5), the Bullying at Work policy, it would be for the employer to prove. In order to have that general defence, it would be for the employer to prove that he has adopted a Bullying at Work policy, that he has implemented it, and it is only the employer who can do that. The policy talks about training, for example, so it is only the employer who can come along and say, 'I have trained x, I have trained y, and this is how I have done it; this is how I have implemented the policy.' So the burden is on the employer and the burden would be satisfied on a balance of probabilities.

Mr Speaker, I believe that I have dealt with some of the issues. The Hon. Minister who moves the Bill may have other points to make, but it seems to me that this is certainly an improvement. It is listening to the courts when they have interpreted. As the hon. Member has said, although we could simply have limited to this to curing the lacuna which existed, this Bill goes further, takes on board the comments of the courts, the hon. judges, and, in particular, the suggestion that Parliament might want to consider this. That is the reason why this Bill has been put to the House today.

Mr Speaker: Does the mover of the Bill wish to respond?

Hon. S E Linares: Yes, Mr Speaker – very short. It is great to see that on both sides we have been able to make amendments and improve a Bill which has been there, which the Court of Appeal has actually indicated to us, as legislators, to improve. It is great to see that it closes down what amounts to bullying, in the first place, and in the second place it clears up the liability of the employer to actions of an employee. It has been great to be working on both sides to improve this Bill.

I commend the Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Employment (Bullying at Work) Act 2014 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Employment (Bullying at Work) (Amendment) Act 2022.

**Employment (Bullying at Work) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**British Sign Language Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to recognise British Sign Language as a language of Gibraltar, to require the Minister for Equality to report on the promotion and facilitation of the use of British Sign Language by public authorities, and to require guidance to be issued in relation to British Sign Language.

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Clerk: Minister for Justice, Equality and Public Standards and Regulations.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I have the honour to move that a Bill for an Act to recognise British Sign Language as a language of Gibraltar, to require the Minister for Equality to report on the promotion and facilitation of the use of British Sign Language by public authorities, and to require guidance to be issued in relation to British Sign Language be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to recognise British Sign Language as a language of Gibraltar, to require the Minister for Equality to report on the promotion and facilitation of the use of British Sign Language by public authorities, and to require guidance to be issued in relation to British Sign Language be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

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Clerk: The British Sign –

Mr Speaker: Just a second, Mr Clerk. I just want to confirm that the Hon. the Chief Minister wrote to me certifying that the Bill was too urgent to permit the expiry of six weeks.

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Clerk: The British Sign Language Act 2022.

**British Sign Language Bill 2022 –
Second Reading approved**

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I beg to move that the Bill for the British Sign Language Act 2022 be read a second time.

Today is a pivotal and historic moment for the deaf community in Gibraltar, particularly users of British Sign Language. This Bill provides for the recognition of British Sign Language as a language of Gibraltar and requires the Minister for Equality to report on the promotion and facilitation of the use of British Sign Language by public authorities. The Bill also requires the Minister to issue guidance in relation to British Sign Language. Our ambition is for this Bill to create a more inclusive society, improving the lives of deaf people and ensuring public services are more accessible for them. This will be yet another step in making Gibraltar a more inclusive society.

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Our Government has always led the way in respect of providing British Sign Language support for those who need it in Gibraltar. Indeed, we have been making provision for this for many years. In 2012, we established a contract for the provision of British Sign Language services in person at the Gibraltar Health Authority and this was later extended to the rest of the public sector. Provisions were later also made to extend this facility to online video conferences. British Sign Language is also very visible at National Day and other cultural events.

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This Government has been committed to the requirements of the deaf and hard-of-hearing community generally in a way that is unprecedented in any other before us. This represents yet

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another step in our journey for the inclusion of people with disabilities – for example, the provision of British Sign Language services at the Government Departments I have just mentioned, the provision of hearing loops across Government Departments, the provision of e-Gov services that will make interaction with Departments a lot easier to communicate with electronically, the provision of tech services at the Primary Care Centre and the WhatsApp service at the GHA’s 111 call centre, which can also be used to dispatch other emergency services, if needed. I would also add that the 111 service also serves the mental health crisis line. Of course, the icing on the cake will be the brand new audiology suite at the GHA.

This Government has shown its commitment to the provision of British Sign Language by ensuring that Government employees have been given the opportunity to learn British Sign Language at the Government’s expense. At present, there are 17 public servants who have received some training in this regard, either at BSL Level 1 or 2, and we are waiting for the current British Sign Language class to finish before embarking on funding a new group of trainees. There still is, of course, further work to do.

I would like to take this opportunity to extend my gratitude to all of those involved in making this a reality, but especially GHITA and Mr Joseph and Brugada and his family, who have constantly and rightly worked with Government in respect of our responsibilities towards the deaf community in Gibraltar and who have inspired us to do so.

I would like to turn to the clauses of the Bill. Clause 3 includes a definition of ‘relevant public authority’, which means all Government Departments, authorities, agencies, commissions, corporations or other bodies established by statute, and a person or body declared by the Minister by notice in the Gazette to be a relevant public authority. This definition ensures that all public bodies are in scope of the Minister’s reporting obligations under the Act.

Clause 4 recognises British Sign Language as a language of Gibraltar.

Clause 5 states that the Minister must prepare and publish a British Sign Language report after each reporting period. The report must describe what each relevant public authority has done to promote or facilitate the use of British Sign Language in its communications with the public. Such communications include any public announcement which it makes about policy or about changes in the law; the publication of any plan, strategy, consultation document or consultation response or any explanatory or supporting materials; and its use of press conferences, social media or a Government website to publicise any of its activities or policies. The Minister must publish each report no more than three months after the end of the reporting period to which it relates. The first reporting period shall be the period beginning on the day on which this Act comes into force and ending with 30th April 2023.

Clause 6 states that the Minister must issue guidance on the promotion and facilitation of the use of British Sign Language. Guidance may include advice for relevant public authorities on providing information to the Minister, advice on best practice for communicating with British Sign Language users and case studies to illustrate the value of providing British Sign Language interpretation in communications with the public. I can confirm that the Ministry of Equality is already one step ahead and has already drafted the first set of guidance notes for this Act, and preparations are already in place to reach out to all relevant bodies to ensure that their duties under the Act are fully understood and therefore comply.

Clause 7 includes a regulation-making power in respect of matters relating to the application of this Act and for more effectually carrying into effect the objects of this Act.

Mr Speaker, I commend this Bill to the House. *(Banging on desks)*

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, thank you.

The Opposition, of course, will support the Bill. We agree with the hon. Lady that it is a historic and seminal Bill before this House, namely the British Sign Language Bill. The reason why I have

855 learnt a bit of sign language over the last couple of weeks is to, hopefully, present to our community that even MPs on this side of the House are able to pick up a bit of sign language, now that we are recognising, fundamentally, British Sign Language as a language of our community. I would like to say a big thank you to our deaf and hearing loss community, because I think is important on this seminal day that Members of this House attempt to learn British Sign Language so that we can do our bit, as well as those in our community who are going through the training courses that the hon. Lady articulated before.

860 It is important to reflect on how this Bill came about, what it seeks to achieve, what more can be done in this area and, fundamentally, to honour those who have made it their life's work to improve the lives of the deaf and hearing loss community.

865 I have enjoyed a close working relationship, as I know the hon. Lady has, with our deaf and hearing loss community, and I am very pleased that the Government has listened to our community and their Opposition. We note that we have played our part in bringing a motion before this House to encourage the law in this area and we are pleased to see the Government follow where we have led politically on this issue. But today is not about political point scoring, as I did say in relation to a question that was put before this House last week. Today is about unity across the floor of this House, today is about the celebration of deaf and hearing loss rights, today is about setting aside discrimination, and today, most importantly, is about establishing a platform for us to put into action the steps that need to be taken to provide important resources to our deaf and hearing loss community.

870 The people who should be applauded for this Bill are our deaf and hearing loss community, who have for decades been ignored, to be fair, by successive Governments, in particular the present Government, who have been in office for the last 10 years, and whilst this Bill will finally recognise British Sign Language and is supported by our deaf and hearing loss community, much more work will need to be done on the ground to make provision of British Sign Language in our community a reality. It is, no doubt, as the hon. Lady has said, a step in the right direction, and whilst it has the support of the entire House no doubt, there is a real and substantive need for change in the area of BSL provision.

880 As David Buxton, Chair of the British Deaf Association, said on the BSL Bill receiving Royal Assent in the British Parliament:

While today is a day to celebrate, we are all aware that this marks the first step on a long path towards truly equal access to public services, information and opportunities for BSL users in Great Britain.

885 The same is true here, our home. When responding to the publication of the Bill, GHITA Chairman Edgar Triay described it as a milestone but one that needed to be matched with real action with the establishing of the BSL Advisory Board on implementation of the provisions of the Act, a rolling out of information in GHA and educational establishments.

890 The hard word does not stop at the passing of this legislation, and whilst, for the first time, it recognises British Sign Language as a language and is a welcome step towards a more inclusive and accessible society, the proof of the pudding is in the eating and we must ensure the daily lives of our deaf and hearing loss community are improved by better access to BSL provision across all public services, most importantly education and health. It is an initial step in building a road map so that the deaf and hearing loss community can access services where there is a lack of provision.

895 I must say when the deaf community approached me eight months ago and since the House last met, I was shocked that in 2022 we effectively cannot provide BSL interpreters, qualified and experienced, so deaf members of our community can communicate with their doctors, nurses, RGP or other public services. You only have to reflect for one moment – and I think I was responding to a question that we had put in this House and the Chief Minister engaged on ... You only have to reflect for one moment the daily basis and the impact that hearing and speech have on everyday life: not to be able to communicate with your doctor about how you feel, so that a diagnosis can be properly informed; not being able to tell your teacher about the support you

need at school; not being able to tell a pharmacist what medication you need; not to understand an emergency situation, such as when a fire alarm is triggered; and not being able to watch the news, importantly, in order to understand what is going on in your community. God forbid not to understand the Chief Minister's Statement last week on the treaty, and, indeed, potentially this afternoon in relation to Gibdock!

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We need to make sure that the Bill before the House is not a token Bill and that there is a meaningful and genuine understanding within Government and the wider community of the real and urgent need to back this Bill with action – namely, the provision of BSL support: qualified interpreters across our public services, including broadcasting.

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We will support this Bill. As we have said, it is a start. It cannot be a token Bill. It must be a signal to our deaf community that we hear you and we have your back. We must now, without delay, take important steps to increase accessibility, so that our deaf community feels included in our community.

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Lastly, Mr Speaker, and by no means least, I wish to recognise GHITA Chairman Edgar Triay, Joe Brugada and the many others who have pushed forward in relation to deaf and hearing loss rights; and, of course, Bobby and Ana Maria Gomez, who are on their massive walk from Gibraltar to the north of the Iberian peninsula, and whilst we sit in this air-conditioned Chamber they make the epic hike of half a marathon each day in the scorching Spanish sun to raise awareness of deaf issues in our community. We must match this massive effort and the efforts of GHITA and recall the daily struggles of our deaf and hearing loss community by ensuring that BSL resource is made a top priority.

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

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

I welcome this long-overdue Bill and commend the civil society groups whose lobbying has made it possible. Eight years of fighting for the rights of the disabled have given us all an example of how to unite to achieve lasting political change, and their efforts are being extremely successful in giving visibility to a collective that has been marginalised in Gibraltar for far too long. In this case, it is the work of GHITA, and in particular its chairman, Edgar Triay, that deserves praise and recognition. I also think it is fair to thank the Hon. Elliott Phillips, who presented this topic as a motion following an appeal to MPs in this House by BSL advocates, a motion which has, in turn, spurred this Bill.

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Unfortunately, as we have seen in the past, policies such as this one often become a purely symbolic exercise. This Bill will be empty of substance if it is not accompanied by rigorous implementation, the investment of public resources and a profound cultural and institutional change. Currently, in Gibraltar, we are far from providing adequate levels of accessibility for deaf people and BSL speakers. Government press conferences and other institutional messages are also not, by default, subtitled and therefore still not inclusive for deaf people. We need BSL interpreters on public counters, in educational and healthcare environments and the widespread introduction of hearing-loop infrastructure in our society. We need BSL to be introduced in our education system in order to bridge the hearing divide that exists in our society.

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We need to do much more to ensure that we provide equal opportunities to the most vulnerable members of our society, and I hope that this Bill, which I shall be supporting with my vote, is the first of many changes to come.

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Thank you, Mr Speaker.

Mr Speaker: Does any other hon. Member wish to contribute? The Hon. Prof. John Cortes.

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will let my hon. Friend the Hon. Samantha Sacramento rebuke the

preposterous claims from the Hon. Mr Phillips that we have followed anything that they did in this – or anything else, for that matter. If we had followed their lead, we would not have got anywhere in the past seven years and all the achievements would have not been there.

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I can say that some years ago, when I was Minister for Health and my hon. Friend was Minister for Care, we worked very closely together and we took landmark steps in response to approaches from GHITA and from Mr Brugada and his family, because it was clear to us that there was absolutely nothing in place to support and help those who have hearing impairment. We took steps then. I can remember some of them, including the text messages for the Health Centre, the provision of online connections when there was a need to have a consultation with somebody who could work in sign language, and many other things which were not in place at the time.

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Today's step, as we all agree, is a hugely significant one and I want to congratulate my friend the Hon. Samantha Sacramento for taking it. Knowing how determined she is in everything she does, I am absolutely convinced that it will not just be something that lies on the statute book, and that we are making tremendous progress and we will continue to do so in the future.

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Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I want to agree with one of the things that Mr Phillips has said, which is that today is a historic and seminal moment. It is a historic and seminal moment because we are adding a language to the official languages of Gibraltar. That is not something that can be done easily, it is not something that can be done without considerable thought and considerable preparation, and so today is historic and seminal and that is how I would have described the presentation of this Bill by the hon. Lady, the Minister with responsibility for equality if he had described it in that way himself. And so we are in agreement.

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Mr Speaker, when something is historic and seminal it is a pity to sully that moment with party politics, but that is exactly what the hon. Gentleman has done. The Hon. Prof. Cortes has been absolutely right to say that there is no question of this Government following hon. Members – absolutely no question, because the hon. Members have presented policies in this House which are entirely contrary to the progress that we have represented.

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In the time since we were elected in this place, what they have told us to do is not to open the Development and Planning Commission to the public, not to facilitate minutes, but to keep them entirely confidential, as they were. And when it comes to the particular issue that we are dealing with, this Government is not for one moment following a motion that the hon. Gentleman put without consulting with the Government – that is to say without gauging whether or not the Government would support it.

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This Government is following the advice of the Minister with responsibility for equality, the advice of those who advise her and the work done by GHITA – not just in the work that they have done recently when they were outside my office and I was able to become involved in a discussion with them where they explained a lot of the issues about BSL, in particular how BSL had been in the process of becoming an official legislated-for language in the United Kingdom, not just in the context of the Westminster Parliament's legislative action, but in the parliaments of the nations that make up the United Kingdom: in the Welsh parliament, in the Scottish Parliament, the last one being the British Parliament for England rather than for the whole United Kingdom.

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It is therefore, in my view, totally wrong and it is totally misleading the public to suggest that the Government is somehow following the Opposition. In fact, what hon. Members need to reflect on is that this is a Government Bill. It is not an Opposition Bill, it is not a Private Member's Bill – which is what the hon. Gentleman's motion called for. This is a Government Bill. It has been given Government time, it is going to be passed with Government votes, and if there is anybody who is entitled to claim the credit for this, it is the NGOs, the one that the hon. Lady mentioned – GHITA – and the ones that the Hon. Minister mentioned. I will say a little more about that in a few moments.

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1005 How can the hon. Gentleman get up and say that we have been ignoring the deaf community?
It is all very good to say things in the context of trying to score party political points – and I see him shaking his head, but that is what he said – but when you say things when you want to make a party political point, you have to make a serious party political point.

1010 And so, let us reflect on what we found when we followed them into Government. We found absolutely no provision whatsoever. We were elected into Government and immediately the hon. Lady started to make provision for British Sign Language to be provided at events for the Government. There are not enough people to help us with this and that is one of the challenges, but immediately we were providing British Sign Language on National Day and on other occasions.

1015 I do not know whether in saying that we have ignored people who are suffering from hearing loss, tinnitus etc., the hon. Gentleman has forgotten that in our manifesto for the 2015 election we had considerable provision in respect of the deaf, and indeed in our manifesto for the 2019 General Election. I imagine that we want to forget these things because I am talking about elections that they lost, so they do not like to think back, but we have more provision on page 109 of our manifesto – ‘Working with GHITA’, ‘A strategy to deal with deafness’, ‘Screening children for deafness’, ‘A study on hearing loss’, ‘Hearing aids’ and ‘Services for the deaf’ – and there we set out again:

We established the use of a British Sign Language interpreter on National Day and we are committed that this will always be provided for as long as we are in Government.

The way that we provide for this, to ensure that it continues when we are not in Government, is to entrench it into legislation, which is exactly what we are doing today.

1025 I hope that GHITA sees that it has support across the floor of the House, but we should, I think, be hesitant to get into a competition of showing GHITA who supports them more or less. But if a competition is what hon. Members want, the Government that they led did nothing and the Government that we lead has incrementally done things and now has brought this Bill and is going to pass it. I think, frankly, therefore, that it ill-behoves any of us to play a party political game on a day that we have said is historic and seminal.

1030 Having said that, I was surprised to hear the hon. Lady say that this is long overdue when I have certainly not heard her voice on this issue at all, before. It is surprising that somebody who has not raised the issue, who has not campaigned on the issue and who has not even brought a motion says that something is long overdue. (*Interjection by Hon. Ms M D Hassan Nahon*) Well, then, Mr Speaker, in that context, it must have been long overdue for her to do something about it, and in saying that at least – which I do not recognise is the right approach – we are recognising the works of the relevant NGOs, she is recognising that we recognise the work of the NGOs and therefore I hope she will not be saying that we do not listen, because we have listened and she was wrong to say that it was the motion that had spurred on this Bill: completely wrong.

1040 The Government has certified this Bill today as urgent for a reason: because if we had not certified it we would not have been able to proceed with it until 27th May, which means we would not have been able to come back to it until the next meeting of the House. There is no reason why we should not be getting on with the things that GHITA wants us to be getting on with, and that is what we are going to do, get on with the things that the people who have a need in this area want us to be doing, rather than simply continuing to engage in a baseless exchange on the party-political aspects of who did what, when.

1045 What we have to recognise is that there are two people with a link to Gibraltar – one of them is a Gibraltarian, and they are a married couple – walking to raise funds for people who have difficulties with hearing. What we have to recognise is the incredible work done by Edgar Triay. We have to recognise and remember that he is supported by people like Mrs Facio Beanland, who gave an extraordinarily moving talk in February 2020 at one of the Gibraltar Talks about the difficulties that people with hearing loss suffer. We have to recognise that for many years Joe Brugada has been campaigning on this issue. He described himself as wanting to be a thorn in my

side until we took the steps that we had to take, and here we are taking them. His daughter, and her husband as well, and Jackie Dalli and Tony Gomez. These are the people who deserve recognition today for the work that they have done – and many others, I am sure, who I cannot name-check because I simply do not know their names.

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This is not about some sterile argument between some politicians on a hot day, late in May, about who did what and who said what, when; but if it were, hon. Members have to remember that the only ones who can do are the ones sitting on this side – and doing we are, Mr Speaker.

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Mr Speaker: Does the mover of the Bill wish to respond?

Hon. K Azopardi: Mr Speaker, can I –?

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Mr Speaker: Can I just interject before we continue? I would just like to read out something that I thought might be useful for today, but mainly for the future, about the way we cover the general principles and merits of Bills. It says here:

Members must confine discussion to the main purpose and the contents of the Bill and not deal at length with matters not provided for therein. The reference may be made to such matters if related to the Bill. It must be confined to the Bill as printed.

We tend, many times, to stray from this. I am just reminding Members what is required of everyone.

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Hon. K Azopardi: Mr Speaker, of course that is right, but as we are midstream in the debate on the principles of the Bill and certain things have been said beyond that passage, with your indulgence on this occasion I would like to respond not just on matters which are relevant here but also the things that have been said, because at the end of it that passage could have been read also a bit earlier. Certainly, going forward, I think that is an important passage that Your ... that Mr Speaker has read. I was about to call you Your Lordship – but not yet!

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Mr Speaker, this is indeed a day that is a cause for celebration, as has been said on both sides of the House, and I agree that the true heroes of this are the people who have had been mentioned by the Chief Minister and my hon. colleague Mr Phillips, and also those who have suffered silently and have wanted more assistance, more help, and are slightly frustrated and have encouraged Members of the House to vote in favour, as indeed we are. It is a cause for celebration that this is happening and, indeed, that we are taking these steps forward. I hope that this framework – because it is only a framework – provides a basis for us to move forward and deliver that package of support for people who have these hearing issues.

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In saying that, the Chief Minister in his contribution seems to take any opportunity to engage and widen the debate beyond things that are not in the principles itself. He may criticise my hon. colleague Mr Phillips for having taken a particular stance, he may not have liked the comments that he was making, but with all due respect, Mr Phillips's comments were restricted to the subject matter of the Bill – but he widens it to who improved the planning processes. It has nothing to do with the Bill. If he really wants a history lesson on who opened up the planning process, well, it was not them first, because when we inherited the Government in 1996 we first injected provisions on public participation, which they improved – and I am the first to acknowledge they improved subsequently in 2011, but life did not begin in 2011 when the hon. Member took that chair. The GSLP were not first in office in 2011. We can all play history lessons, but it is a jaded process, and when the hon. Member talks about the motion that my colleague Mr Phillips presented on British Sign Language, still relevant to the principles of the Bill but he casts aspersion as if we did not consult on this motion, it is a peculiar view of democracy, (**Two Members:** Hear, hear.) because democracy ...

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1100 This is what we are supposed to do as parliamentarians on this side of the House. We are
supposed to raise issues, hold the Government robustly to account. Sometimes we can get things
done by agreement, sometimes we can get things done by persuasion, but motions can be
presented by first showing them the draft motion, or they can be presented because it is our
democratic function. Or is he saying that he is only willing to agree a motion that is first put to
him? I would say, Mr Speaker, that is a slightly peculiar form of democracy because it might be
that I file a motion on which he says, 'I never thought of this, and this is a great motion.' If I were
1105 sitting on that side, I might say, 'This Opposition motion is bang on point – I actually think we are
going to support it,' but he is saying, in a slightly warped kind of view of democracy, that unless
we negotiate it with him he is unwilling; he is going to blind himself in a party-political partisan
kind of view to saying no, just because the Opposition have done what we have been elected to
do by the people of Gibraltar. It is a matter for him.

1110 And then he goes on to talk about what they have done on sign language and so on. I
congratulate them for things they have done in a positive sense. I honestly do congratulate them
if they have made improvements for people who are vulnerable people in this community or
people who want things. But he casts that point on the basis that it is a sort of lecture point: 'I am
not taking lessons from the hon. Members on the other side,' and all of that. It is slightly aggressive
1115 on the basis of a Government that does no wrong. He really needs to calm down. (*Interjection by
Hon. Chief Minister*) He needs to calm down, Mr Speaker. He really does need, on this issue which
actually we agree on, to calm down. (*Interjection by Hon. Chief Minister*)

This Bill, which we are supporting, will hopefully provide a basis for significant improvement
for people who have hearing disabilities, and we think that is a great step forward. It was
1120 signposted by my hon. colleague's motion. It has been put in the body of a Bill by the Government.
We have supported it. We are going to vote in favour. It will, hopefully, deal with the frustration
that we hear from people on the ground in this community, and we think that this will be a step
forward – and that is why we are supporting it, but on the basis that I have indicated.

1125 **Hon. E J Phillips:** Hear, hear.

Hon. Chief Minister: Mr Speaker, at least he made it in time to make a speech.

Mr Speaker: The Hon. Samantha Sacramento.

1130 **Hon. Miss S J Sacramento:** Mr Speaker, how regrettable that the Members opposite have
turned this Bill, which was something landmark and representing positive progress, into an
attempt at party political point scoring. It is not something that I would have wanted to deal with
in that way, but given that the hon. Member Mr Phillips, in his intervention, made it party political,
1135 I am left with no choice but to answer the points that he raised in that respect.

The hon. Gentleman started by saying that this was not about political point scoring but
proceeded to make two party political points. The first one was his attempt to take credit for the
presentation of this Bill. In the hon. Member's mind, this Government that has a Minister for
Equality and a Ministry for Equality, both of which enjoy an excellent relationship with NGOs in
1140 this respect and were already working on this ... No, he ignores that point, he ignores that fact, he
ignores the reality and he wants to believe, himself, and by extension he wants the community to
believe that his motion was a trigger for this. I therefore have a responsibility to clarify, given that
I am the Minister presenting this Bill, that nothing could be further from the truth.

1145 When, regrettably, the Leader of the Opposition aggressively tells us that the motion was
ignored, the point that we need to make is that ... I will paraphrase what the hon. Gentleman said.
He said that in an ideal situation we would have agreed with the motion and said, 'Oh, this is
fantastic, we agree with your motion.' But no, the reason we did not reply to the motion was
because had proper protocol and Parliament etiquette and courtesy been extended, had the hon.

1150 Member opposite informed us that the GSD – Mr Speaker, perhaps if I could have silence in the Chamber, I could hear myself think. (*Interjections*)

Mr Speaker: I have to say that it is really unparliamentary to be murmuring – (*Interjections*) It applies to both sides. (*Interjections*) No, I said it applies to both sides, but it is rude and unparliamentary. It works for both sides. (*Interjections*) No, I am making it –

1155 **Hon. Chief Minister:** No, Mr Speaker, I was heckling, not murmuring. (*Interjection*)

Mr Speaker: As I said, the last group of persons who were murmuring were the Opposition and that is why I directed my view towards them, but I accept that both sides are guilty of this practice – and it should stop; it is not right.

Hon. Miss S J Sacramento: Thank you, Mr Speaker.

My team at the Ministry for Equality and I were really positive and really excited about doing this today, and it is so regrettable that we are being dragged into this by the Opposition, but because they raise it I need to address the issues.

I am going to raise the issue of a technicality, which is a parliamentary process which the general public may not understand, but given that they want to take credit for this, it is important that the public do understand the procedure and the technicalities. The Hon. Mr Phillips presented a motion for there to be a Private Member's Bill on the matter, which would have required the majority of this Parliament. This is a Government Bill. So, we find ourselves in a situation where the hon. Member has found an interest in BSL – and I thank him for that and I commend him for that – but if the hon. Member had done the normal thing, which most Members on the other side do when they find themselves in the situation, called me and said, 'I want to propose a motion to Parliament that will give us this end result,' I would have said, 'Don't worry about it, we are already working on this Bill.' Therefore, the hon. Gentleman cannot pretend to take the credit for the Government Bill that has been presented today, because work was already well on its way. This is the business of the Ministry for Equality, who were already engaged with GHITA and other stakeholders in this, because there were other people whom we were speaking to in this respect, and the foundation work had already been commenced. So, absolutely not, Mr Speaker. As the person who presents this Bill, I can tell the hon. Gentleman very clearly that he was not the trigger for it; it was the advice of the Ministry for Equality and the people we engage with who were the trigger for this.

The hon. Gentleman Mr Phillips also makes another point where he tries to score party political points and which is, indeed, inaccurate. Quite apart from clearly not listening to what I said in my original speech, as well as what I said in answer to Parliament questions last week, Mr Phillips says that we cannot provide British Sign Language interpreters. He does not accept, and we have heard it not only from myself but also from my friend the Hon. Minister Cortes that when he was Minister for Health we made arrangements for BSL provision, initially in the Health Authority because it did not exist. So what we have is a contract between the Health Authority and a provider, for BSL. We have a procedure where if someone who uses BSL needs to see a doctor, they make arrangements in advance by text message, notify the Gibraltar Health Authority that they need to see a doctor so an appointment can be made for them electronically – something which did not exist before either. So there are arrangements for them to be able to make electronic appointments and there are arrangements for them to be expected, and therefore, in the meantime, as much provision as possible. Arrangements will be made for a British Sign Language interpreter to be there to assist. Sometimes, of course, if it is an urgent situation and it is an emergency, it may not be possible to make those arrangements. On that basis, as an alternative to that and as a contingency we have an app, where a British Sign Language interpreter will be available online. For the hon. Gentleman to try to pretend to the community that there are no facilities for people who require British Sign Language is not accurate, and therefore I cannot leave it unanswered in this House.

1205 Mr Speaker, it was more eloquently put by the Leader of the Opposition when he said that more assistance can be provided, and that is what I said in my speech. This is not our starting point, this is a progression of our starting point from 2011 and all the things that we have done in relation to progress on British Sign Language, and we have now entrenched and enshrined it in legislation so, as the Chief Minister said, it will have longevity and posterity because it is now on our statute books. That is an accurate reflection of what we have done, and not what the hon. Gentleman was trying to pretend was the reality.

1210 On the final point, the hon. Gentleman seems not to have read the Bill, because the Bill makes provision for accountability. Section 3 of the Bill clearly states the public authorities the Bill places this responsibility on, because the hon. Gentleman mentioned particular institutions and they are, of course, captured by the Bill. There is provision for accountability, and therefore the Government will have to hold these entities to account, to ensure that the intention of the Government in passing this Bill is actually happening. I hope that the hon. Gentleman now understands and rests assured of the intention of the effect of this legislation.

1215 Mr Speaker, I cannot emphasise enough that a day when we should all be together as a Parliament to speak about the progress that we are making and the inclusion of people with disabilities by the passing of this Bill has been dragged down by the Member opposite because he wanted to make party political points, because he wanted to take the credit for the work that the Government has done.

1220 Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: I now put the question, which is that a Bill for an Act to recognise British Sign Language as a language of Gibraltar, to require the Minister for Equality to report on the promotion and facilitation of the use of British Sign Language by public authorities, and to require guidance to be issued in relation to British Sign Language be read a second time. Those in favour? (Members: Aye.) Those against? Carried.

Clerk: The British Sign Language Act 2022.

**British Sign Language Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

1230 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Pensions (Widows and Orphans) (Amendment) Bill 2020 –
First Reading approved**

1235 **Clerk:** A Bill for an Act to amend the Pensions (Widows and Orphans) Act. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Pensions (Widows and Orphans) Act be read a first time.

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

1245 **Clerk:** The Pensions (Widows and Orphans) (Amendment) Act 2020.

**Pensions (Widows and Orphans) (Amendment) Bill 2020 –
Second Reading approved**

1250 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

This is a short Bill that is designed to give effect to my commitment in the Budget speech of 2007 to bring about legislation to enable the widows and orphans provisions to be open to certain members of the community who had evinced an intention to wish to be covered by the provisions of what is known as WOPS.

1255 I recall, Mr Speaker, that at the time we first had debates in this House about this matter, you were, at that stage, the Clerk, not elevated yet to the role of Speaker, and the former Chief Minister used to remind us all in the House that you were the last remaining member of the Civil Service on WOPS.

1260 In 2017, I said, during the course of my Budget address, at paragraphs 505 and 506, the following:

Also in relation to pensioners, the Government has been approached by a number of those entitled to re-enter the Widows and Orphans Pension Scheme who were not married to their current partners at the time that they retired. The law states that any marriage of the pensioner whose rights would be assigned to a widow or orphan who was not married by the time he retired would not be eligible to entitlement. This is grossly unfair and is based on an old law which has not kept pace with modern life.

– in fact, Mr Speaker, the original Bill comes from 1961 –

It is, in any event, an issue that affects only a handful of those who would re-enter the old WOPS scheme. The law will therefore be changed to allow for marriages after the retirement of the contributor if he opts back into the scheme to count also.

[...] The window to re-enter the WOPS scheme [...] will be open again, from midnight tonight until 30th September 2017, to allow those who have previously been denied membership on the basis of the application of this aspect of the law to apply.

1265 That was done, and subsequently we published a Bill, which fell when the General Election was called in 2019 and we then republished a Bill on 20th February 2020 which would deal with the changes that needed to be made. The Hon. Mr Feetham asked me about the progress of the Bill at the last session of the House, and having regard to the Bills that were still outstanding I have seen it is possible for us to take it today.

1270 Mr Speaker, 20th February 2020 was almost exactly six weeks before the pandemic began. I hope that that helps the House to understand the reason why this Bill has not progressed. We have done precious little of the ordinary legislating that we do in this time. We have brought some extraordinary Bills that we have had to deal with. Indeed, in 2020 we did not even have an Appropriation, we had an emergency Appropriation. As I have already said, we have already given a commitment to all those who registered in time that the absence of the Bill would not prevent us from giving them the benefits that they might have registered for.

1275 I believe it is now time for the Bill to be passed. Hon. Members will see it is actually a Bill which has very little effect. It has the effect of making some amendments to deal with the issue that I raised in my Budget speech and permitting, under the relevant provisions, a resumption of

contributions where that is relevant – although I do not think there is anyone in the service who will be involved in that.

1280 And so, Mr Speaker, I move that the House should now approve this Bill, which I think is one that all sides agree needs to be put in place to give effect to this part of the Budget Statement of 2017.

1285 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, the Opposition is going to be voting in favour of the Bill. It is a very welcome Bill and it will be very welcome in particular to those who are affected by it.

1290 I have had an opportunity now to consider the Bill in the light of the statute that it amends, and in my view it does deal with a concern that I have had at the back of my mind, and I do not for one moment hesitate in saying this. At the end of the day, we are not here ... although we are here to, of course, make political points in the right way, we are not here to make political points that may cause concern amongst those who may be affected.

1295 The point that I was concerned about was, because the commitment by the Hon. Chief Minister was made in 2017 – as he rightly says, the Government published a Bill but that Bill went by the wayside because the House dissolved and the Bill had not been brought to Parliament; a new Bill was then published in 2020 – whether the time period from 2017 all the way to today, in 2022, had the propensity to cause a prejudice, in particular to the widows of those contributors or ex-public servants who may have died from 2017 to 2022, or whenever the Bill is taken. In fact, the combination of the amendments together with section 18A(2) of the Act that we are amending will allow a contributor's widow to make the contributions if her ... or his wife, or whoever it may be, the partner, has died in that five-year period. I have no hesitation in expressing my view that that is the effect of the amendments when taken together with the principal Act, and for those reasons I have no hesitation in saying, on behalf of the Opposition, that we will be supporting the Bill. *(Banging on desks)*

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Mr Speaker: The Hon. the Chief Minister.

1310 **Hon. Chief Minister:** Mr Speaker, I am very pleased to hear that from the hon. Gentleman. I think I have given an indication that the thing that he says concerned him should not concern him, and I am very pleased that he has de-concerned himself in that respect.

1315 What I would say is that one of the things that they have always criticised that we introduced, which was the principle of commutations, has meant that there are fewer and fewer people who are going to be interested in respect of this particular Bill, going forward. It is true that they were not supportive of that, but I think it has worked very well. Then again, they were not supportive of so many things that have worked so well, not least ... I am just remembering the things that they used to say about the Future Job Strategy, let alone commutations and how they were going to ruin us. And so I am very pleased, Mr Speaker, that they are going to support this Bill.

1320 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Pensions (Widows and Orphans) Act be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Pensions (Widows and Orphans) (Amendment) Act 2020.

**Pensions (Widows and Orphans) (Amendment) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

1325 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon. Members agree.

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

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COMMITTEE STAGE AND THIRD READING

1335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause, namely the Pensions (Widows and Orphans) (Amendment) Bill 2020, the University of Gibraltar (Amendment) Bill 2021, the Employment (Bullying at Work) (Amendment) Bill 2022 and the British Sign Language Bill 2022.

In Committee of the whole House

**Pensions (Widows and Orphans) (Amendment) Bill 2020 –
Clauses considered and approved**

1340 **Clerk:** A Bill for an Act to amend the Pensions (Widows and Orphans) Act. Clauses 1 and 2.

Mr Chairman: May I interject at this point and point out that in the title and commencement it refers to the 'Act 2020' – should that not be 2022?

1345 **Chief Minister (Hon. F R Picardo):** Mr Chairman, yes, I am grateful. Because the Bill has been on the Order Paper for some time now, the Act will have to be read as 2022. The Bill is still the 2020 Bill, but the Act will have to become the 2022 Act, which is clause 1.

Mr Speaker: Clause 1 stands part of the Bill.

1350 **Clerk:** Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

Clerk: The long title.

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Mr Chairman: The long title stands part of the Bill.

**University of Gibraltar (Amendment) Bill 2021 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the University of Gibraltar Act.

Clauses 1 to 3.

1360 **Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Chairman, in the same way as we needed to amend the year, we need to do so in clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

1365

Hon. E J Reyes: Mr Chairman, if I may: in clause 3(12) I propose that where it says 'For section 22 substitute' that part now reads 'Subject to subsections (2) and (3)' as opposed to subsections (1) and (2).

1370 **Hon. Prof. J E Cortes:** Absolutely, Mr Chairman, we agreed that earlier, so that is ... I think we agree on both sides.

Mr Chairman: Clause 3 as amended stands part of the Bill.

1375

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Employment (Bullying at Work) (Amendment) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Employment (Bullying at Work) Act 2014.
Clauses 1 and 2.

1380

Mr Chairman: Clauses 1 and 2 stand part of the Bill.

Clerk: Clause 3, as amended.

1385 **Mr Chairman:** The amendment in clause 3 which was circulated earlier in the month, if the Opposition is content with that.
Clause 3, as amended, stands part of the Bill.

1390 **Hon. G H Licudi:** Mr Chairman, you have just indicated the amendment circulated earlier in the month. Is that an amendment which was circulated today or yesterday?

Hon. Member: No, it was circulated on Monday.

Mr Chairman: I clarify that: it was earlier in the month, but it was really on 25th May.

1395

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Yes, it is the one I sent Mr Speaker to give notice that I would be moving the amendment.

Clerk: The long title.

1400

Mr Chairman: The long title stands part of the Bill.

**British Sign Language Bill 2022 –
Clauses considered and approved**

1405 **Clerk:** A Bill for an Act to recognise British Sign Language as a language of Gibraltar, to require the Minister for Equality to report on the promotion and facilitation of the use of British Sign Language by public authorities, and to require guidance to be issued in relation to British Sign Language.
Clauses 1 to 7.

Mr Chairman: Clauses 1 to 7 stand part of the Bill.

1410 **Clerk:** The long title.

Mr Chairman: The long title stands part of the Bill.

**Pensions (Widows and Orphans) (Amendment) Bill 2020 –
University of Gibraltar (Amendment) Bill 2021 –
Employment (Bullying at Work) (Amendment) Bill 2022 –
British Sign Language Bill 2022 –
Third Reading approved: Bills passed**

1415 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Pensions (Widows and Orphans) (Amendment) Bill 2020, the University of Gibraltar (Amendment) Bill 2021, the Employment (Bullying at Work) (Amendment) Bill 2022 and the British Sign Language Bill 2022 have been considered in Committee and agreed to, some with amendments.
I now move that they be read a third time and passed.

1420 **Mr Speaker:** I now put the question, which is that the Pensions (Widows and Orphans) (Amendment) Bill 2020, the University of Gibraltar (Amendment) Bill 2021, the Employment (Bullying at Work) (Amendment) Bill 2022 and the British Sign Language Bill 2022 be read a third time and be passed.

Those in favour of the Pensions (Widows and Orphans) (Amendment) Bill 2020? (**Members:** Aye.) Those against? Carried.

1425 Those in favour of the University of Gibraltar (Amendment) Bill 2021? (**Members:** Aye.) Those against? Carried.

Those in favour of the Employment (Bullying at Work) (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

1430 Those in favour of the British Sign Language Bill 2022? (**Members:** Aye.) (*Interjection*) Thank you. Those against? Carried.

Chief Minister (Hon. F R Picardo): Mr Speaker, given that we have now dealt with all of the business of the House, I move that the House should now adjourn *sine die*.

**Procedural –
Leader of the Opposition’s motion on mental health
to be deferred to a future meeting**

1435 **Hon. K Azopardi:** Sorry, Mr Speaker, if the Chief Minister will give way, I just wanted to record the fact that I have a motion standing in my name on the subject of mental health. I have agreed with the Hon. Minister for Health to defer it to another meeting, so that a meeting can take place between us and the hon. Lady on the issues.

**Procedural –
Private Member’s motion re British Sign Language withdrawn**

1440 **Mr Speaker:** I must enquire about the motion taken by the Hon. Elliott Phillips: is that to be withdrawn or remain on the Order Paper?

1445 **Hon. E J Phillips:** Mr Speaker, in relation to the advances made today, I will be withdrawing that Bill – given, of course, the Government has indicated it would oppose it in any event, but it is withdrawn.

Mr Speaker: The Hon. the Chief Minister.

1450 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it was not a Bill, it was a motion, and it is not that we would have opposed it, it is that it became hypothetical as a result of the Government’s action.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I now move that the House should adjourn *sine die*.

1455 When we return, in June, depending on how Government business progresses but in order to give hon. Members a heads-up, I do intend that June should be the month in which we take the Budget, the Appropriation Bill. I am in contact with the Leader of the Opposition about dates. Unfortunately, at the moment, the dates that the Government considers are the ones we need to take may not be convenient. It may not be possible to move them, but we will obviously try to come back to deal with the Appropriation debate on dates when all Members can be here, if possible.

1460 **Mr Speaker:** I now propose the question, which is that this House do now adjourn *sine die*.
I now put the question, which is that this House do now adjourn *sine die*. Those in favour?
(Members: Aye.) Those against? Passed.
This House will now adjourn *sine die*.

The House adjourned at 6.08 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.35 p.m. – 5.25 p.m.

Gibraltar, Wednesday, 22nd June 2022

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The Gibraltar Parliament

The Parliament met at 3.35 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Wednesday, 22nd June 2022.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of the Parliament, which was held on 16th, 17th, 18th, 19th, 24th and 25th May 2022.

5

Mr Speaker: May I sign the Minutes as correct?

Members: Aye.

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Condolences to the Clerk

Clerk: (iii) Communications from the Chair.

10

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I rise, today, with a heavy heart, to start the proceedings with various condolences, the first to the Clerk upon the death of his well-known and well-liked father, Charlie.

15

Tribute to Lady Marcelle Hassan

Chief Minister (Hon. F R Picardo): Mr Speaker, since the last session the community has learnt of the death of two of our most prominent and strongest women, Lady Marcelle Hassan and Claire Borrell. I know the whole House will wish to make tributes to both and will want to do so separately, to give each their due. I shall start with Lady Hassan.

20 Marcelle Bensimon was not a native Gibraltarian, but she became one. She arrived in Gibraltar from her native Morocco to work for a worthy and charitable purpose, which was to help Jewish immigrants using Gibraltar as a staging post in transit to the state of Israel.

25 Having been married to Sir Joshua in 1969, she experienced with him his only – short-lived – election loss and his subsequent four consecutive election wins. As the spouse of Chief Minister Hassan, Lady Hassan carried the burden of being in the public eye at an immensely difficult time. In fact, for the lion's share of that time, the Frontier was closed. Let us not forget how hard those times were. Every day would have been a struggle to maintain supplies and even a working economy. More than that, every day there would have been one mission: to maintain morale in this community. Lady Hassan was the non-political focal point for many in that respect. She was
30 also the ray of glamour in that period that so many looked at, as well as being a close political adviser to Sir Joshua and the AACR team.

35 Whilst he was Chief Minister, Lady Hassan bore Sir Joshua two daughters, both of them following him into public life. The youngest, Marlene, is well known in this place in her own right as an hon. Member. The eldest, Fleur, is Deputy Mayor of Jerusalem and does not fail to evangelise her Gibraltarian origins, whether in Israel or elsewhere. I know Lady Hassan was more than proud of her daughters and their own contributions to public life in different jurisdictions of such importance to her.

40 A personal reflection for a moment, Mr Speaker. I remember Lady Hassan telling me not to get into politics. She told me – for my good, she said – that no one would thank me for anything once I was in politics. When I did take the first steps into politics, she took me to one side in the lift at the law firm that bears her late husband's illustrious name and said, 'Now, don't cower when they criticise you, do what you think is right and do what you have to do. That is what my husband did.' Both pieces of advice she gave me were good pieces of advice. Having failed to follow the first, I was clear that I at least had to follow the second, because it was equally clear that it was advice
45 given from the heart to *el hijo de Magda*. My mother, in particular, was an admirer of Lady Hassan's style. In fact, she had been Sir Joshua Hassan's secretary when they married, and I recall the warmth between them.

50 Mr Speaker, the pressures on the spouses of those at the top of the political hierarchy are often overlooked. At least those of us who are in the public arena are here because we choose to be here. Those who accompany us – our children, our spouses, our partners – are, in effect, volunteered for the role by us. Theirs is the part that is often as hard as ours, however, and no doubt Lady Hassan carried that burden lightly.

55 In her time, Lady Hassan represented us on royal visits – including the visit of the next monarch, Prince Charles – innumerable ceremonial functions, innumerable local events, and for 16 years she was at the very top of the representation of our people, alongside Sir Joshua Hassan. I recall a photograph of Sir Joshua and Lady Hassan and Joe Garcia Snr and Mrs Garcia being feted together at the Marbella Club just after the Frontier opened. That photograph is an illustration, after the end of the last Siege of Gibraltar, of Gibraltar's success in surmounting that challenge under Sir Joshua's leadership, with Marcelle at his side.

60 Lady Hassan came from beyond our shores, but she became one of us. She is now buried amongst us and she will forever remain with us. May she rest in peace. I extend the condolences of the whole of Gibraltar and the whole House to her daughters and grandchildren.

65 Marlene Hassan, who is a Member of this House, has asked that, as Leader of the House, I should extend her apologies to the people of Gibraltar for her absence today and from this session. There is no need for her to apologise. I have no doubt that we all agree that she should absent herself from this session and we support that she tend to her family at his time and address, together with them, the pain of this sad bereavement.

70 Mr Speaker, after tributes from others, I will invite the House to observe a minute's silence in honour of Lady Hassan's memory.

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

Hon. K Azopardi: Mr Speaker, on behalf of the Members on this side of the House, of course I associate myself with the comments of the Chief Minister. He started by making the observation and also his condolences on the death of the father of the Clerk of the House, and I do so as well.

75 Lady Hassan, as the Chief Minister has said, was Sir Joshua's partner and confidante for so many years. She was part of the public life of Gibraltar. During that period when Sir Joshua was Chief Minister, between 1972 and 1988, she was by his side not only politically but also bringing up the family.

80 As the Chief Minister has said, the recognition of spouses, who are ... he used the more elegant term 'volunteered' for the role, but almost pressganged into public life. The role of the spouses is not perhaps recognised enough. The family comes under pressure when someone is in politics. I was a very small boy, but I am sure that during the Frontier years, in leading Gibraltar, Sir Joshua did ... In that very difficult time the political pressure must have been intense, and also the intensity of the proximity of voters to his own immediate family at the time of the closure of the border and the pressures that Gibraltar was feeling, both in terms of social pressures and confinement, must have been intense, and Lady Hassan played an impressive role in assisting Sir Joshua during those years.

85 So, certainly on behalf of Members on this side of the House I associate with everything the Chief Minister has said in respect of Lady Hassan. She played a significant role, not least of course in the community, in public affairs, but also as a mother, and you see that combination of efforts in the work that Sir Joshua and Lady Hassan's daughters do today. Both have gone into politics. Both, in their own right, have carved out their path in political roles in this community and in Israel, and it is clear when you look at that, both in the case of Fleur and Marlene, that you see that combination of the efforts and upbringing of Sir Joshua and Lady Hassan.

90 So, on behalf of the Members on this side, I certainly extend our condolences also to the family and our thanks as parliamentarians for the role she played during so many years in this community to assist one of our Chief Ministers, our longstanding Chief Minister, who had a very difficult role to play – and an excellent role he played – during so many years.

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

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I would like to add a few words to what has already been said in expressing my own sincere condolences on the sad passing of Lady Hassan.

105 I had the pleasure of meeting her on several occasions, obviously not recently but Sir Joshua and Lady Hassan and my parents were close friends for many years, so I was able to meet her and my impression was that she was a passionate, forceful and determined lady, particularly in relation to her husband, the AACR, the Government at the time and the political issues that were current at that moment.

110 As has rightly been said, she fulfilled a personal role – obviously, as Sir Joshua's wife and as a mother – but also a political one in advising and in having very strong political views, which is what I remember. That is my own enduring memory.

115 I would like to express my deepest sympathy and condolences to Marlene, to Fleur and to the family. May she rest in peace.

Hon. Chief Minister: Mr Speaker, I now invite the House to hold a minute's silence in honour of Lady Hassan.

Members observed a minute's silence.

Hon. Chief Minister: Thank you, Mr Speaker.

Tribute to Mrs Claire Borrell

120 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the sad news has also reached us that women's champion Claire Borrell passed away this weekend also.

Mrs Borrell was the force behind the creation of the charity Women in Need and she was exactly that: she was a force. I remember working with Claire in the law, in Opposition and in Government, and I can tell the House that there was little chance of not agreeing to give Claire the support that she might be seeking from time to time, whichever role she might have found me in.

125 She was a person who, herself, had suffered marital abuse. She stood up to it in a society where those things were still taboo, and she took a stand for her children and for herself. In doing so, she was, in fact, taking a stand for other women. She really did trail-blaze in this area and her work helped hundreds to free themselves from similarly abusive relationships. Claire made us talk about these uncomfortable truths and realities that had lain hidden in our community for so many years. The fact is that those issues have not gone away, even if they are no longer hidden away. In the last years she was working in Women in Need she was also providing some services to men who were abused and found themselves downtrodden; such was the nature of her approach to helping everyone who found themselves in that sort of situation.

130 I enjoyed working with Claire immensely. She was not a do-gooder, she was a go-getter who wanted not to give people charity but help them to get back on their feet and move on to a better place. I confess that she also had a wicked sense of humour and there was not one time when we met when she did not tell me off for something and make me laugh over something else, most especially when she broke off into her heavily accented Spanish.

135 Mr Speaker, Claire Borrell House is a fitting tribute to the work of this magnificent pioneer, who was recognised by Her Majesty the Queen with an MBE for the work she did in Gibraltar. The condolences of all of Gibraltar, in particular on behalf of all those she helped, go to her children, Amanda, Jonathan and Theresa. None will have suffered this loss like they have, but we will all mourn the loss of Claire.

140 Again, Mr Speaker, after tributes from others, I will invite the House to observe a minute's silence in honour of her memory.

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

150 **Hon. K Azopardi:** Mr Speaker, I first met Claire ... I think it would have been in the mid-1990s. We were still in Opposition then, but she was already engaged quite heavily, and had already been for some time, with one of the leading voices on domestic issues, bringing those issues to the fore and lobbying hard on those matters.

155 Her career speaks for itself. She worked for decades tirelessly to bring these issues to the fore, to ensure that women got a home that they could go to as a shelter, so that they could be safeguarded and protected in a better way. She was one of the leading lights behind Women in Need and indeed the establishment of the refuge, and her work has served many families and put many families in a better place than they would have been had she not done that tireless work.

160 When you are involved in politics you meet a lot of people and a lot of people working for sectoral organisations and individual groups. They usually are unpaid servants who have a particular interest and are working tirelessly, and it is those people who actually are bettering the quality of life of many people in this community on the ground. Claire was one of those people who worked so hard, and even though, yes, she was recognised towards the end, sometimes it is difficult when you do that kind of balance sheet ... Was it enough recognition of all her work, because of the incredible efforts that she gave this community for so many years?

165 So, absolutely, on this side of the House we also associate ourselves with the comments of the Chief Minister and extend the condolences of Members of the Opposition to her family at this

170 time. She was, as I said the other day, a champion of women. She will be remembered as a champion of women and she will be fondly remembered.

Mr Speaker: The Hon. Samantha Sacramento.

175 **Hon. Miss S J Sacramento:** Mr Speaker, I first met Claire when I was in private practice and it was at that time that I was introduced to the problem of domestic abuse in Gibraltar. Subsequently, when I became Minister with this responsibility, in my capacity as Minister for Equality, I worked very closely with Claire and her team at Women in Need and I can truly say that, as we have already heard, Claire was very much a force to be reckoned with all the time and she was equally inspirational in reminding us all of our duty to help support and protect victims of
180 domestic abuse. She has set a legacy, which we will, of course, continue.

I would also like to take this opportunity to express my condolences to her family.

Hon. Chief Minister: Mr Speaker, I ask that the whole House now join us in one minute's silence in memory of Claire Borrell.

Members observed a minute's silence.

185 **Hon. Chief Minister:** Thank you, Mr Speaker.

Armed Forces Week

Chief Minister (Hon. F R Picardo): Finally, Mr Speaker, this week is Armed Forces Week. The whole of Gibraltar will want to join me in wishing all members of the British Armed Forces all the very best for the week and for Saturday, which is Armed Forces Day.

190 The British Armed Forces are amongst the best in the world and the most professional. Our own Royal Gibraltar Regiment is a part of the British Armed Forces, and today the Speaker of the House of Commons wore the regimental tie of the Royal Gibraltar Regiment during Prime Minister's Questions there, as I do this afternoon in this House.

The British Armed Forces are the best of us and we thank them for what they do.

195 **Hon. E J Reyes:** Thank you, Mr Speaker. May I concur fully with the Chief Minister's comments?

This House, believe it or not, actually represents Members who have been in the reserve forces in all the three armed services. If we start by seniority with the prestigious Mr Speaker himself, who was a Royal Navy reserve officer and indeed the recipient of the reserve decoration for that ... I am one of those peculiar characters who has actually managed to wear both uniforms, both
200 Army, as a reservist in the Royal Gibraltar Regiment, and then later, when I was commissioned in the RAF Volunteer Reserve Training section.

Certainly it should be recorded here, and I think it echoes the Chief Minister's words, that those Gibraltarians, men and women, who are very prominent in this day and age in the services ... we stand and admire their service to Queen and country and it is very fitting in this special anniversary
205 year of Her Majesty the Queen.

PAPERS TO BE LAID

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

210 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Annual Report of the Independent Monitoring Authority 2021 and the Gibraltar Annual Policing Plan for 2022-23.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

INDUSTRIAL RELATIONS, EMPLOYMENT, HOUSING AND SPORT

Q207/2022

Youth clubs –

Opening times during school summer holidays

215 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 207/2022. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the answer provided to Question 32/2022, can Government provide details of the opening times at the youth clubs for the forthcoming summer school holidays period?

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

225 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):**
Mr Speaker, during the summer months, club users will be able to take part in the following activities: club outdoor patio games, collaboration Army sessions with the Royal Gibraltar Regiment, interclub sports events, movie nights at the clubs, community barbecues, paddle boarding activities at local beaches, arts and crafts projects, cooking projects, upcycling fashion project, karaoke sessions, leadership programme, pre-work campaigns and elections of youth club representatives, space to relax ‘chill-out’ sessions, rehearsals and practice for the end of summer show, ‘Time to Shine’ end of summer showcase, and barbecue for friends and family at the Youth Centre courtyard. Please note that some of these activities will also take place during the weekends.

230 I now hand over to the hon. Member a schedule with information on the youth clubs’ opening times.

Answer to Question 207/2022

During the summer months, club opening times will be as follow;

Youth Center

- Tuesdays 11:00am -2:00pm — Youth Committee / GYPT
- Wednesdays 7:00pm-9:45pm — Youth Café drop-in
- Thursdays 11:00am-2:00pm or 7:00-10:00pm — Joyful Riot
- Fridays 7:00pm-9:45pm — Youth Café drop-in

There will be a Rockthrifters (upcycling Fashion project) week for ages 11-15 from 18th — 22nd July.

Dolphins Youth Club

- Tuesdays 7:00pm — 10:00pm
- Wednesdays 10:00am — 1:00pm
- Thursdays 7:00pm — 10:00pm

Laguna Youth Club

- Tuesdays 10:00am-1:00pm
- Wednesdays 6:30am-9:30pm
- Thursdays 6:30am-9:30pm

Plater Youth Club

- Tuesdays 10:00am-1:00pm
- Wednesdays 7:00pm-9:30pm
- Thursdays 10.00am-1:00pm

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

I am grateful for the handout. Just one minor clarification: these times are irrespective of the activities that the Minister read out? So, whether a youngster is taking part in any of those activities or not, he can expect the Youth Centre to be open during the times as per the schedule?

240 **Hon. S E Linares:** Yes, Mr Speaker. As soon as a youth club is open, not only do these activities happen but the Youth Service will provide for anybody who wants to come in. The hon. Member should note the timings because it is during the morning time when the children, during the summer, are not in school, and that is why they are catering in the morning for the children who are not in school.

245 **Hon. E J Reyes:** Can I be pedantic and double-check that in respect of the Laguna Youth Club it is open, on Wednesday and Thursday, as early as 6.30 a.m. – or is that a typographical error?

250 **Hon. S E Linares:** No, Mr Speaker, I do not see it as a typographical error. I am sure that they start early in the morning, even at that time, at 6.30 in the morning. I will, nonetheless, check, but I am sure, because if the hon. Member looks at the Plater Youth Club, they start at seven on Wednesday, so they do start pretty early and I am sure it is to do with children whose parents go to work and they have nowhere to go, so they will probably pop into the Youth Service.

255 **Hon. E J Reyes:** As you know, we are both reading the same sheet, Mr Speaker. The Plater Youth Club on a Wednesday opens at 7 p.m. and closes at 9.30 p.m. I was referring to the Laguna Youth Club, where on Wednesday and Thursday it is open for something like 15 hours from 6.30 a.m., which is ... I have grandchildren who are very early risers, but to be at a youth club at 6.30 a.m. takes the biscuit.

260 **Hon. S E Linares:** Mr Speaker, I will check whether it is a.m. or p.m.

Hon. E J Reyes: And while that is common, from my general knowledge, the footnote at the end of the Youth Centre says 'There will be a Rockthrifters (upcycling Fashion project)'. I know the keenness of certain Ministers in getting us all to cycle to work and so on, but could we please have
265 a layman's explanation of what 'upcycling Fashion project' is?

Hon. S E Linares: Mr Speaker, in today's age, upcycling has nothing to do with actual cycling, it is to do with recycling. Nowadays, due to the young people looking after the environment, they will get all the things that are in fashion and which people with a lot of money use once, and they
270 upcycle – which means recycle – the clothes. There is a big market in that now. You can see in the clubhouse a shop where there are second-hand clothes – very good quality, may I add, and I would ask everybody to have a look and see if they can buy clothes from there. My passion is to go to vintage shops in London to buy many of my clothes, because I think we should be looking after the environment. 'Upcycling' means 'recycling'.

275 **Mr Speaker:** Next question.

Q208/2022
Sports facilities –
Update re expected completion dates

Clerk: Question 208/2022. The Hon. E J Reyes.

Hon. E J Reyes: Further to his answer to Question 35/2022, where he stated his hopes of
280 completion by the month of June, can the Minister for Sport update this House with details of which remedial works in respect of sporting facilities have now been fully completed, together with details of those still pending and their revised completion dates?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.
285

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
Mr Speaker, I am glad to confirm that the subcontractor responsible for completing the track at the Lathbury Sports Complex has been on site for over two weeks. Works are progressing very well, with completion and subsequent line marking to be completed as expected.

290 The swimming pool testing and commissioning continues progressing. As explained in our last session, whilst a very slow process, this is a necessary step to ensure that any issues are dealt with immediately.

In terms of Europa, works on the wicket will commence on 4th July with the specialist contractor undertaking their portion of these on 18th July. This final phase should take two to
295 three days at most. Whilst on site, the contractor will review the pending fencing issues and address accordingly.

Q209/2022

**Customs Marine section dispute –
Actions to resolve**

Clerk: Question 209/2022. The Hon. D A Feetham.

Hon. D A Feetham: What is the Government doing to resolve the dispute that Unite the Union
300 has declared with Customs over the issues relating to the Marine section?

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
305 Mr Speaker, I can confirm that the dispute is now on hold and that HM Government of Gibraltar
has entered into a consultation process with Unite the Union on the matters pertaining to the
Customs Marine section. This process is ongoing and both parties are working together on the
drafting of policies specific to the Marine section.

Hon. D A Feetham: Arising out of the answer the Minister has kindly provided, what are the
310 matters that are currently in discussion?

Hon. S E Linares: Mr Speaker, as I said in the answer to the question, this is pertaining to policy
315 specifics. It is to do with the policies of each section. They are undergoing reviews of policies. We
are working at them and, as the hon. Member knows, they have already lifted the industrial
dispute completely.

Hon. D A Feetham: Yes, but let's drill down in relation to that: what policies? Of course,
320 'policies' is generic, but it is policies on some aspect of the job they are doing. Can he give details
about the policies of what specifically, so that this House is informed about that?

Hon. S E Linares: On policies pertaining to the Marine section. Therefore, it is to do with having
325 policies on working practices, issues with shift work, issues which are completely and utterly
pertaining to them. That was the crux of the dispute, that the two unions would not agree to what
should be done. When we sat down together and said let's draft out what needs to be done ...
both unions are now satisfied that we are working at that and therefore have lifted the industrial
action.

Hon. D A Feetham: Mr Speaker, I am sorry to persist, but all he has really said in relation to the
330 matters ... This is the word that he used originally in his answer, the 'matters'; then he used the
words 'the policy'. The only specific he has provided is in relation to shift work, so is he saying that
this underlying dispute was about shift work and that is what the Government is now in
discussions about, or are there other matters, which the Government is also discussing with the
union, that provoked the industrial action in the first place?

Hon. D A Feetham: In order to assist the Minister, let me just read a report of the actual press release that Unite
335 issued when it declared a dispute with Customs. It says that it related to a question in relation to
'a rotation period of eight years' for the Marine section. I was not sure what that meant, whether
it related to simply shift or, for example, that somebody is allocated to the Marine section for a
period of eight years and then comes off it after a period of eight years. Those are the types of
340 issues that I am trying to elicit information on, so that we understand what this dispute was about.

Hon. S E Linares: Mr Speaker, he has answered his own question. He has said about the eight
years – that was another issue, and we have now cleared those issues. Therefore, there is not any

345 longer the issue of the eight years; we have cleared it. So, he has actually answered the question.
If he knows that it is to do with the eight-year period, then it is exactly what we have agreed to.

Hon. D A Feetham: Mr Speaker, I –

350 **Mr Speaker:** This will be the final one.

Hon. D A Feetham: Yes. I do not know whether the Chief Minister is in a position to assist the House in relation to this. We are, on this side, I have to say, quite confused about the answers that the Minister is providing about this.

355 Let's see whether we can at least distil what the Minister is saying, so we can get some clarity. The underlying dispute is about shift work and it is about this eight-year rotational period. Those are the only two issues – one I have proffered, and the other one he has proffered to me.

360 Given the eight-year rotation period has been solved, according to the Minister, can I ask him at least to inform the House as to how that eight-year rotation period reason for the dispute has been solved?

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government conducts its industrial relations negotiations with the unions, not with hon. Members in this House.

365 The issue has been resolved in a manner which I commend the Hon. new Minister for Industrial Relations for. I was unable to deal with many of these issues because of the other pressures of work I had and therefore had to pass the industrial relations brief to a man who had previously been president of one of our national unions, and it has been resolved to the satisfaction of all involved.

Mr Speaker: Next question.

Q210/2022
Work permits –
Policy re non-EU and non-British residents

370 **Clerk:** Question 210/2022. The Hon. D A Feetham.

375 **Hon. D A Feetham:** Mr Speaker, can the Government explain the reasons behind the policy where a non-EU and non-British resident in Gibraltar with a residency card, married to a Gibraltar believer, is not provided by the ETB with a work permit where a recruitment agency wants to place him in firm employment, albeit under a zero-hours contract or a contract below a certain number of hours?

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

380 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, I can assure this House that the Department of Employment reviews all applications received from employers who wish to engage non-entitled workers fully in accordance with the Employment Regulations 1994.

385 The hon. Member must know that whether or not a work permit is granted is not a matter of policy but a matter of law. In particular, whether or not to grant a work permit is a determination to be made by the Director of Employment under the Employment Regulations 1994 in her sole and absolute discretion.

390 **Hon. D A Feetham:** Mr Speaker, the Minister will forgive me, but I have been helping a particular constituent; it is a couple. She is British-Gibraltarian, has been in Gibraltar all her life and is married to somebody born in Africa. I just use the continent because I do not want her to be identified. I have looked at the law. The law does not prevent, as far as I can see, a work permit from being issued, but I am being told by the public servants I am dealing with at the ETB that if the contract that underpins that person's potential employment or potential placement by the recruitment agency is zero hours or below a certain number of hours, the policy is not to issue a work permit. Therefore, the problem is the chicken-and-egg situation that he cannot get the employment because he does not have ... The recruitment agency will not place him where the recruitment agency would want to place him, and he is very happy with that, because a work permit does not issue. Of course, simply because the contract is a zero-hours contract does not mean that he is not going to be working, because people on zero-hours contracts ... whatever the morality of that is, the reality is that they may work for many hours in a week, and he is quite happy to sign a zero-hours contract – at least he is working in the placement where it was proposed that he was going to work.

400
405 I have raised this matter with Debbie Garcia, whom I have to say I have no criticism of at all. I want to put that beyond doubt because she is probably, out of all the public servants I have dealt with, one of the most helpful. She is a person who always knows what she is doing and she is very helpful and keen to help. But of course we have this situation. Can, at least, the Minister undertake to me to try to look at this, liaise with Debbie Garcia at the ETB and see whether I am right that nothing in law prevents the issue of this permit? And if there is nothing in law that prevents it and it is just a policy, that perhaps that policy might be dealt with in more a malleable situation to prevent injustice? Certainly I think there has been an injustice in this situation. Will the Minister undertake to do that?

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415 **Hon. S E Linares:** Mr Speaker, the hon. Member has brought up three issues: one pertaining to a personal problem that someone has, which obviously I am not in a position to discuss at all. There is a law that says data protection ... and therefore what pertains to the particular person he represents is not something I am going to answer at all.

420 The second thing is that I totally agree with him in the characterisation he has given to Debbie Garcia, because she is absolutely a person who does take her job very seriously and has been dealing with this case. That is as much as I am going to say about this case.

425 The third was the zero-hours contract issue and the policy. It is a matter of law, as I have just said in answer to the question. It is not a matter of whether we should or should not do it, it is a matter of law, so I stick to my previous answer, also adding about Debbie Garcia and adding that I will not comment on any personal issues pertaining to somebody specifically.

430 **Hon. D A Feetham:** I have not mentioned this person by name, but when they were in Opposition – I do not criticise him for it at all because it is completely proper – and when we are in Opposition it is completely proper for us to bring to this place the personal issues of constituents that may have some wider implications. It is also, with respect, not impermissible or inappropriate for me, across the floor of this House, to try to help a constituent – because, at the end of the day, here we are all servants of the people, servants of constituents – to try to see whether at least we can get some justice for an individual, even if we do not mention that individual's name.

435 With that in mind, can he at least ask one of his public servants to write to me referring to the provision in the piece of legislation that says it cannot be done because of x, y and z provision? It may well be that I can write back to them and say 'That cannot be right for these other reasons'. Perhaps we can, by working collaboratively with each other, at least do some justice in this individual case. Will the Minister at least undertake to do that?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman is absolutely right, there is absolutely nothing wrong with Members of the Opposition bringing to this House, by way of question, matters which relate to a problem that a constituency member has had – a member of our single constituency, because they are all constituents of ours. We used to do the same thing and we encourage them to do the same thing when they think it is appropriate. We also encourage them to get in touch with us if there are things which affect individuals, which hon. Members very often do and we try to assist when we can, without it having to become a ding-dong across the floor of this House.

On the subject matter in question, the hon. Member will know that the rules were much tighter when they were in government. One of the things we did when we were elected was loosen these rules. It was remarkable for me, when I was elected, to receive applications from people who were locally resident British Gibraltarians – that is to say a British Gibraltarian who has not moved away, a locally resident British Gibraltarian – who wished not to have their spouse start work but wished to marry someone who was from outside Gibraltar and, depending on what continent they might come from, permission would or would not be granted by the person sitting in No. 6 Convent Place. I found it, in my view, an intolerable interference with the personal liberty of the individual to fall in love and make the decision to marry that the permission should be granted for the marriage licence from No. 6 Convent Place, or permission for entry in order for people to marry, so we released that.

In these circumstances what we are dealing with is the right to work after a marriage, and in those instances the question is: is there a real state of work? This is what will be the subject of an issue: is there a real state of work, or is the zero-hours contract a pretence of work? There, we must be very careful not to become the jury of fact. The jury of fact is the official who is making the determination downstream of what is happening.

He is, these days – I cannot remember what his position was when he was in government; I think he was supportive of them, so I will say the usual caveat ‘these days’ – the staunchest enemy of zero-hours contracts. So, in the context of him saying that zero-hours contracts are a bad thing, I am surprised that he is taking the position he is taking at this time, but I encourage him, if he wishes, to write to me or the Hon. Minister with the details of the case in question, so that we can find out whether there is any circumstance in which we could assist in some way, or whether there is a very appropriate and right decision being taken by an official who has been mentioned across the floor of this House – and I think that was not necessary, but who enjoys the full confidence of us on this side of the House, who does a diligent and careful job on every application that is brought to her attention to ensure compliance with Government policy, Government’s compliance with the law and fairness to the individual who may be an applicant in any particular case.

Hon. D A Feetham: Mr Speaker, whilst I do not accept the comments the hon. Gentleman has made in relation to zero-hours contracts – I dislike them, I do not agree with the issue of zero-hours contracts – this is wider than that. This is about somebody who says, ‘I understand that I am being given a zero-hours contact but it is the only way I have to access this particular job, which is a job that I really want to do, and in all fairness I have been told that even though it is a zero-hours contract I am going to be doing x number of hours a week.’ In those circumstances is not for me to say do not take the job because it is a zero-hours contract. This is a decision that the constituent has taken.

Nonetheless, I will take up the offer that he Hon. the Chief Minister has made and I will write either to the Minister or to him about this particular case, to see whether we can unblock it.

Hon. Chief Minister: The hon. Gentleman may or may not accept what I have said about zero-hours contracts and he may characterise it as he wishes, but what is engaged in his question is none of that. What is engaged in his question is the discretion to grant the work permit, and in granting the work permit the nature of the work will be relevant where it is a discretionary permit.

That is the point, Mr Speaker, and that is what he is trying to avoid in trying to present his remarks – which are not a question – at the end of this exchange.

Mr Speaker: Next question.

Q211/2022
Mid Harbours estate –
Update re construction of new play park

495 **Clerk:** Question 211/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update with regard to the construction of the new play park at Mid Harbours estate.

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, the Gibraltar Sports and Leisure Authority and the Housing Works Agency are working closely together to deliver this project soonest. Quotes are currently being revisited with a decision to commence works to be taken shortly.

510 **Hon. D J Bossino:** May I raise this with him? I received a copy of an email which a member of the tenants' association there wrote to his Department. It may have been the Department of the Environment – I am not too sure about the accuracy of that – but it was a very similar response I then received in early June, which the hon. Member has just given us. The comment made by this gentleman is that the GSLA already sent a quote last year which was approved this year and the only issue was whether it was going to be done in the previous financial year, in this financial year or the one coming now. I just raise this by way of greater specificity, so that he can consider in his ... whether he can comment on that, basically.

515 **Hon. S E Linares:** Mr Speaker, it is obvious that we have gone beyond 31st March, we are now in a new financial year, and therefore it cannot be last year's, so it will be this year.

520 **Hon. D J Bossino:** But why the need for new quotes? I thought that issue was settled and he could go and basically build the thing.

525 **Hon. S E Linares:** No, Mr Speaker, because, as I have said in answer to my question, it is two entities. They are two different things. The GSLA are the ones who procure the equipment and the Housing Works Agency is the one that contracts whoever is going to do it, i.e. the plinth, prepare the place, and place the equipment. They have to get together. They have done that. They are now getting quotes. We can budget. We know, more or less, what it is going to cost. This is what you put in the budget, and then, if you get that budget, you spend it, and this is where we are now. We are getting the two entities to get this done. I cannot now say whether it is in the Book or not in the Book until next week, when we can see whether it is in the Book, or not.

530 **Hon. D J Bossino:** Mr Speaker, can I drill down on 'soonest'? Is he able to say with more particularity when he thinks this is going to be done?

535 **Hon. S E Linares:** I would not like to do that because when you procure things like equipment, which needs to be procured, we would also look at if we could make some savings by looking at

the old equipment and whether it can be fixed – that is another issue we were looking at – but I would not like to commit myself, like I have probably done too many times in this House, and then the next question is ‘Why didn’t you do it by this date?’ ‘Soonest’, for me, is a very, very short time.

540

Mr Speaker: Next question.

Q212/2022
Housing Department –
Complaints re answering correspondence

Clerk: Question 212/2022. The Hon. D J Bossino.

545 **Hon. D J Bossino:** Thank you. Please state what efforts are being made to improve and resolve what the Public Services Ombudsman has described in his 2020 report as ‘an unacceptable level of complaints’ relating to non-reply and/or delay in replies to letters to the Housing Department/authority.

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

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Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, the Ombudsman’s report only captures a number of complaints and not the full volume of correspondence received by the Department, which is answered in accordance with established protocols.

555 Nonetheless, since the report was made public the Housing Department has introduced an in-house complaints procedure, as recommended by the Office of the Ombudsman, to enhance the quality of the service provided by the Housing Department. Subsequently, the Department has also created specific emails for each section to further facilitate their dealings with the public.

560 **Hon. D J Bossino:** May I ask him when these measures were introduced?

Hon. S E Linares: Mr Speaker, without trying to give away what I probably will be mentioning in my Budget speech, it was a couple of months ago. I am going to give him the specific date.

565 **Hon. D J Bossino:** Is he able to say, from his point of view, whether there has been an improvement, as was being called for by the Public Services Ombudsman? And if I borrow from the Ombudsman’s report, where he suggests that senior management will have to nip this in the bud, would he say that this has been nipped in the bud?

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

Mr Speaker: Next question.

Q213/2022
Government rented accommodation –
Means testing

Clerk: Question 213/2022. The Hon. D J Bossino.

575 **Hon. D J Bossino:** Please state whether the Government is considering adopting a policy for means testing in connection with Government rented accommodation?

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

580 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, no, sir.

585 **Hon. D J Bossino:** Mr Speaker, is the rationale behind that negative that this party does have a policy in relation to that? They put it in their manifesto in the 2019 election. Is the rationale behind that an ideological one, or is it more – as I heard, I think, other politicians in the past say – that introducing this measure would prove administratively burdensome?

590 **Hon. S E Linares:** Mr Speaker, this Government is not very keen on doing means testing in general since, in the past, where the GSD Government has done so, it has mainly affected those on PAYE as opposed to targeting those who can afford or not, as the case may be. It has become an unfair system.

Hon. D J Bossino: Can I glean, from that, that the Government is not keen because of those reasons, rather than from a firm ideological basis or premise for it?

595 **Hon. S E Linares:** Mr Speaker, I refer to the answer just given.

Mr Speaker: Next question.

Q214/2022
Housing Allocation Scheme –
Update re review

Clerk: Question 214/2022. The Hon. D J Bossino.

600 **Hon. D J Bossino:** Please provide an update with regard to the Government's review of the Housing Allocation Scheme.

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

605 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, as the hon. Member is aware, the Housing Department is reviewing the Housing Allocation Scheme and this should be completed soon – and 'soon' means exactly the same as I said before.

610 **Hon. D J Bossino:** Can he provide information to this House as to ...? How far advanced is the Minister? I know it leads to the same answer, but how far advanced is he in producing the Housing Allocation Scheme? Quite apart from it being a pending matter, the reason it arises is because again it features in the context of a specific complaint which the Ombudsman reviewed, as set out in the 2020 report, which actually he is unable to reach a conclusion on until the scheme is
615 finalised.

Hon. S E Linares: Mr Speaker, I can assure the hon. Member that it is very, very advanced.

Q215/2022

**Information Technology and Logistics Department –
Update re resolution of dispute**

Clerk: Question 215/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can Government update the House on the discussions to resolve
620 the dispute at the Information Technology and Logistics Department?

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
625 Mr Speaker, I can confirm that the dispute is now on hold and that HM Government of Gibraltar
has entered into a consultation process with the GGCA on the matters pertaining to ITLD. Our first
meeting is scheduled for early July 2022.

Hon. K Azopardi: Mr Speaker, at the time there was public information about this dispute, the
630 concerns that were expressed by the union were that there was a fear that the Government was
under-resourcing ITLD and there was a fear that there was a dismantling of the Department and
that the functions of the Department were being usurped and transferred to another area within
the Government. Does the Minister recognise those complaints in the discussions he has had?
And what is the Government's attitude towards that?

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Hon. S E Linares: Mr Speaker, I have told the hon. Member that we are meeting in early July to
discuss all the issues with them and I am not in a position today, in this House, to put forward all
the issues that they might bring up with the Government. The hon. Member must understand that
if you go into negotiations, discussions and consultation ... I am not now going to spell out all the
640 issues that we have to discuss. After 22nd July when we meet, if it is not resolved it depends on
how they want to take it, or, if it is resolved, all well and good, but I am not in a position now to
say what the discussions are going to be.

Hon. K Azopardi: Can I just ask the hon. Member: when he says the dispute has been put on
645 hold pending this meeting, was it put on hold pending the meeting on the basis of a promise for a
meeting, just on that basis; or were there any discussions in relation to the issues of resources and
the specific complaints that were had at that stage, which then led to a promise of a further
meeting?

650 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I genuinely think that it is not conducive to the
interest of the taxpayer for us to conduct the post-mortem of each phase of industrial relations in
respect of a dispute that is open between the Government and a union in order to satisfy hon.
Members' curiosity. Therefore, the Government position is that we have answered the question
that hon. Members have put but this is an issue that we are negotiating with the GGCA and we do
655 not want to say anything that exacerbates the position because it would not be in the interest of
the taxpayer or the Civil Service. Putting our view as to what it is that is happening and has
happened might exacerbate matters. Putting the union's view might require us to put our view.
So, because this is a live process of negotiation, we do not think it is prudent for us to be saying
anymore at this stage. By all means, when the issue is resolved we will have to explain to the public
660 and to the taxpayer how it has been resolved and what compromises have been reached, but
'How are you compromising in order to go to the next stage of the negotiation and the meeting?'
is a level of curiosity that the hon. Gentleman is evincing which does not go to the proper discharge
of Government business or otherwise.

665 **Hon. K Azopardi:** Mr Speaker, a final question on this. Let me just say that it is not to satisfy
our curiosity. We do not come to this House to satisfy our curiosity. We could stay at home and
watch Netflix and watch more interesting programmes and documentaries. What we are trying to
do is probe issues that are of public interest and are matters of concern which have reached the
670 public domain. This concerns our constituents, members of the union and indeed lots of people
who work in the public service and we are trying to probe it. Nonetheless, I accept and understand
what the Hon. Chief Minister is saying about not wishing to get into the detail of that.

Can I just ask is the Hon. Minister leading on the Government side in the forthcoming meeting
in July?

675 **Hon. Chief Minister:** Mr Speaker, if the hon. Gentleman thinks it is more interesting to stay at
home to watch Netflix than it is to come to this House to do the job which he has been elected to
do, he should say that to the general public without shying away from the fact that he thinks it is
boring to come here to do his job.

The fact is that we are in the process of negotiating something which is of interest to the
680 members of the union, which is of interest to the members of the political Government and which
is of interest to members of all the public service and the public who receive that service. Of course
we accept that. That is why we are negotiating to get the best deal for everyone in a way that
works for everyone.

One thing is to probe, the other thing is to look at something which is as yet an open issue and
685 to try and pry it open, and that is what I am saying to the hon. Gentleman he is seeking to do.

Yes, Mr Speaker, the matters are going to be dealt with by the Minister for Industrial Relations,
who will be leading that meeting with the support of all other Ministers. He will have my support,
if he needs it, because I have had a background in this issue from when I was Minister for Industrial
Relations; and the Minister for ITLD, the Hon. Albert Isola, has also been providing input and
690 feedback.

Mr Speaker: Next question.

Q216/2022
Knight's Court –
Contract re cleaning of communal areas

Clerk: Question 216/2022. The Hon. the Leader of the Opposition.

695 **Hon. K Azopardi:** Mr Speaker, are the communal areas in Knight's Court included in any
cleaning contract with the Government, and if so, with whom; or are they the responsibility of the
Housing Ministry or anyone else, and if so, who?

Clerk: Answer, the Hon. Minister for Industrial Relations, Employment, Housing and Sport.
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Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
Mr Speaker, Knight's Court is included in a contract on the same basis as other estates, with
arrangements for commencement being finalised. The contract is between the Ministry of the
Environment and Britannia Ltd.
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Hon. K Azopardi: Mr Speaker, I am not sure I understand that. He said it is included but then
he added the words 'with the arrangements to be finalised', so is the contract in place now or is
he saying that it will be in place in the future? Is that what he is saying?

710 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, if I may assist, there is a contract in place. There had been a difference in interpretation between Britannia, the Department of Environment and the Ministry for Housing as to whether it was included or not. This is now resolved, and therefore, if it has not started already it will commence imminently.

Q217/2022
Government housing –
Number empty and available for allocation

715 **Clerk:** Question 217/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many dwelling houses has the Government identified as empty at 31st May 2022 and available for housing allocation?

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, there are currently three flats available.

Q218-19/2022
Government housing –
Number allocated in 2021 and up to end of May 2022

725 **Clerk:** Question 218/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many dwelling houses have been allocated by the Housing Authority in the calendar year 2021, breaking these down by room composition?

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 219.

Clerk: Question 219/2022. The Hon. the Leader of the Opposition.

735 **Hon. K Azopardi:** Mr Speaker, how many dwelling houses have been allocated by the Housing Authority in the first five months of 2022 up to 31 May 2022 breaking these down by room composition?

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

Hon. S E Linares: Mr Speaker, the breakdown of flats allocated in 2021 by room composition is as follows: 1RKB, 13; 2RKB, 55; 3RKB, 64; 4RKB, 18; 5RKB, three; and 6RKB, none.

The breakdown of flats allocated up to 31st May 2022 by room composition is as follows: 1RKB, five; 2RKB, nine; 3RKB, 12; 4RKB, 12; 5RKB, none; and 6RKB, none.

745 **Hon. K Azopardi:** Mr Speaker, I am grateful for those figures. Obviously, I need to add them up, but I can see from the numbers he has given in respect of 2021 and the first five months of 2022 that ... I suppose it averages out at around a few houses a month. In his experience as Housing Minister, is that the kind of pattern he sees?

750 Can I just ask him, given the answer he gave to the previous question, which is that there are three dwelling houses identified as empty, is that number the number of houses that are potentially now available for allocation, or is the allocation that has been done by the Department under these other questions coming from other sources?

755 **Hon. S E Linares:** Mr Speaker, the hon. Member poses a few issues which I have already explained to the Hon. Mr Bossino in the last Question Time and it was in relation to ... He said that it had been lower in 2021, and we went through all that about COVID and why COVID had then affected the allocation of houses – and I am not going to go into that again. That is why, probably, the numbers are slightly lower than usual. But I can also say to the hon. Member that it is not only because three houses are empty that allocations happen. One of the empty ones, for example,
760 might be allocated to someone who is already a Government tenant and moves on, and therefore the next house becomes empty. That is what we call a chain. I have already explained to this House exactly how these things work, where you might have five allocations with one empty flat because people move from A to B, from B to C, from C to A, and therefore these chains are the number that has been given to the hon. Member.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q256/2022 Ketamine – Reclassification

765 **Clerk:** Question 256/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether it is considering the reclassification of ketamine from a class C to a class B controlled substance?

770 **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, following a recent arrest in relation to possession of, importation of and possession with intent to supply ketamine, the question of reclassification of ketamine from
775 class C to class B will be considered in consultation with the Drugs Advisory Council.

Hon. E J Phillips: Mr Speaker, does the Minister know when the Drugs Advisory Council will next meet to consider this very point?

780 **Hon. Miss S J Sacramento:** Mr Speaker, a meeting has been convened. However, because of the number of people who attend the Drugs Advisory Council, it may not be possible to have everyone in the room because of arrangements during the summer, so I would safely say within the next few months.

Q257/2022

**Nitrous oxide –
Provision of testing equipment to RGP**

Clerk: Question 257/2022. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state whether the RGP have been provided with equipment that allows them to test for nitrous oxide in advance of the legislation being brought before this House criminalising the misuse of this substance?

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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, the RGP is looking into the most appropriate way to test for nitrous oxide to the appropriate criminal evidential standard. Once proposals are put forward by the RGP the Government will consider them.

795

Q258/2022

**Juvenile delinquency –
Plans to address**

Clerk: Question 258/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what plans does the Government have to address juvenile delinquency?

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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, as this Parliament is aware, I recently set up a Youth Justice Committee under the Ministry of Justice to look into this area of concern. I appointed the chief executive of the Care Agency to chair and the members include senior representatives from the Care Agency, the Ministry for Justice, the Royal Gibraltar Police, Probation Services, HMP Windmill Hill, the Gibraltar Health Authority and the Education Department.

805

The Committee members have worked closely together, and minutes of the meeting held and information submitted by the individual services have been used to compose a report which includes analysis and conclusions of the main issues that have arisen. I am assured I will be receiving it very shortly.

810

All the services are united to ensure that children are supported and empowered to make the most of their lives, enjoy and achieve and make a positive contribution to the community within Gibraltar, and agree that this requires all involved to tailor their services to the individual child's needs.

815

The following goals have been identified by the Committee: a reduction in first-time offenders, a reduction in reoffending, a reduction in the use of custody, and a reduction in first-time offending, and preventative work.

820

Hon. D A Feetham: Mr Speaker, can she inform the House when she expects to be able to make an announcement to the House as to the measures that she might bring to bear in order to deal with this issue?

825 **Hon. Miss S J Sacramento:** Mr Speaker, I am very grateful to the Committee because I set up
this Committee and they have been working on this alongside initially their commitments in
COVID – because unfortunately we are small and a lot of people overlap in their responsibilities. I
know that there is a draft report which they are working on, to submit to me. I know that this
report is at an advanced stage. I am in the hands of the Committee and its chair. I would like to be
in a position to make announcements in this respect after the summer.

830 **Hon. E J Phillips:** Mr Speaker, just one question on a matter of interest to me, as well as my
learned and hon. Friend. Insofar as the question has been addressed to the learned Minister in
relation to juvenile delinquency, as the Minister will know from the last Police Report that was
laid on the table of the House at the last session, there was a direct link between public disorder
835 and drugs misuse and we saw significant increases over the last two years. Is this going to be
central to this question about juvenile delinquency? We have seen, on the face of the paper that
was laid before the House, serious increases in public disorder and drug misuse offences, and
therefore those would appear, would they not, to be central to the strategy of the Government in
tackling juvenile delinquency? Would she agree with that?

840 **Hon. Miss S J Sacramento:** Mr Speaker, it is for this very purpose that when I set up this
Committee there was a multi-agency approach to it. The main players that deal with the issues
the hon. Gentleman has mentioned, mainly drugs and the correlation between that and crime,
are represented by those who sit on the Committee by way of the Gibraltar Health Authority –
845 which will, of course, have input by its Director of Public Health – the Royal Gibraltar Police and
by the Care Agency. Because there is an overlap and these things cannot be considered in a
vacuum, all these professionals who are connected in the way that they work with young people
have had an opportunity to express their voices, and this will all be contained in the report once I
receive it.

850

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q242/2022

A-Level and equivalent examinations – Number of students by educational establishment

Clerk: Question 242/2022. The Hon. E J Reyes.

855 **Hon. E J Reyes:** Mr Speaker, can the Minister for Education provide details on the total number
of students who sat A-Level or equivalent examinations during the summer 2022 examination
sessions, broken down by educational establishment?

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

860 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E
Cortes):** Mr Speaker, the summer 2022 examination season is still ongoing. It is scheduled to be
completed at the end of June – in fact, within the next few days – and we will be able to answer
this question with total accuracy upon completion of the exam session. This said, we are able to
project figures, subject to not knowing whether those listed actually turned up for the exam. There
865 can be some variations as a result. We envisage that 128 students from Bayside, 174 students

from Westside and 32 students from the Gibraltar College will have sat A-Level or equivalent examinations once this session is over.

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

870 I apologise. Perhaps in my wording, instead of putting down the words ‘who sat’ – the Minister is correct that there are some exams pending this week – I could have put down ‘who have been entered’. But yes, as and when information does vary in the future, I would be grateful, but I do not think it will vary by more than one or two at the most.

Thank you, Mr Speaker.

Q243/2022

**A-Level and equivalent courses –
Academic entry requirements by educational establishment**

875 **Clerk:** Question 243/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education provide details, broken down by educational establishment, in respect of the minimum academic entry requirements required in order for a pupil to enrol in A-Level or equivalent courses commencing in September 2022?

880

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

885 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the requirements to access A-Level or equivalent courses are the same across all three educational establishments. Students wishing to enrol in an A-Level or equivalent course will require a minimum of four GCSEs at grades 9 to 4. These students will be able to select two courses of study, as long as they meet the subject-specific requirements. Students who have achieved a minimum of five GCSEs at grades 9 to 4 would be able to select three courses of study, as long as they meet the subject-specific requirements.

890 Each course at this level of study has its own subject-specific entry requirements. I am handing over a schedule to the hon. Member which details the current subject-specific requirements for A-Level and equivalent courses for all our educational establishments.

Answer to Question 243/2022

SUBJECT	MINIMUM ENTRY REQUIREMENTS FOR A-Level SUBJECTS	RECOMMENDED ENTRY REQUIREMENTS FOR A-Level SUBJECTS
ACCOUNTING	GCSE Grade 4/C in both English Language and Mathematics	GCSE Grade 4/C in English Language; and Grade 5 in Mathematics
APPLIED BUSINESS	GCSE Grade 4 in Business Studies. <i>If you did not follow the Business Studies GCSE course you can access this A-Level course if you have both a Grade 4 in English Language and a Grade 4 in Mathematics.</i>	GCSE Grade 4 in Business Studies. <i>If you did not follow the Business Studies GCSE course you can access this A-Level course if you have both a Grade 4 in English Language and a Grade 4 in Mathematics.</i>
ART & DESIGN	GCSE Grade 4 in Art & Design.	GCSE Grade 4 in Art & Design.
BIOLOGY	Grade 44 in Combined Science; and Grade 4 in Mathematics.	Grades 55 in Combined Science and a Grade 5 in Mathematics.
BUSINESS STUDIES	GCSE Grade 4 in Business Studies.	GCSE Grade 4 in Business Studies.
CHEMISTRY	Grades 44 in Combined Science; and Grade 4 in Mathematics.	Grades 55 in Combined Science and Grade 5 in Mathematics.
DANCE	GCSE Grade 4 in Dance; or a recognised Level 2 external qualification in Dance.	GCSE Grade 4 in Dance or a recognised Level 2 external qualification in Dance.
DESIGN TECHNOLOGY	GCSE Grade C in Design Technology. <i>If you did not follow the DT GCSE course you can access this A-Level course if you have proven practical ability.</i>	GCSE Grade C in Design Technology. <i>If you did not follow the DT GCSE course you can access this A-Level course if you have proven practical ability.</i>
DRAMA AND THEATRE STUDIES	GCSE Grade 4 in Drama. <i>If you did not follow the Drama GCSE course you can access this A-Level course if you have a Grade 4/C in English Language.</i>	GCSE Grade 4 in Drama. <i>If you did not follow the Drama GCSE course you can access this A-Level course if you have a Grade 5/B in English Language.</i>
ECONOMICS	GCSE Grade C in Economics. <i>If you did not follow the Economics GCSE course you can access this A-Level course if you have a Grade 4 in English Language and a Grade 4 in Mathematics.</i>	GCSE Grade C in Economics. <i>If you did not follow the Economics GCSE course you can access this A-Level course if you have a Grade 5/B in English Language and a Grade 5 in Mathematics.</i>
ENGLISH LITERATURE	GCSE Grade 4 in English Language and Grade 4 in English Literature.	GCSE Grade 4 in English Language and Grade 4 in English Literature.
FRENCH	GCSE Grade 4 in French.	GCSE Grade 5 in French.
GEOGRAPHY	GCSE Grade 4 in Geography.	GCSE Grade 5 in Geography.
HEALTH & SOCIAL CARE	GCSE Grade 4 in Health and Social Care. <i>If you did not follow the Health and Social Care GCSE course you can access this A-Level course if you have a Grade 4/C in English Language and Grades 44 in Combined Science.</i>	GCSE Grade 4 in Health and Social Care. <i>If you did not follow the Health and Social Care GCSE course you can access this A-Level course if you have a Grade 5/B in English Language and Grades 55 in Combined Science.</i>

Answer to Question 243/2022 cont.

HISTORY	GCSE Grade 4 in History. <i>If you did not follow the History GCSE course you can access this A-Level course if you have a Grade 5/B in English Language.</i>	GCSE Grade 5 in History. <i>If you did not follow the History GCSE course you can access this A-Level course if you have a Grade 5/B in English Language.</i>
HISTORY OF ART	GCSE Grade 4/C in English Language.	GCSE Grade 5/B in English Language.
ICT	Cambridge Nationals Level 2 (GCSE equivalent).	Cambridge Nationals Level 2 (GCSE equivalent).
ITALIAN	GCSE Grade 4 in Italian.	GCSE Grade 5 in Italian.
MATHEMATICS	GCSE Grade 6 in Mathematics.	GCSE Grade 7 in Mathematics.
FURTHER MATHEMATICS	GCSE Grade 7 in Mathematics.	GCSE Grade 8 in Mathematics.
MUSIC	GCSE Grade 4 in Music. <i>If you did not follow the Music GCSE course you can access this A-Level course if you have a Grade 5 pass or above in Theory of Music and a Grade 5 pass or above in any instrument.</i>	GCSE Grade 5 in Music. <i>If you did not follow the Music GCSE course you can access this A-Level course if you have a Grade 5 pass or above in Theory of Music and a Grade 5 pass or above in any instrument.</i>
MUSIC PERFORMANCE	You can access this BTEC course if you have Grade 4 in a practical Music qualification. If you do not hold a Grade 4 qualification you may be able to access this BTEC course after a successful participation in an audition process.	You can access this BTEC course if you have Grade 4 in a practical Music qualification. If you do not hold a Grade 4 qualification you may be able to access this BTEC course after a successful participation in an audition process.
PHYSICAL EDUCATION	GCSE Grade 4 in PE and GCSE Grade 44 in Combined Science. <i>If you did not follow the GCSE PE course you can access this A-Level course if you have Grades 44 in Combined Science and are active participants in sport or dance.</i>	GCSE Grade 5 in PE and a GCSE Grade 55 in Combined Science. <i>If you did not follow the PE GCSE course you can access this A-Level course if you have Grades 55 Combined Science and are active participants in sport or dance.</i>
PHYSICS	GCSE Grade 44 in Combined Science and a Grade 4 in Mathematics.	GCSE Grade 55 in Combined Science and a Grade 5 in Mathematics.
PSYCHOLOGY	GCSE Grade 4 in English Language Grade 4 in Mathematics and Grades 44 in Combined Science.	GCSE Grade 5/B in English Language; Grade 4 in Mathematics and Grades 44 in Combined Science.
RELIGIOUS STUDIES	GCSE Grade 4 in RS. <i>If you did not follow the RS GCSE course you can access this A-Level course if you have a Grade 5/B in English Language.</i>	GCSE Grade 5 in RS. <i>If you did not follow the RS GCSE course you can access this A-Level course if you have a Grade 5/B in English Language.</i>
SOCIOLOGY	GCSE Grade 4 in Sociology. <i>If you did not follow the GCSE Sociology course you can access this A-Level course if you have a Grade 4/C in English Language.</i>	GCSE Grade 5 in Sociology. <i>If you did not follow the Sociology GCSE course you can access this A-Level course if you have a Grade 4/C in English Language.</i>
SPANISH	GCSE Grade 4 in Spanish.	GCSE Grade 4 in Spanish.
TRAVEL & TOURISM	GCSE Grade 4/C in English Language.	GCSE Grade 5/B in English Language.

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

In my personal reflection upon this, I am grateful that the Minister has provided two columns, one that says the minimum entry requirements, the benchmark, and then beside that he has the recommended, which would be the ideal situation. Is there a logic behind the thinking that although a student may have met the minimum, if there is a high number of applicants who have
900 the recommended ... because of class size or whatever, they would be unsuccessful despite having met the minimum? Does it follow that logic, or not?

Hon. Prof. J E Cortes: Mr Speaker, no young person who is able to undertake a course of study is going to be denied the possibility because of class sizes. If anything, it would be the other way
905 round. Somebody who perhaps has not quite met the recommended requirements but who has otherwise performed well or has done badly in an exam when normally they would have been expected to do better, would be allowed, provided they have the minimum requirement. Really, it works that way round rather than the other way round.

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

Another minor point for clarification. The Minister explained that those having a minimum of four GCSEs could then take on two A-Levels and those who have five or above could take on three A-Levels. Are there any criteria set if someone ... the high fliers? There are occasional cases where a student wishes to take on as many as four A-Levels. Is that judged on a case by case basis by the
915 teachers, or is there a set policy by the Department in that respect?

Hon. Prof. J E Cortes: Mr Speaker, the case can be made. There are exceptional students who would be able to cope with more, and obviously the case would be made. One has to be fair to the students and not expect too much of them and then they trip over themselves, but this is
920 something that would be discussed with the students and, as they are under 18, with their parents or carers.

Hon. E J Reyes: Thank you. I know in the past we have had situations where some students have returned to school in order to upgrade their GCSE results and so on, especially in respect of
925 the core subjects like English and mathematics, but to help complete a timetable they were

allowed to undertake one A-Level – before we had lots of AS-Levels, for example, in a particular subject. Is that something that perhaps the schools still consider, so that the student is able to at least attain one A-Level whilst they are still undergoing full-time education?

930 **Hon. Prof. J E Cortes:** Mr Speaker, the philosophy of the Department of Education, and indeed of these three educational establishments, is to allow every possible avenue to improve and to allow a young person to develop.

What is given here in respect of minimum requirements is minimum requirements set by examination boards. If the Department and the schools can in any way help to advance the development and the learning of a young person, then clearly that would be considered, but we cannot prescribe everything here. No two young people are the same, but we are trying to achieve what is actually best for them.

935

Mr Speaker: Next question.

Q244/2022
National Day –
Cultural events

940 **Clerk:** Question 244/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can Government confirm if it intends to organise any cultural events this year in connection with our traditional National Day celebrations, as in the past before COVID-19 restrictions?

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

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

950 **Hon. E J Reyes:** I take it that the information will be made available to the public shortly?

Hon. Prof. J E Cortes: Mr Speaker, we are talking about the usual traditional fancy dress, the variety show, the rally, the fun day, the jazz concert, the rock concert and the youth ... I believe that there has been a statement by the SDDG – coincidentally, because it works independently of the Government – so I think there may already be some information out there.

955

Q245/2022
Cleaning and restoration of historic walls –
Update re progress

Clerk: Question 245/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state what progress is being made in respect of the promised ongoing programme of cleaning and restoration of historical walls aside from the Northern Defences.

960

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 estimates for 2022-23 provide – or will provide, hopefully – for the restoration of sites such as Southport Gates and the Tower of Homage, as well as the façade of the future St Mary’s Lower Primary School. Works on these will commence shortly. Restoration of the Convent façade also continues. Other developments also include Orange Bastion, North Gorge, the ex-Casino development, which although being renovated privately has Government involvement throughout in providing advice and setting conditions. We continue refurbishing many of our city plaques as well as restoring and repainting our old street signs. As in previous years, the project is ongoing.

The Urban Renewal Committee and the Town Planning Department continue to work hard in ensuring the restoration and enhancement of buildings and walls throughout the Old Town.

Hon. D J Bossino: Mr Speaker, the hon. Member will no doubt immediately identify that many of these questions arise from the manifesto commitments on which they won the last General Election.

He mentions various things like city plaques and street signs. The question is more specifically in relation to historic walls. I think he has mentioned some of them, but as far as that category is concerned it is much more extensive than what he has mentioned. Is there any plan? He mentioned something at the very tail-end of his answer but it was pretty woolly in terms of time commitment. The manifesto suggests that it was going to be something more extensive, unless I am reading it wrongly.

Hon. Prof. J E Cortes: Mr Speaker, the manifesto does in fact suggest that. Clearly, we have had two years of COVID and we have had the financial constraints which we will be discussing next week during the Budget session, so we are not able to restore as many walls as I would very much like to restore. That is the reality. But I think some of the critical ones, which are two of those I have mentioned ... Southport Gates, which has had scaffolding up for some time, is going to be tackled, and the Tower of Homage, which is suffering from the growth of woody vegetation on it, is going to be tackled, providing, of course, as I expect, that we get the Estimates through during the course of next week, because it is an allocation from the next Budget. But we will do everything we can to at least tackle those most critical ones within the constraints.

Hon. D J Bossino: That is reasonable, but there is an admission that it would have been more ambitious had those factors not materialised.

Chief Minister (Hon. F R Picardo): Mr Speaker, I think it is important to remind the hon. Gentleman of the things that we have said in this House already. We have said that, unfortunately, as a result of the pandemic, it is not possible for us to perform our manifesto commitments entered into at the last General Election. We have said that we will try to do as much as we can of those areas of work where we can find alternative funding or where funding can be made available, but the restraints at the moment ... we have already announced during the course of the last Budget debate ... already provided for that. So, to an extent he is asking a question that the Government has already addressed.

I fully accept that the hon. Gentleman is looking at the manifesto and asking us questions, but he must do so with that dose of reality that we all had to accept at the last Budget session and which we will have an opportunity to debate again next week.

Q246/2022
Gibraltar Museum of Naval and Military History –
State of play

Clerk: Question 246/2022. The Hon. D J Bossino.

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Hon. D J Bossino: What is the state of play in connection with the promised Gibraltar Museum of Naval and Military History?

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, before I answer the question, the comments of the Hon. the Chief Minister to the last question are relevant to this one too. The Government is looking at all options and discussing with relevant stakeholders, but clearly against that backdrop.

1020

Hon. D J Bossino: Yes, I understand.

Mr Speaker, can I just ask one question which I think immediately arises, perhaps not from the reply but certainly from the manifesto? Is it the intention that the site of this museum is going to be the same one as announced then, the old fortress headquarters, and is that site available to the Government?

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Hon. Prof. J E Cortes: Mr Speaker, as I said, we are looking at all options. I think it is too early to give anything further than that.

1030

Chief Minister (Hon. F R Picardo): If it is helpful, Mr Speaker, I can give the House a little bit more information, because that is something that is dealt with by me.

Alternative Forces Headquarters, as it is known, has not yet been handed back to the Government. It is still in the control of the MoD. We are still finalising some aspects of the works necessary for that to come back to us, I think in months.

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Hon. D J Bossino: I am very grateful to both Ministers for their replies. Whilst I understand that the negotiations, if I can put it in those terms, are still ... it is being negotiated and settled, it is a question of the mechanics of transfer, it is a question of when not how.

1040

Hon. Chief Minister: I think he is now asking a question ... did not need to give way. We negotiated the transfer of Alternative Forces Headquarters. That was an agreement that was conditional on the completion of certain works which related to the Lands Agreement that hon. Members had entered into when they were in government. That programme of works has substantially now ended. I understand that we are now literally at the end of that process. That was not just the very high-profile work that was being done down at Four Corners, which was the new residential accommodation which hon. Members, when they were in government, agreed they would build for the Ministry of Defence, it also involved band block and parking in other areas at Lathbury etc. All of that needs to be completed, snagged and finalised, and then AFHQ comes back. That, I think, is now done, or substantially done, subject to the final snagging and that the handover happens.

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Hon. D J Bossino: Again, I am grateful for the very complete answer. Do I detect that once that happens, the site of this museum is not necessarily going to be there? Is that correct? I understand the original commitment and thinking was that that is where it was going to be placed.

1055 **Hon. Chief Minister:** That was an option and it remains an option. Truth be told, the Hon. Deputy Chief Minister, with his archaeological hat on, has discovered that AFHQ is built on an area which is a magnificent casement, which none of us are aware of, and there may be, therefore, other options for that area; or this may be the best option as a result of that, because a casement is also, in itself, a piece of our military heritage. So there are other factors to consider which have
1060 come to light after 2019 when we were permitted access to inspect the property, which we will need to consider with those who advise us on heritage matters.

Q247/2022

**List of statutory schedules –
Progress re adding buildings, monuments and artefacts**

Clerk: Question 247/2022. The Hon. D J Bossino.

1065 **Hon. D J Bossino:** Please state what progress has been made in connection with the Government's policy to add buildings, monuments and artefacts to the list of statutory schedules.

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

1070 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Heritage and Antiques Act 2018 already has, as we know, more than 200 listed sites located on land and sea that encompass many heritage-sensitive areas in Gibraltar. We will be embarking on the scheduling of private properties in the very near future as well, and discussions with landlords are commencing. In fact, they have already commenced.

1075 The Heritage and Antiquities Advisory Council keeps sites with potential for listing under regular review. Discussions with the MoD on the potential listing of MoD sites also continues.

Hon. D J Bossino: Is he able to identify which private buildings have been identified for addition?

1080 **Hon. Prof. J E Cortes:** I would rather not, Mr Speaker, because we are talking to the landlords at the moment, but they are private properties – some of them are in use as dwellings – which have recently been restored very sensitively to heritage, and therefore we feel that these are the ones that could start this process.

1085 There are some private properties already listed, being the places of worship, and obviously St Andrew's Church is one that was discussed here at the last meeting, and as I said, the MoD has a lot of heritage sites under its custody and there are discussions in connection with those.

1090 **Hon. D J Bossino:** Also, if I can refer to the last session, when I asked about the future of the Social Security Department, I wonder whether – it is not a private dwelling, it belongs to the Government – consideration could be given – the answer was provided by the Hon. Father of the House – to adding that particular building, to give it the adequate statutory protection, into the schedule.

1095 **Hon. Prof. J E Cortes:** Mr Speaker, there was a reply given that heritage sensitivities would be borne in mind, but I cannot recall the ones that are currently being discussed by the Council for recommendation, so I cannot answer that in detail.

Mr Speaker: The Hon. Edwin Reyes.

1100 **Hon. E J Reyes:** Mr Speaker, thank you.

If I recall correctly, when the Bill was presented to this House the Minister at the time explained that eventually, subsequently, because he wanted to make sure he got it right, there were some sites just off the coast, on the actual sea bed, that would be mentioned and included and so on. Does the Minister have information? Have we concluded that exercise yet, or is it something that is still ongoing?

1110 **Hon. Prof. J E Cortes:** Mr Speaker, some sites were already included at that time. As I said, the Council, which meets with me regularly, every couple of months, has a whole list that it constantly reviews, but I have not got that information off the top of my head to exactly say which are under consideration.

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

1115 Like many Members in this House, as a lover of history and monuments and so on, would the Minister make a note of that so that in one of his regular meetings he can double-check that these items have been already fully integrated? Otherwise – it happens by human error – you leave something in a pending tray and we can realise too late.

Q248/2022
Lord Airey's Battery –
Government assistance re restoration

Clerk: Question 248/2022. The Hon. D J Bossino.

1120 **Hon. D J Bossino:** Did the Government provide any financial or other assistance in connection with the recently completed restoration of Lord Airey's Battery?

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

1125 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Ministry for Heritage paid for the scaffolding and the temporary toilet facilities, organised the transportation, contributed towards other peripheral costs and also provided heritage advice whenever required.

Q249/2022
Britannia Ltd –
Cleaning contract

Clerk: Question 249/2022. The Hon. the Leader of the Opposition.

1130 **Hon. K Azopardi:** When is the cleaning contract with Britannia due to expire and have terms been negotiated for an extension of the contract; and, if so, has a new contract or an extension to the current contract been signed, and what are the main terms of the new arrangements?

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

1135 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Britannia contract is due to expire on 31st August 2023. The Department of the Environment is currently reviewing the contract and considering options in order to come to a decision, which is likely to include preparing a tender package to be released within the next six to nine months.

1140 **Hon. K Azopardi:** Mr Speaker, is the Minister in a position to say whether the future contract, or the reviewed arrangements, would be to cover the same areas, or are they going to cover different areas? Are they discussing that? I suppose the contract has been in place for some time, so in the context of that, things would have come up as to whether there are new things that should be done or old things that were being done that perhaps were not necessary or should be done in a different way. Can he give us a feel for the kind of discussions that have been ongoing?

1145 **Hon. Prof. J E Cortes:** Yes, Mr Speaker. As one works with a contractor one looks at things that perhaps could be done differently, perhaps different areas, changes in frequency, and all that will be factored in so that the tender package provides something which is an improvement on what we have now. We always strive to do better and better.

1150 **Hon. K Azopardi:** And could I just ask are the discussions aimed at a negotiation of an extension to the current contract with Britannia, or is it that it is going to go out to tender and obviously Britannia can apply and the Government is open as to the options for the future?

1155 While I am on my feet, perhaps if I may just ask him as well, because it is all rolled up in that: because the arrangements expire at the end of summer next year, which is usually a complicated time to make handover arrangements, I assume the Government has in mind putting arrangements in place that will provide for a more seamless transition, if necessary.

1160 **Hon. Prof. J E Cortes:** Mr Speaker, it is early days to commit to any of those. We will ensure a seamless transition, but it is early days.

1165 **Hon. K Azopardi:** I am not sure he answered the question as to whether there is going to be a tender to everyone or a negotiation with this entity.

Hon. Prof. J E Cortes: I did, Mr Speaker. I said it is early days.

Mr Speaker: Next question.

Q250/2022
Music festival –
Details of any plans for 2022

1170 **Clerk:** Question 250/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, is Government planning to hold a music festival or musical event in 2022; if so, when, where, of what type and how much is it expected to cost?

1175 **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, there will not be a so-called Mega Concert this year. There may be smaller

1180 events organised privately, as there has been some limited interest expressed by private entities.
It is not expected that the Government will contribute to these.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn to tomorrow at 3.30 in the afternoon.

1185 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Thursday, 23rd June at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 23rd June at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 23rd June at 3.30 p.m.

The House adjourned at 5.25 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.40 p.m. – 5.00 p.m.

Gibraltar, Thursday, 23rd June 2022

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The House adjourned at 5.00 p.m. 27

The Gibraltar Parliament

The Parliament met at 3.40 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q265/2022

Tax amnesty –

2016 six-month extension

Clerk: Meeting of Parliament, Thursday, 23rd June 2022. We continue with Answers to Questions.

Question 265/2022. The Hon. R M Clinton.

5

Hon. R M Clinton: Mr Speaker, can the Government advise how many individuals availed themselves of the six-month extension to the tax amnesty announced in the 2016 Budget and how much tax was collected?

10

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, a total of 13 individuals availed themselves of the six-month extension to the tax amnesty announced in the 2016 Budget and, as a result, a total of £516,843 was collected.

15

Mr Speaker: Next question.

Q266/2022

Chief Minister's visit to Rome –

Cost to taxpayer and details of flights

Clerk: Question 266/2022. The Hon. R M Clinton.

20

Hon. R M Clinton: Mr Speaker, can the Government advise the total cost to the taxpayer of the Chief Minister's papal visit, including Government employees, split between travel and accommodation, and could the Government also advise with which commercial airlines the flights were booked and class of travel?

Clerk: Answer, the Hon. the Chief Minister.

25

Chief Minister (Hon. F R Picardo): Mr Speaker, as I have already made public, the invitation from His Holiness was extended to me, as Chief Minister of Gibraltar, my wife, my children and my private secretary. I bore the costs of the flights of all members of my family and of my and my family's accommodation in Rome.

30

The exact breakdown of costs of flights has not yet been finally invoiced. When the invoices are received, the information will be provided on the Government website in the usual way. I flew to Rome with Air Europa from Malaga via Madrid and returned with Iberia, also via Madrid and Malaga.

35

My private secretary flew via London with British Airways and returned with me with Iberia, via Madrid and Malaga. The cost of my private secretary's accommodation in Rome, which has been fully invoiced, was €641.36.

40

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's answer. Obviously, we would be grateful if the information were individually itemised as and when it is available to be uploaded to the Government website.

I do not believe I heard from the Chief Minister what class of travel he travelled in.

45

Chief Minister: Well, on Air Europa, which is a one-class airline, and on Iberia, where I travelled club class in return to Malaga because the time we had available made it impossible to obtain economy seats either for me, funded by the taxpayer, or for the rest of my family, funded by me.

Q267/2022

Ministers' and officials' club-class travel – Details re cost and destination

Clerk: Question 267/2022. The Hon. R M Clinton.

50

Hon. R M Clinton: Mr Speaker, can the Government provide a list of Government Ministers, including the Chief Minister, and officials who have flown club class in the period 1st October 2021 to 31st March 2022, giving details of cost and destination?

Clerk: Answer, the Hon. the Chief Minister.

55

Chief Minister (Hon. F R Picardo): Mr Speaker, the Chief Minister, Ministers and officials travel with one-class airlines – from Gibraltar, this means travelling with easyJet, which the Chief Minister often takes – or economy in Europe, where possible.

60

Club-class travel is only taken when necessary – that is to say when economy flights are not available. These days, given the problems with airline frequency etc. and the late bookings which are often necessary in respect of ministerial travel, it is often inevitable that travel has to be club class if it is going to happen.

I now hand over a schedule with the information which is not publicly available on the Government website.

Answer to Question 267/2020

Chief Minister

DATE
04/11/2021
09/11/2021
17/11/2021
23/11/2021
16/12/2021

Deputy Chief Minister

DATE
06/11/2021
17/11/2021
23/11/2021
16/12/2021
19/03/2022

Minister Isola

DATE
12/01/2022

Minister Daryanani

DATE
08/10/2021
31/01/2022
23/02/2022
23/03/2022
13/03/2022
30/03/2022

Minister Bossano

DATE
25/03/2022

Minister Sacramento

DATE
13/11/2021
30/03/2022

Minister Cortes

DATE
04/11/2021

Minister Linares

DATE
30/03/2022

Government Officials

TITLE	DESTINATION	COST
Attorney General	London	£ 329.08
Attorney General	Brussels	£ 624.70
Attorney General	Brussels	£ 624.70
Attorney General	London	£ 911.00
Attorney General	Brussels	£ 553.40
Attorney General	Gibraltar to London	£ 1,487.70
Attorney General	London to Gibraltar	£ 885.70
Principle Private Secretary to the Chief Minister	London	£ 1,326.70
Principle Private Secretary to the Chief Minister	Gibraltar to London	£ 1,487.70
Principle Private Secretary to the Chief Minister	London to Gibraltar	£ 1,409.53
Principle Private Secretary to the Chief Minister	London to Gibraltar	£ 885.70
Principle Private Secretary to the Deputy Chief Minister	London	£ 1,304.00
Private Secretary to the Deputy Chief Minister	London	£ 388.07
Chief Executive	Milan	£ 624.70
Chief Executive	London	£ 550.10
Chief Executive	Helsinki	£ 1,693.62
Chief Executive	Edinburgh	£ 521.77
Press & Communications Officer	Edinburgh (Outbound Only)	£ 521.76

Hon. R M Clinton: Mr Speaker, with your indulgence, while we get the schedule, if I may ask a quick supplementary just to confirm that it is the Government's stated policy that travel within Europe should, in the first instance, always be economy.

Hon. Chief Minister: Mr Speaker, I think I am being asked to repeat the policy, because that is the policy. Unfortunately, as I have told the hon. Gentleman, very often it is not possible to get economy flights because all the flights are full these days, especially in Europe, and indeed we very often have to book at the last minute. We may be told on a Monday that we have to fly on a Tuesday – indeed, knowing the nature of the work that we do, hon. Members know that we might be told on a Tuesday that we have to fly on a Tuesday – and very often, these days, it is just impossible to obtain flights which are available in economy cabins at that time, whether it is travel from Gibraltar or travel from Malaga, which we also check in order to ensure that we get the best deal for the taxpayer, which is exactly what we want to ensure we achieve.

Hon. Members will know that you can be told that there are no seats on the plane and then you turn up and there are seats on the plane, so it is impossible to make a judgement about these things, sometimes, by looking at the panorama around you when you are flying. I have had to see colleagues fly on different aircraft to me because we have been told that there is no space on the aircraft, only to have a free seat next to me.

Mr Speaker, I hope that gives the hon. Gentleman the information he wanted.

Hon. R M Clinton: Mr Speaker, I have now had time to digest the schedule. There are two pages to the schedule – the first page is Ministers and the second page is Government officials – but I do not see any costs associated with the Ministers, and since my question was very specific in respect of club-class travel, unless he is telling me that everything on the Government website in relation to Government officials is club class and they all flew club class in the period ...

And secondly, in respect of the second schedule, Government officials, am I to assume that these are all –?

Hon. Chief Minister: Ask me one question at a time, and then I will ...

Mr Speaker: That is fine. Ask the question.

Hon. R M Clinton: Well, I will sit down and I would be –

Hon. Chief Minister: Mr Speaker, I just think it is more helpful for me to be able to answer one question at a time.

The reason he does not have any costs here is because that is already public information. I said at the end of my first answer, 'I now hand over a schedule with the information which is not publicly available on the Government website.' The cost of all of these flights is already available. It is, therefore, publicly available information. It is not susceptible to a question in this House.

The dates when we travelled club class for the period he asked are the dates which are set out here.

The Government website does not provide the information in respect of officials, so in respect of officials we have given him all the information he asked for which was not publicly available, and that is the information set out in the schedule.

Hon. R M Clinton: Very good. Mr Speaker, I guess all I need to do, then, is go to the Government website, look for dates of travel and it will tell me that those were club-class travel, by definition.

Going to my second question, Mr Speaker, which is everybody on the second schedule, which is Government officials – this represents club-class travel, yes?

115 **Hon. Chief Minister:** Mr Speaker, I do not understand why the hon. Gentleman is asking me this set of supplementaries, because his question is specific. His question is about club-class travel, so the only information he is being given, because it is the only information he has asked for, is about club-class travel. I have told him that there are other instances where we fly which are not club class and I have told him that we try not to travel club class if there is an alternative available, but the question is very clear, and for that reason the answer can only relate to the question.

120

Mr Speaker: Next question.

Q268-70/2022

**Office rent and service charge costs –
Breakdown re 2018-19; offices occupied by Ministers;
private sector offices rented by Government and GDC**

Clerk: Question 268/2022. The Hon. R M Clinton.

125 **Hon. R M Clinton:** Mr Speaker – Sorry, is something amusing?

Chief Minister (Hon. F R Picardo): Yes.

Hon. R M Clinton: What is it? Please share it with us.

130 **Hon. Chief Minister:** [*Inaudible*].

Hon. R M Clinton: Good for him.

Hon. Chief Minister: [*Inaudible*].

135

Hon. R M Clinton: Mr Speaker, can the Government provide a detailed breakdown of the office rent and service charge costs of £9,253,765 incurred in the 2018-19 Estimates Book by the Treasury Department?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 269 and 270.

145 **Clerk:** Question 269/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a list of all private sector rented offices occupied by Ministers as at 31st March 2022, listing each Minister, date of first occupation and the associated annual cost of rental?

150

Clerk: Question 270/2022. The Hon. R M Clinton.

155 **Hon. R M Clinton:** Mr Speaker, can the Government provide a list of all private sector property rentals by it and the Gibraltar Development Corporation as at 31st March 2022, giving date and length of lease, annual rental with associated department or agency using the premises, and purpose?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the details of the charges allocated to the 'Government Offices, Office Rent and Service Charges' subhead are precisely that. The financial year 2018-19 relates to the lifetime of the last Parliament, not this one.

The annual Budget debate that deals with figures which are set out in the Estimates Book is when they get the opportunity to get breakdowns and to ask detailed questions on the subject. The question the hon. Gentleman is now posing was one for the Committee Stage of the Third Reading of the Appropriation Bill for 2018-19.

The details of all rents etc. for this financial year, which he seeks in Questions 269 and 270, will of course be provided.

I now hand over a schedule with the information requested.

Answer to Question 269/2022

Ministry	Address	Date of First Occupation	Associated Annual Cost of Rental
Ministry for Transport	Europort 735 & 834	01-Aug-22	£65,642.75
Ministry for Housing, Employment, Youth and Sport	Regal House, Suite GE Ground Floor	12-Aug-20	£94,714.00
Ministry for Business, Tourism and The Port	Suite 971 Europort	26-Oct-20	£120,088.36
Ministry for Digital, Financial Services, Health Authority and Public Utilities	Suite 771 Europort	05-Oct-98	£96,559.52

Answer to Question 270/2022

Department/Agency	Private Sector Property	Length of Lease	Annual Rental	Purpose of Property Rental
Ministry of Housing, Employment, Youth and Sport	Regal House, Suite GE, Ground Floor	6 Years	£ 94,714.00	Minister's Office and Supporting Staff
	Suite E Regal House	6 years	£ 84,216.00	Ministry for Housing, Employment, Youth & Sport
Human Resources Department	Unit 82 New Harbours	3 year review	£ 8,187.84	Human Resources Office
	Europort 73s	1 year	£ 1,800.00	Human Resources Office
	Europort 7b/16	1 year	£ 5,400.00	Human Resources Office
Housing Department	Europort 9b	1 year	£ 2,475.00	Human Resources Office
	Suites 9.3A, 9.7, 9.8 & 9.9 9th Floor ICC	12 years	£ 87,052.93	Housing Department's offices
Office of Criminal Prosecutions and Litigation (OCPL)	6TH FLOOR NATWEST HOUSE 57/63 LINE WALL ROAD	12 Years	£ 123,858.00	OFFICE USE
Technical Services Department	Suites 735 and 834 Buildings 7 & 8, Europort, Gibraltar	1 Year	£ 45,487.75	Offices of the Ministry of Transport
Gambling Division	Europort Suite 812 - 813	9 years 7 months	£ 41,620.00	Gambling Division Office Premises
Ministry of Justice	Suite 951 Europort	10 years	£ 91,477.00	Rented office space for Minister and Ministerial Staff
Ministry of Equality	Suite 955 Europort	10 years	£ 32,398.00	Rented office space for Minister and Ministerial Staff
Income Tax Office	Gibfirst Management Limited for offices situated at Suite 1a, Leanse Place, 50 Town Range	4 years	£ 36,200.00	To house our Income Tax - Social Insurance Contributions Section
Housing Works Agency	Suite 9/6-7, 12-13 Suite 10/6-9, 12-13 I.C.C	12 Years	£ 236,894.11	Housing Works Agency Offices
Finance Centre Department	UNITS 761 AND 761A, SIXTH FLOOR, BLDG 7, EUROPORT, GIBRALTAR	21 Years	£ 131,498.92	OFFICE RENTAL
Ministry of Health Digital & Financial Services	Europort Suite 771a	21 years	£ 52,745.00	Office Work Space
	Europort Suite 751	21 years	£ 91,477.44	Office Work Space
Gambling Division	Europort Suites 812 - 813	21 Years	£ 43,832.25	Gambling Division Office Premises
Tourism	43 03 Europort Suites	6 years	£ 27,000.00	Offices of the Gibraltar Tourist Board
	The main guard At 13 John Mackintosh Square	Indefinite	£ 5,556.00	Information office of the Gibraltar Tourist Board
	Unit 4.3.03, Eurotowers, Block 4, Eurport Ro	6 years	£ 27,000.00	Tourism
Department of Town Planning and Building Control 6 Convent Place	Suite 631, Europort	21 years	£ 166,755.75	Government offices for Town Planning and Civil Aviation
	Unit F1 Europa Business Suites	Indefinite	£ 4,755.36	Storage

Answer to Question 270/2022 cont.

Department/Agency	Private Sector Property	Length of Lease	Annual Rental	Purpose of Property Rental
Audit Department	Unit 3.13 World Trade Centre	21 years	£ 9,125.00	Audit Department
	Unit 3.26 World Trade Centre	21 years	£ 23,360.00	Audit Department
	Unit 3.28 World Trade Centre	21 years	£ 21,170.00	Audit Department
	Unit 3.30 World Trade Centre	21 years	£ 74,095.00	Audit Department
Statistics Department	Unit 3.22 World Trade Centre	21 years	£ 34,675.00	Statistics Department
	Unit 3.24 World Trade Centre	21 years	£ 28,105.00	Statistics Department
Audit & Statistics Department	Parking Space N39 & N40 World Trade Centre	N/A	£ 3,148.00	Audit & Statistics Department
Digital Services	323a & 323 01 Main Street	12 years	£ 109,584.80	Digital Services
Income Tax Social Insurance Concs Section	Suite 1A 50 Town Range (Lease Place)	8 years	£ 33,600.00	Income Tax Social Insurance Concs Section
Income Tax Social Insurance Concs Section & Environment	Town Range CPS 58A & 62 - 67	8 years	£ 9,100.00	Income Tax Social Insurance Concs Section & Environment
	Suite 1B, 2A & 2B 50 Town Range (Lease Place)	8 years	£ 181,080.00	Environment
Government Law Offices	Suite 6, 6th Floor 57/63 Une Wall Road	12 years	£ 123,858.00	Government Law Offices
Ministry of Education and Culture	John Mackintosh Hall	14 years	£ 125,000.00	Ministry of Education and Culture
Treasury Department - Central Arrears & Accounting Standards	19C 01 Town Range (Blake House)	N/A	£ 70,121.08	Treasury Department - Central Arrears & Accounting Standards
	Parking Space 10 15/21 Town Range	N/A	Included in Annual Rental for Blake House	Treasury Department - Central Arrears & Accounting Standards
Treasury - Payroll, Budget & Insurance	CPS 148-153 New Harbours	N/A	£ 240.00	Treasury - Payroll, Budget & Insurance
	CPS 17 Harbours Deck, New Harbours	N/A	£ 1,440.00	Treasury - Payroll, Budget & Insurance
Ministry for Housing, Employment, Youth & Sport	Parking Bay 5 & 18 Ground Floor Suite E Reg	N/A	£ 3,720.00	Ministry for Housing, Employment, Youth & Sport

170 **Hon. R M Clinton:** Thank you for your patience, Mr Speaker, while I peruse the schedule.

If I may ask the Chief Minister, in relation to the answer to Question 269 ... I do not see the Minister for the Environment listed here. I believe – I may be wrong and I am happy to be corrected – that he has offices in Leanne’s House. Is that correct?

175 **Hon. Chief Minister:** Mr Speaker, it is in the answer to Question 270. He will be able to see it there.

Hon. R M Clinton: I am grateful for that clarification. So, that, obviously, should be added to the answer to Question 269.

180 If I can turn, Mr Speaker, to his answer to Question 268, yes, I am asking for a historical breakdown, but I do not see why that should have been limited to questions at the Committee Stage. I am asking just for the factual breakdown of a number, which was published, in fact, as an actual number, for 2018-19. I do not see why that information cannot be made available by the Government.

185 **Hon. Chief Minister:** Mr Speaker, the question is are we going to have, in every Question Time, a debate about financial years gone past? The hon. Gentleman has asked, in effect, the same question about this year as he asked in respect of 2018-19 – a question about all our rents on 31st March 2022. The other thing he is asking us to do is go back, get out of storage all of the data in respect of 2018-19 and provide all of that breakdown – and check it, because when we bring something to this House it has to be absolutely correct.

I just think that it makes very little sense for us to be having that sort of debate at this time. If the hon. Gentleman wants it, with a bit more time I can assure him that he can have it in writing so that he can have it and I can make sure that it is correct, but otherwise, every Question Time runs the risk of becoming a Budget debate of any year gone past, because we are going to go back many financial years.

200 This is 2018-19, before the last election. It is not even an earlier Budget session of the lifetime of this Parliament. It is to go back to the previous Parliament. I really do not think that that is going to help elucidate matters any further; and we have to make sure that the information we give in this is correct, so we would have to go back and get that information and provide it. If the hon. Gentleman wants it, I will write to him and let him have it.

205 **Hon. R M Clinton:** Mr Speaker, as you keep on reminding us, this is Question Time. I have asked a question; I am not here to engage in a debate. He may not know why I am asking the question, but I have good reason to ask the question and I would appreciate the answer. If not, in written

form – I would accept that if you do not have the information available, but there is good reason as to why I have asked the question, and it is not to engage in a debate. I think I am entitled to an answer and I will gratefully accept a written answer, but I would, hopefully, get that answer sooner rather than later. In terms of timeframe, is he talking about the end of this week or is he talking about the end of this year?

Hon. Chief Minister: Mr Speaker, if he really wants it, he can have it as soon as I can make sure that I have it available, but obviously, as he knows, we are preparing for a Budget debate for the financial year 2022-23, not for the Budget debate of 2018-19.

Hon. K Azopardi: On this issue, just to clarify, because the hon. Member has asked a question, we are not sparking or expecting that there should be a debate analogous to the Budget debate. The Budget debate is a debate on the principles of the Appropriation Bill. We are not going to debate the principles of anything. He has asked for a breakdown of a sum of money. It is a bit like asking for a breakdown of the Music Festival that happened three years ago – it is something that can be asked. Or is the Chief Minister saying that, as a matter of principle, he thinks the Government is not here to answer these questions? I think he started there, but I do not think he has ended there, because he has offered the information in written format as long as he can check it. If that is the situation, well then, fine, my hon. colleague has accepted that position. I just want to clarify that.

Hon. Chief Minister: Mr Speaker, I think I have been pretty clear. I have said I am prepared to give the information but it requires us to go back and it requires us to ensure that we check that information, and because this relates to a previous Parliament ... In fact, Mr Speaker, their position was that they would not answer questions about things that had happened in a previous Parliament, and we were told –

Hon. K Azopardi: I have never been in government.

Hon. Chief Minister: Yes, you have. Yes, you have been in Government. Mr Speaker, the Hon. Mr Azopardi has been in government. The Hon. Mr Azopardi has a track record in government. The Hon. Mr Azopardi has been Deputy Chief Minister of Gibraltar and he cannot pretend that people should forget his trajectory and track record when he was in government in Gibraltar. The party that they represent has been in government in Gibraltar, and we were told by that party, including Mr Feetham, who was Minister for Justice in the Government that told us, representing the Gibraltar Social Democrats, that they would not provide information on things that happened in the previous parliamentary session – that is to say before the last election.

We are ready to provide that information because we consider not just that it is information about our administration, although we have changed a Minister, we consider it information which belongs to the taxpayer, and therefore, if it is asked for we shall provide it, but we shall provide it in a way that is designed to ensure that we can vouch for its accuracy.

Going back to something requires us to obtain it, to have it checked, and this year's rents are the ones that we have given. That is easy: we can provide it, and we provide it in the time available. But if the hon. Gentleman wants to go back further and further before the election, before the pandemic, all of that, which requires us to dig through the sands of everything that has happened since, to be able to provide it ... We will provide it, if they want it, but it is going to take us a little bit more time, and we are going to do it despite the fact that it goes back before a general election.

The information that they ... the party they represent, the Government of which Mr Azopardi was a Member, the Government of which Mr Feetham was a Member did not provide it, but because ... Despite the accusations that we were the ones who were not transparent – we have been more transparent than they have ever been; they are, to transparency, what chocolates are to teapots – we will provide the information.

260 **Mr Speaker:** So, the information is going to be provided. There is no timescale attached to this because the Ministers are involved in preparations for the Budget session, so I think that needs to be taken into account.

Proceed to the next question, please.

Q271/2022

Balaena Ltd –

Capability of performing obligation re dockyard lease

Clerk: Question 271/2022. The Hon. R M Clinton.

265 **Hon. R M Clinton:** Mr Speaker, can the Government advise how it has been satisfied that Balaena Ltd, a company registered in England and Wales with number 12030661, can perform its duties as guarantor under the new dockyard lease, given that its unaudited accounts filed at Companies House UK for the year ended 31st June 2021 showed it had, at that date, negative net assets of £21,992?

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

275 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has satisfied itself that Balaena Ltd has the financial capability to perform its obligations as guarantor under the new lease. The Government reached this conclusion prior to entry into the new lease by carrying out its own due diligence on the Balaena Group. This due diligence process extended to the group's ultimate beneficial owner, Mr Simon Gillett, and has involved obtaining information on this individual's wealth.

280 An independent due diligence process was separately carried out by the sellers and their advisers over a significant period of time, spanning several months, prior to agreeing to enter into the sale transaction with Balaena. A similar due diligence process was also carried out by the financiers lending to the Balaena Group, who have carried out their own credit assessments and advanced funds for the acquisition.

285 It needs to be understood that these assessments were made at a given moment in time. As we have seen, this is a volatile world and things can change very quickly.

290 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Chief Minister's answer, but how has he become satisfied that this entity can actually perform under the guarantee? Is he aware of whether there is a guarantee to this company from the group and if there is any call, or whether this entity has since been capitalised in such a way that it could meet any call? How can the Government be sure that this particular entity will be able to perform its duties under the guarantee?

295 **Hon. Chief Minister:** Mr Speaker, many of these things are subjective. Hon. Members know that we were rightly critical of them at times when they entered into arrangements with companies that had issued share capital of £2 and yet they gave those companies considerable tender awards. How were they satisfied that those companies could perform the obligations required under the tender when the company was capitalised at £2? Because they made an assessment of the people standing behind the company and they determined that they would be able to comply with their obligations.

300 In the context of this transaction, where there were a number of things happening – there was a sale but also a new lease being issued because of differences of opinion between the seller and

the Government as to whether the lease could be sold or whether a new lease should be issued, and that was compromised on the basis of the new lease being issued and entered into with the many advantages to the people who live in the area and to the Gibraltar taxpayer and economy generally – we took the view that, given what we knew, as I have indicated to the House, who the ultimate beneficial owner was and how he would be able, if necessary, to capitalise that company and to perform on its guarantee obligations, it was possible to go forward in this way.

What would happen in the event of the guarantee not being fulfilled? In other words, what happens in the eventuality that Mr Clinton is talking about, if the lessee does not comply with his obligations and if the guarantor does not step in to provide the sufficient payments to comply also with the obligations? The leases fall to the Crown.

Mr Speaker: Next question.

Q272/2022

**Arson attack on *HMC Seeker* –
Measures to prevent further incidents**

Clerk: Question 272/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what preventative measures, if any, are being taken to prevent another incident such as the one that took place on the evening of Wednesday, 18th May when *HMC Seeker* was the subject of an arson attack, so that the risk of reoccurrence is minimised?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, an investigation was opened as soon as the incident occurred, which included the assistance of the RGP scene of crime officers and the reviewing of CCTV footage. Inquiries have included engaging with members of the public in search of any information. Requests have also been sent to Spanish law enforcement in order to obtain any intelligence that might be used to identify and arrest the culprits. In addition, there have been increased operations and presence over the last four weeks in order to put pressure on the different crime groups that might be associated with this act. This is intended to demonstrate that attacks on law enforcement will not be tolerated.

Measures to prevent such a spontaneous assault from happening again are being explored. However, careful consideration is being given to such safeguards so that they do not hinder the Marine section's operations or affect their response times. What needs to be clear is that the community is not going to tolerate any actions or behaviours which compromise the safety of our great law enforcement agents. We fully support them, as I am sure the whole House will agree.

Hon. D A Feetham: Mr Speaker, I associate myself – on behalf of my colleagues, no doubt, on this side of the House – with the final sentiments expressed by the Hon. the Chief Minister.

If he cannot answer this supplementary question, I accept that, and perhaps it can be discussed behind the Speaker's Chair, but what measures are being explored in order to prevent a reoccurrence of this incident?

Hon. Chief Minister: Mr Speaker, that would be like telling the fox where the hole is in the wire, so that he can get in to cut off the heads of the chickens. I have never been known to be a turkey waiting for Christmas, and I am certainly not going to be doing that on behalf of measures which we will be putting in place to protect our law enforcement agents, so I would much rather

have a conversation with the hon. Gentleman without the cameras rolling and the potential bad guys watching.

Mr Speaker: Next question.

Q273/2022
Food imports –
Percentage from non-EU countries

350 **Clerk:** Question 273/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what percentage of food imports to Gibraltar come from non-EU countries?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, this figure fluctuates every year. The UK's departure from the European Union has obviously moved the needle on this considerably, as foodstuffs from the UK, which were previously from the European Union, are now classed as non-EU.

360 As at 17th June 2022 the percentage of food imports to Gibraltar from non-EU countries, which obviously now includes the United Kingdom, is 38.49%. The majority of the foodstuffs come, nonetheless, via EU countries.

365 **Hon. K Azopardi:** Thank you, Mr Speaker.

Does the Chief Minister ...? If I ask him this question, I am not sure if ... He may have the answer, but maybe, if he does not have it, he can write to me. He says it is 38.49%. Does he have a breakdown of the countries it comes from? And when he says that the majority comes through the EU, I assume by the majority he means either it comes via land or hits a European port first and then comes by sea. I am not sure what he means by that, but does he have a breakdown of land and sea arrivals?

370 **Hon. Chief Minister:** Mr Speaker, I do not have that breakdown, but it has to visit a European port if it is going to come by land and it is not EU, unless we were getting food from Russia or something.

375 **Hon. K Azopardi:** Will he give way? Perhaps I have explained it wrongly. What I meant was that it either comes via land ... Or did he mean, in terms of via the EU, that it might arrive by sea in Gibraltar but first arrives at a European port for some kind of processing? I am not sure how the importation is actually done.

380 **Hon. Chief Minister:** I do not have the breakdown, Mr Speaker, but it is done in various different ways. Food can come from third countries to the United Kingdom and from the United Kingdom, through the EU, to Gibraltar, or through the United Kingdom direct to Gibraltar – less so – or not through the United Kingdom but through another European port, either then still by sea or by land, to Gibraltar.

There are no direct links from Gibraltar to third countries operating at the moment, so there is no direct arrival of food from non-EU sources to Gibraltar from third countries. I will give him the example that we would all immediately think of: our fruit and veg from Morocco, when it comes,

390 comes from Algeciras because the commercial route from Morocco is to Algeciras and it has been
for some considerable time, during the pandemic etc. I hope that is helpful.

Hon. K Azopardi: To clarify, it is helpful because the concern had been expressed to me, in
terms of the future arrangements being negotiated, whether that would have an impact on arrival
395 of food imports from outside the EU, but I take it from what he says that ... In his original answer
he said that the majority of the 38.49% arrives via the EU. In fact, he is saying it is not arriving
directly into the Gibraltar ports at the moment at all. I think I have understood his answer
correctly.

400 **Hon. Chief Minister:** That is right. It is not arriving directly from any third country, so there is
not a line from New Zealand to Gibraltar that brings us New Zealand lamb.

Mr Speaker: Next question.

Q274/2022
Secretary posts –
Applications by administrative assistants

405 **Clerk:** Question 274/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, why is it not possible for administrative assistants to apply for
job vacancies for secretary posts?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, as I understand it, this is not an issue that has
changed at all since his time in office. When school secretary and/or personal secretary vacancies
are advertised within the Civil Service, applications are invited from civil servants in the secretarial
and administrative grades for appointment. I can therefore confirm that administrative assistants
415 are eligible to apply for personal secretary and school secretary posts within the Civil Service,
provided they meet the essential requirements of the post.

Hon. K Azopardi: Mr Speaker, I know it is longstanding and I accept that. It had been suggested
to me, and it might be this, that there is a difference perhaps, that GDC employees who are parked
420 in different Departments are not able to do that, even though they are occupying those posts. Is
the Chief Minister aware of that?

Hon. Chief Minister: Mr Speaker, GDC employees are not members of the Civil Service – some
of them are ring-fenced civil servants – and the position of the Civil Service unions has consistently
425 been that only civil servants can apply for Civil Service posts. The people who are ring-fenced civil
servants can apply for some posts in the Civil Service but not others, but that is not what his
question is about, so if I am required to give any further information other than what I can tell him
from my own knowledge generally – if he wants me to look into the issue of the GDC in particular –
that would require a different answer, probably, and it would require looking at different rules
430 and the interplay between those rules and the positions of unions which have been accepted by
successive Governments.

Mr Speaker: Next question.

Q275/2022

**Proposed EU-UK treaty on Gibraltar's future relationship with the EU –
Number of articles**

Clerk: Question 275/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, can the Government state whether the proposed treaty between the EU and the UK on a future relationship with the EU for Gibraltar will have approximately 300 articles?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the number of articles in the proposed treaty between the European Union and the United Kingdom on the future relationship of Gibraltar with the European Union will be known only when the treaty has been drafted. To date, anyone who suggests they know how many articles such a potential treaty may have is merely speculating.

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Hon. K Azopardi: Mr Speaker, the reason for the question – and I caveat it by saying that when I read things in the Spanish press I take them with a pinch of salt and I hardly believe them, but sometimes you hear things first in the Spanish press and they trickle down and it has some modicum of truth. The Chief Minister may have seen a recent article, a couple of weeks ago, that asserted that the treaty would have around 300 articles and that 90% of them had been agreed and that there were some difficult ones. It is, of course, our duty to put that question. That had not been information that I had hitherto been given by the Members opposite and I wanted there to be some confirmation that there was not actually a draft of these 300 articles circulating around the negotiating teams and I wanted to enquire as to the state of the drafting exercise and whether the Chief Minister will confirm that that particular article that I have referred to is entire speculation.

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Hon. Chief Minister: Mr Speaker, the only thing I can say is Hamdulillah, Amen, Hallelujah – let's hope that there is a treaty, let's hope it has 400 articles, 200 articles ... They have drawn a pretty wide opportunity there to get it right. There are a hundred articles in it. As long as it is more than 299 and less than 401, the person who has said that to the Spanish press will be able to get it right. If you look at the number of chapters there might be, 300-odd articles is not a bad guess, but a lot depends on how the treaty is structured.

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As far as I know, there is not yet any agreed treaty provision, let alone a whole treaty. There is not any agreed treaty provision. Even the first words – 'This Treaty shall be referred to as the Treaty between the United Kingdom and the European Union and shall be entered into this first day of September 2022' – do not exist.

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There are different views on both negotiating teams on what the treaty would look like, there are different views on what treaty articles might look like if different options are agreed etc., but that has not happened yet. That agreement on those issues has not happened yet and therefore, given that this has been something which the hon. Gentleman, like I, has read in the Spanish press, it may be that the European Commission, in its preparation and work with the Spanish government on what they think the treaty looks like, has, in its top drawer, ready to '*descartarse*' by the time that we say we agree on a particular issue, a draft which has 300 clauses in it. That may or may not be true; I am speculating.

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I fear that the person who was being relied upon for that article was speculating and I do believe that we should have more respect for each other and for the information that we provide for each other. But if the hon. Gentleman ever reads anything like that and he wants to ask – and perhaps it is uncool to say, Mr Speaker, but we are in touch behind the Speaker's Chair and we

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have quite a good relationship in that sense – he should just text me and ask me whether the latest ‘*chorada*’ that he has read in the Spanish press has any truth to it, or not.

I will say for nothing, and I know that I will be making more enemies than I perhaps should, that the only thing I believe in the Spanish newspapers is the date, as long as it is the day that I am reading the newspaper, which my watch confirms and is the day that my iPad confirms. Other than that, the people of Gibraltar would do right to take a huge pinch of salt and garlic pepper with anything that they read in the Spanish press and know that something may have been placed in the Spanish press to create animosity between the Gibraltarians.

It is the easiest and first tactic of any negotiation to try to divide your opponents, and I would have thought that the people of Gibraltar, after having dealt with all of those Spanish newspapers in the time of Franco etc. would have learnt ... Perhaps the new online social media generation have not learnt, but they should.

Hon. K Azopardi: Yes, Mr Speaker, of course we are in touch, but – (*Interjection by Hon. Chief Minister*) It is not uncool, I think, to be in touch. I think that there are things we can do in a convivial way, but on a joking note, if I were in touch with the hon. Member every time I read an article about Gibraltar it would be all the time.

He needs to understand also that sometimes when we put questions it is not just because of that. Of course I can clarify the issue with the hon. Member, but because it is in the Spanish press, not only I have read it, other people in Gibraltar have read it, and sometimes it is important for people to get a clarification from the Government in public at this stage and in this forum, so that they understand what exactly is going on.

Can I just ask him, slightly related to this but on the basis of his answer as he has given it ...? I think the last time he updated the House was around a month ago. Can he take the opportunity, perhaps, to say where we are in terms of the negotiations, if he is able to do so? I appreciate he might not be able to do so, and he may not have moved on much more from where he was, but it would be helpful for everyone listening to know.

Hon. Chief Minister: Mr Speaker, I do appreciate that. I have been in Opposition for long enough to know that the question as public interest is also an important device of Question Time, so I have no difficulty with him doing so in those circumstances, but he will understand that the vehemence with which I have expressed my answer is exactly, therefore, what he wanted the public in Gibraltar to have, which is that clarity.

Mr Speaker, I will update the House on Tuesday during the course of my Budget address.

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Mr Speaker: Next question.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q226/2022

**Vasectomy service –
GHA provision**

Clerk: Question 226/2022. The Hon. Roy Clinton on behalf of the Hon. E J Phillips.

Hon. R M Clinton: Mr Speaker, can the Government state whether it provides a vasectomy service with the GHA; and, if not, why?

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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, it would seem as if the Hon. Mr Phillips is scared of coming to Parliament and asking questions on health. It is the second time. The last time it was the Hon. Leader of the Opposition and now it is Mr Clinton. He may have thought to take it in turns. Wherever he is, I wish him well and I look forward to seeing him back in due course.

Mr Speaker, yes, the GHA does provide a vasectomy service in line with their GHA sterilisation policy.

Q227-229/2022

NGOs and charities –

**Operation in under-resourced areas of public provision;
monitoring by Government to ensure best practice**

Clerk: Question 227/2022. The Hon. R M Clinton on behalf of the Hon. E J Phillips.

525 **Hon. R M Clinton:** Mr Speaker, can the Government state whether it is aware that NGOs and charities are filling the gap created by under-resourced areas of public provision, namely dentistry and speech therapy?

Clerk: Answer, the Hon. 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 228 and 229.

Clerk: Question 228/2022. The Hon. R M Clinton on behalf of the Hon. E J Phillips.

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Hon. R M Clinton: Mr Speaker, can the Government state how it monitors compliance with best practice so that it can provide reassurance to the public that the voluntary service being provided by NGOs and charities is in line with what is a globally expected standard?

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Clerk: Question 229/2022. The Hon. R M Clinton on behalf of the Hon. E J Phillips.

Hon. R M Clinton: Mr Speaker, can the Government state what other areas which have traditionally been under the auspices of the GHA or other care/social services are now being partially picked up and supported by NGOs and charities?

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

Hon. A J Isola: Mr Speaker, the GHA and Care Agency currently do not commission NGOs or charities to provide any core healthcare service. Should an NGO or charity decide to commission a regulated service, the regulation of said service would be dealt with within the framework of the pertinent regulating body.

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NGOs and charities provide invaluable support to people with a range of needs in the majority of health and care systems globally.

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Hon. K Azopardi: Mr Speaker, Mr Phillips is not here – he is unavoidably away, by the way – but as I understood the reason for him tabling questions on this, it is that recently there were some social media posts by an NGO inviting people who might need assistance in respect of child dentistry services and it seemed strange, in some ways, that that would need to be the case,

560 because if there were people who perhaps had means issues or needed practical assistance, why
wouldn't the GHA, as a matter of course, be dealing with those issues? I am not sure if the hon.
Member has seen those posts and whether he can comment on them.

Hon. A J Isola: Mr Speaker, no, I have not seen those posts, but what I will say is that the Care
Agency, and indeed the GHA, work very closely with a number of NGOs. How they operate,
565 independent of the Care Agency or, indeed, the GHA is absolute. In other words, they provide us
with invaluable support, which we accept, but in terms of providing core services, no, absolutely
not. And so, if the hon. Member will let me have that commentary, we can evaluate to what extent
it is or is not happening. I do not know, but I can certainly tell you that it is not our policy that we
should be outsourcing, to NGOs or charities, core services.

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Hon. D J Bossino: Mr Speaker, just by way of clarification, presumably he would consider
dentistry and speech therapy core services within that answer.

Hon. A J Isola: Mr Speaker, I think to use the term as a yes or no would be wrong because there
575 are many parts of that service that may well be core, and others that may not be. I am not going
to get into a discussion as to what is core in dentistry and what is not, for two reasons: (1) because
I do not know what the answer would be, but I can well imagine; and (2) because I have not been
provided with that information by the specialists themselves and therefore I would not hasten to
form a judgement on my own without their advice.

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Mr Speaker: Next question.

Q230/2022

Private-practice pharmacists – Payment re work done for Government

Clerk: Question 230/2022. The Hon. R M Clinton on behalf of the Hon. E J Phillips.

Hon. R M Clinton: Mr Speaker, just before I go on to the next question, I have found the advert
585 on social media and I will pass it to the Minister shortly.

Can the Government state how private-practice pharmacists are paid for the dispensing work
they do for the Government?

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 have just seen an advert which, apparently, is in conjunction with the Dental Care
Centre, which is a private sector provider, and that may well be the case, but again, if he will send
it to me, we can always look at that later.

595 The community pharmacies are paid for the work they do under the GPMS scheme in the
following ways: (1) the cost of the medicines is paid in accordance with the Gibraltar Drug Tariff
price applicable for that product in the month that the medicine was supplied, i.e. the basic price;
(2) they are paid an additional 15% on the cost of the basic price; (3) they are paid a dispensing
fee per item of £1.80; and (4) any prescription charges collected from the dispensing of non-
600 exempt prescriptions, i.e. patient fees, is offset against the remuneration which is due from (1) to
(3) above.

Hon. K Azopardi: Have these arrangements been revised since they were entered into – at least, the historic arrangements that date back all the way back to the time before 2011?

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Hon. A J Isola: Mr Speaker, I certainly have not been involved in any discussions yet – we do intend to – but my understanding is that these are historical arrangements.

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Hon. K Azopardi: But the Minister is saying, from his answer just now, that they intend to engage in discussions with pharmacies on this? And, if so, has he set out the ...? I am not expecting him to tell me what he wants to necessarily negotiate, because that is a matter for discussions, clearly, but what would be the motivations for doing so?

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Hon. A J Isola: Mr Speaker, the hon. Member will be aware of certain changes we have already made to prescriptions. We are revisiting and reviewing the whole of that process, which will engage some discussions with pharmacies. As I have also referred to in previous answers, one of the intentions is to work closer with pharmacies to provide some sort of walk-in services from different places around Gibraltar. This will all be in the strategic review that is being conducted by the Director General and there will be more on that to come.

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Hon. K Azopardi: Would it be intended, once arrangements have been concluded, for there to be an announcement? Obviously these are private arrangements between the Government and the pharmacies, but does the Government intend to then say publicly that it has concluded new arrangements with the pharmacies? If not, then what we will do from time to time is ask him about the progress on the review.

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Hon. A J Isola: Mr Speaker, the review will form part of the strategic review being carried out by the Director General, so I think at that time he will be aware that the review is published and then how that is implemented will have a whole series of milestones which will tell us how we are doing in terms of meeting that review. So I think it will be public knowledge as and when we are in a position to make that move.

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Hon. K Azopardi: I may not have explained my question. I was asking specifically not about the publication of the strategic review but rather about the conclusion of the arrangement with the particular pharmacies in relation to the commercial arrangements. That is really what I was talking about, which is, I suppose, a small part of the implementation of the review.

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Hon. A J Isola: A very small part, Mr Speaker, and I am very happy to give him my assurances that as and when it is done I will let him know so that he can ask a question, if he wishes to, in Parliament.

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Q231-32/2022

EMIS –

How the system works; set-up and maintenance costs

Clerk: Question 231/2022. The Hon. R M Clinton on behalf of the Hon. E J Phillips.

Hon. R M Clinton: Mr Speaker, can the Government state how the EMIS for pharmaceuticals works in detail?

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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 232.

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Clerk: Question 232/2022. The Hon. R M Clinton on behalf of the Hon. E J Phillips.

Hon. R M Clinton: Mr Speaker, can the Government state how much it cost the taxpayer to set up the EMIS programme in the first place, and how much is the annual maintenance cost?

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

Hon. A J Isola: Mr Speaker, GHA clinicians use EMIS to generate a GPMS prescription for GHA service users accessing their services. The prescriptions generated are identified with a unique serial code and GHA user medical card number. These prescriptions are then presented for dispensing at the service user's community pharmacy of choice. The community pharmacy, using the EMIS dispensing module, enters the unique serial code and GHA number to dispense the items prescribed. At the same time that the said medication is issued on the EMIS dispensing module, the pharmacy will make a reimbursement claim to the GHA for the items dispensed.

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The initial cost to set up the EMIS programme was £233,367.50, with an annual maintenance cost of £184,492.

Hon. K Azopardi: Just one supplementary, if I may: is the Government satisfied that the EMIS system is working well, or is it part of the review that they are conducting of the general arrangements? Arrangements will be contractual in nature, but are there reviews of some of the logistics of the dispensing of the prescriptions that are being looked at, and is this one of them?

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Hon. A J Isola: Mr Speaker, I do not want to, in any way, inhibit or restrict the remit of the review. The review is of everything. We are reviewing all aspects of the services that the GHA and the Care Agency provide, including this aspect.

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In terms of how the EMIS is operating, it does the job I have described. I believe we can do it better, and so we will be looking for ways in which we can do it better. The introduction of the selective services through online appointments is by plugging into the EMIS calendar, because obviously the person who sees the patient must have access to exactly what has been prescribed within the system. So, it does its job but I think we can make it work better and that is certainly one of the things we are looking to do.

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Q233-34/2022

Philips –

Origins of long-term partnership with GoG; tender process re £17 million contract

Clerk: Question 233/2022. The Hon. R M Clinton on behalf of the Hon. E J Phillips.

Hon. R M Clinton: Mr Speaker, can the Government state how the long-term partnership with Dutch multi-national corporation Philips came about?

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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 234.

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Clerk: Question 234/2022. The Hon. R M Clinton on behalf of the Hon. E J Phillips.

Hon. R M Clinton: Mr Speaker, can the Government state whether the £17 million contract with Philips was subject to a Government tender process; and, if not, why not?

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

Hon. A J Isola: Mr Speaker, I can confirm that the contract with Philips was successfully awarded following a Government tender process.

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Hon. K Azopardi: Mr Speaker, Question 233 was about how the partnership came about. Was there a discussion leading to the tender? Were there previous discussions with Philips in relation to the things that were then eventually the subject matter of the tender, and they were the successful tenderer? Can he give us a bit of background as to the scope and the rationale and how these discussions originated? Was there an approach by Philips to GHA, or was it the other way round? If so, it would be helpful to receive some detail of that.

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Hon. A J Isola: Mr Speaker, the tender was issued in November 2021 by my predecessor. Two firms engaged in that tender process and discussions ensued with the two of them in respect of the breadth of service that could be offered, the price and over what period of time those services would be available. So it was a relationship that was developed as a result of the tender. I am not sure what else the hon. Member wishes me to ... The detail was put out in the tender as to what we were looking for and the kind of partnership we were seeking, and Philips was successful in the process.

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Hon. K Azopardi: This originated from the GHA and not the other way round? It is not that the GHA were approached on a commercial basis to offer them services and they decided to take up the idea that this might be interesting, they then tendered and they were successful? It was the other way round, so the GHA originated the concept that it would be helpful to have a contract for these services, and then put out a tender and Philips was the successful tenderer. Is that right? It is a large contract of some value, so it would be helpful to have some more detail on it.

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Hon. A J Isola: Mr Speaker, the hon. Member will recall there have been previous questions in Parliament as to imaging services and other services that the GHA required. The GHA had been discussing this for some considerable time before this tender was put out, with a number of different parties. The GHA then took the decision that the best way to get where we wanted to get to with a professional provider was just to put it out to tender, detailing the services and inviting firms to come forward, which is exactly what happened. I think the object of the exercise was to get specialisation in, and I am delighted that we have managed to contract with an international firm with the reputation and expertise that Philips has for the benefit of all users of the GHA.

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Q235/2022

Register of property occupation – Policy decision re tenants of government housing

Clerk: Question 235/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can the Government confirm that it has not changed the previously announced policy decision that tenants of government housing do not, themselves, need to take steps to register under the new Register of Property Occupation?

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

740 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, Government confirms that it has not changed the previously announced policy decision.

745 **Hon. K Azopardi:** Mr Speaker, that is helpful but there appears to be quite a lot of confusion on the issue because we keep being approached by people talking about the process and so on, and some of them will say they have been queuing up and that kind of ... The message that the Minister gave when we debated the principles of the Bill – and I asked him for an assurance and he gave it at that time – appears not to be out there, or at least not out there with sufficient clarity, so perhaps the Government would be minded to consider issuing a notice or providing some
750 further information on this, so that the public are aware that they do not need to worry themselves about this.

Hon. A J Isola: Mr Speaker, I understand that, and I think there are other live issues, too ... which is that we will transpose the data that we have from the housing records into the Property
755 Registry, but at the same time as we are doing it we are wanting to check its accuracy and therefore the team are engaging with people to check and verify who exactly is occupying different units within the public housing stock. Some of them are relatively straightforward and we exempted the senior citizens in the homes from those because it is quite straightforward, and so it is a single-dwelling flat with one or two occupiers, there are no children involved; in public
760 housing, of course, there are.

The policy has not changed. I am happy to look at putting some notices out, which may give clarity to people that they do not need to worry about it, but the team is engaging in a checking and double-checking of the information we are putting into the Property Register to make sure that it is what we want from it, the source of truth. We want to ensure that the data within that
765 system is accurate, so we are taking some time to go through it, but nobody in public housing has to comply with the legislation at this stage in terms of providing that information; it is being done for them by us.

Hon. K Azopardi: So, to be clear, Mr Speaker – and I am grateful for that answer – when he
770 says that the Department is checking – which, of course, is understandable and it is okay to check this information; they *should* check it – that is a proactive decision of the Department? They are presumably reaching out to check this information but they are not requiring tenants of public housing to go down to be in the queue and so on? Tenants of government housing are not in danger of penalties for non-compliance, because this is something that, as a matter of policy, the
775 Principal Housing Officer will register, but then the government officials may be checking the information once the registration has taken place. That is how I understand the answer.

Hon. A J Isola: Yes, Mr Speaker, that is absolutely right, we are simply verifying information that we already hold, to ensure it is accurate. And there is no penalty or sanction. They are not
780 obliged to do it; we are doing it for them. Some already have. There are a fair number of people in public housing who have registered online, and obviously that is very helpful to us in the process of getting there quicker.

Mr Speaker: Next question.

Q236-39/2022

COVID-19 –

**Boosters administered to residents and non-residents;
repeat positives and vaccination status**

785 **Clerk:** Question 236/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, of the 39,854 COVID boosters administered to 9th June 2022, how many of those were first COVID boosters – that is a third dose of the COVID vaccine – broken down by residents and non-residents?

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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 Questions 237, 238 and 239.

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Clerk: Question 237/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, of the 39,854 COVID boosters administered to 9th June 2022, how many of those were second COVID boosters – that is a fourth dose of the COVID vaccine – broken down by residents and non-residents?

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Clerk: Question 238/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, of the 18,806 confirmed COVID cases detected in Gibraltar to 9th June 2022, how many people have contracted COVID once and how many have contracted COVID-19 more than once – repeat positives – with a breakdown of how many people have contracted it once, twice or three or more times?

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Clerk: Question 239/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, to the extent that of the 18,806 confirmed COVID cases detected in Gibraltar to 9th June 2022 there have been repeat positives – in other words, cases of people contracting COVID more than once – can Government provide a breakdown of these by vaccination status, namely how many of the repeat positives have been vaccinated or are/were unvaccinated against COVID-19 at the time of contracting COVID for a second time?

815

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

Hon. A J Isola: Mr Speaker, out of 39,854 booster doses administered up to 9th June 2022, 30,740 were third doses with 23,378 administered to residents and 7,362 administered to non-residents.

820

Similarly, 9,114 booster doses were fourth doses with 8,227 administered to residents and 887 administered to non-residents.

Of the 18,806 confirmed cases, a total of 16,728 persons have contracted COVID-19 once, 1,036 persons have contracted COVID-19 twice and two persons have contracted COVID-19 thrice. No one has contracted COVID-19 four times or more.

825

Out of 1,038 persons who were confirmed COVID-19 positive two or three times, 771 were vaccinated and 267 were unvaccinated at the time of testing positive.

830 **Hon. K Azopardi:** Mr Speaker, I just give the hon. Member an opportunity to confirm also that the booster remains available for anyone who wants to take it up. Is that correct?

Hon. A J Isola: Yes, indeed, Mr Speaker. As I said at the last sitting of Parliament, for as long as stocks are supplied and are available we will continue to administer them.

Q240-41/2022
Mental health in under-18s –
Number of referrals; anti-depressant and anti-psychotic prescriptions

835 **Clerk:** Question 240/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many persons under the age of 18 have been seen by or been referred to Mental Health Services or practitioners at St Bernard’s Hospital or Ocean Views or the Community Mental Health Services team in the calendar years 2016, 2017, 2018, 2019, 840 2020, 2021 and 2022 up to 31st May 2022, broken down by each calendar year and GHA facility mentioned?

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

845 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 241.

Clerk: Question 241/2022. The Hon. the Leader of the Opposition.

850 **Hon. K Azopardi:** Mr Speaker, how many persons under the age of 18 were prescribed medication for anti-depressants or anti-psychotic drugs by GHA personnel in each of the calendar years 2017, 2018, 2019, 2020, 2021 and 2022 up to 31st May 2022, broken down by each calendar year mentioned?

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

Hon. A J Isola: Mr Speaker, I am now handing over a schedule with the information the hon. Gentlemen has requested. However, in connection to Question 56, I am informed that the service for children was established in 2019 and therefore there are no official statistics prior to that date. 860 The only way to retrieve this information would be from patient paper records, something which would be very difficult and challenging without knowing first-hand the individuals in question.

Moving forward, the Gibraltar National Mental Health Strategy will seek to improve mental health and care for the population of Gibraltar. This will include the strengthening of all the different institutions to implement positive change and progress on the four overarching 865 priorities, which are in alignment with the World Health Organization Global Mental Health Action Plan 2013-30, as mentioned in Press Release 574/2021.

Answer to Question 240/2022

Period	Number of Patients Referred
January 2019 to December 2019	110
January 2020 to December 2020	48
January 2021 to December 2021	113
January 2022 to May 2022	112

Answer to Question 241/2022

Years	Antidepressants	Antipsychotics
2017	2	2
2018	2	0
2019	8	3
2020	13	8
2021	17	9
2022	13	2

870 **Hon. K Azopardi:** While I look at the schedule, may I just ask briefly ...? He said that in relation to one of the questions – he gave a number that is neither of those numbers, so I am not sure which one he meant – there was not information before 2019. He said Question 46, but I am not really sure which one he meant because these are Questions 240 and 241. Is he saying that he does not have information about the drugs, or is it the referrals? I see now, from the schedule, that he meant the referrals.

875 Mr Speaker, if the hon. Member looks closely at my question he will see that I wanted to have a breakdown of the referrals but also broken down by each calendar year and GHA facility mentioned. He will see that the schedule he has handed me does not provide that information, so may I ask him, if he does not have that with him, to write to me, because this would not be a full answer to the question that I asked?

880 **Hon. A J Isola:** Yes, Mr Speaker, I will be happy to do that. It is not in my supplementary information either, so I will be happy to provide that information to the hon. Member.

Hon. K Azopardi: I am grateful, Mr Speaker.

885 Just looking at the schedule, we would have to do the totals but you can see that, in terms of referrals, in the year 2019 there are 110, in 2020 a smaller number, 48, then, in 2021, 113, and in 2022 so far, 112. Obviously, January to December 2020 was the COVID year, so I expect that must have had an impact, but looking at the other years and taking out the COVID year you are seeing annual referrals in 2019 and 2021 of over 100 under-18s to mental health facilities of a different type. We do not know whether it is St Bernard's, Ocean Views or the Community Mental Health team because the hon. Member will have to write to me with that answer, and it would be helpful to receive it, but you have seen also in the first five months of this year a number which is as high as the annual numbers for 2021 and 2019. Does he agree that it is of some concern to see these numbers? Will he endeavour to speak to his advisers, those in the Mental Health Services, as to whether this is the norm and as to the causes that perhaps ... and what action could be taken in relation to these matters?

895

Hon. A J Isola: Mr Speaker, two points. The first point is that yes, I acknowledge the numbers in the first half of this year are higher than they normally are, but the second point is that I believe much of that may be down to the implementation of the Mental Health Strategy carried out by my predecessor, which has led to an awful lot more awareness of the kind of issues that may arise

900 and consequently referring people more than they were previously. The Mental Health Strategy
2021-26 is designed precisely to do that. If that had not happened – and obviously it is still an area
that we need to keep looking at – then I would have been concerned if that number had grown
out of its own volition, so to say. The fact that there is much more awareness and the fact that the
clinical operation and leadership in the Mental Health Service has been refreshed and
905 strengthened are also contributing factors to the increase in numbers. I suspect in previous years
had we been doing this, we would have had more referrals also.

So, yes it is an area for concern, yes it is an area that has already been looked at by the Mental
Health team, and I have no doubt that their strategy will continue to bring forward cases that
require some support and attention.

Adjournment

910 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn to
Tuesday at 10.30 in the morning, when the House will consider the Appropriation Bill.

915 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Tuesday,
28th June at 10.30 a.m.

I now put the question, which is that this House do now adjourn to Tuesday, 28th June at
10.30 a.m. Those in favour?

920 **Members:** Aye.

Hon. E J Reyes: Mr Speaker, are we going to lay on the table the Answers to Written Questions?

Hon. Chief Minister: We have not finished Questions.

925

Mr Speaker: We have not finished Questions yet.

Hon. K Azopardi: Sorry, for clarity – I may have misunderstood; there were some discussions
with the Clerk about accepting certain questions in written form – we are not finishing Questions,
930 so there will be a suspension of Standing Orders for the purposes of the Budget. Is that what he
meant?

Hon. Chief Minister: Mr Speaker, I have consulted the provision on Questions about any
question which remains unanswered when the Assembly adjourns on the last day of a meeting.
935 That is not when we adjourn today, because the meeting continues until we have been through
the whole of the Order Paper. My mind was drawn to my memory of this, and that is why I have
not asked hon. Members to accept those questions, because we can come back to those questions
after we have finished dealing with Bills. That is when we will have to see which Ministers are here
or not here. Two of them are likely to be back and therefore able to deal with it, subject to other
940 commitments. One may or may not be back. As he knows, we have a Minister who is having a
difficulty with a relative and he may or may not be here, but he is going to do his best to be here
next week.

Mr Speaker: I am just going to go back to the procedure for the adjournment.

945 I now put the question, which is that this House do now adjourn to Tuesday, 28th June at 10.30 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, 28th June at 10.30 a.m.

The House adjourned at 5.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.30 a.m. – 1.03 p.m.

Gibraltar, Tuesday, 28th June 2022

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The Gibraltar Parliament

The Parliament met at 10.30 a.m.

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

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

Standing Order 7(1) suspended to proceed with papers laid

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with the laying of documents on the table.

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

PAPERS TO BE LAID

Clerk: (vi) Papers to be laid – the Hon. the Minister for Housing, Employment, Youth and Sport.

10 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the table the Employment Survey Report 2021.

Mr Speaker: Ordered to lie.

15 **Clerk:** The Hon. the Minister for Business, Tourism and the Port.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I have the honour to lay on the table the Tourist Survey Report 2021, the Hotel Occupancy Survey Report 2021 and the Air Traffic Survey Report 2021.

20

Mr Speaker: Ordered to lie.

Standing Order 7(1) suspended to proceed with Government Bills

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

25 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government Bills.

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

Order of the Day

BILLS

FIRST AND SECOND READING

Appropriation Bill 2022 – First Reading approved

Clerk: A Bill for an Act to appropriate sums of money to the service of the year ending on 31st March 2023. The Hon. the Chief Minister.

30

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2023 be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2022 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Appropriation Act 2022.

Appropriation Bill 2022 – Second Reading – Debate commenced

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the distinct honour to move that the Bill now be read a second time.

This is my 19th Budget address as a Member of this Parliament. It is my 11th Budget address as Chief Minister.

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In moving this Second Reading, I have the honour to present the Estimates of the Government's revenue and expenditure for the year ending 31st March 2023 – that is to say next year. I will also present the outturn for the Government's revenue and expenditure for the year ended 31st March 2022, which was the 10th full financial year of a Socialist Liberal Government since we took office.

50

Given that it will lace much of what I will say, I should remind the House that this debate comes almost exactly six years after the decision of the British people in a referendum to leave the European Union. That makes obvious the reality that most of our time in government has been spent dealing with Brexit. Additionally, the challenges of the pandemic and the war in Ukraine now scar the economic performance of all nations, ours included. I will, of course, explain in greater detail, in different parts of this address, how each of these challenges affects us.

55

I consider that it is, therefore, incumbent on the Government, in the face of these mammoth challenges, to continue to act, in this Budget as we have in the past, in a manner that is both responsible and prudent. Additionally, in taking the steps we will need to take today, we must act with a view to protecting the overall economic integrity of the nation's finances in the short, medium and long term. We have an obligation to act to ensure that the spending required by the COVID pandemic is repaid as efficiently as possible and in a manner that provides as little drag for

60

future generations of Gibraltarians as possible.

I have approached this exercise, with the Minister for Financial Stability, the Financial Secretary and the Treasury, in a spirit of prudence and responsibility, as we must each Budget. We have designed these estimates to protect the most vulnerable in our community. We have set out to ensure that our key public services can continue to be seamlessly provided. We have ensured that
65 each measure we have designed achieves the purpose of raising revenue, where possible, and avoiding any austerity or hardship in any instance.

As a result, many of the revenue-raising measures I will announce today, with a heavy heart, are going to be in place only for two years – that is to say 24 months. These will be measures that are designed to pay back what the whole House, with the express agreement of the Leader of the
70 Opposition and the Opposition spokesperson for public finances, agreed to take from the public's coffers in order to pay for the worst ravages of COVID.

What we all agreed should be paid out we all must now contribute to paying back. What we all took the benefit of in the extraordinary funding of our health and care services for this period we must all now contribute to paying back. What all sectors in our economy directly or indirectly took
75 the benefit of, we must all now contribute to putting back in. There are no free rides and Gibraltar has never had a free ride. The generations of Gibraltarians who built our nation had no free ride and our generation must recognise that the lives we lead are, in most instances, privileged and we must, therefore, all contribute to the recovery of our public finances.

But let us be crystal clear: this Budget will contain no austerity, because it contains no cuts of
80 jobs or services, but it will tap our people's personal prosperity in a way that will leave untouched the income of the worst off in our community, who will actually see their income grow as a result of the measures I am going to announce today. The most vulnerable and those on the lowest incomes, disability benefits and state pensions, as well as those on public sector occupational pensions, will see their incomes continue to grow. We will, in that way, protect the most
85 vulnerable. But if we are all genuinely committed to social justice, then we must see the most well-off pay a little more, if only for a few years, in a way that is designed to pay off the debts we have incurred to pay our way in the pandemic.

I emphasise that the spending we are talking about repaying is the spending we have all in this House agreed we should incur. This is not to pay for schools, new rental homes for the elderly or
90 affordable homes for young families, the refurbishment of housing estates, new primary care centres, sports facilities or other projects. Each of those projects is a worthy, important project for our community. None of these represent any lavish spending or any project which any Member of this House has spoken out against or suggested we should not proceed with. Nor is this to pay for the pay of public sector workers, which we have increased considerably. The spending we will
95 have to all contribute to repaying is the spending we all agreed to in this House and which relates directly to the disbursement of money by the Government to address the real hardship that the pandemic would otherwise have visited upon this community, because by spending what we spent we prevented what could have been mass unemployment and the mass closure of businesses. Indeed, we prevented many of the problems now affecting other economies where
100 the restart of some parts of their activity is impaired, not least the aviation industry.

So, Mr Speaker, in the context of the continually difficult historic moment in which we find ourselves, I must tell all hon. Members that this will no doubt be seen as a tough but necessary Budget – tough because, whilst the Government will assist and protect the most vulnerable, we will ask for more from those who can, but necessary because there comes a time in the affairs of
105 many when it cannot be all take, take, take.

We have been clear, always, that we believe that we must never be spending more than we collect. Annual expenditure must not exceed annual revenue, and because of the truly exceptional circumstances of the past two years – not for any other reason – annual expenditure presently does exceed annual revenue. That is what we have to correct or we will continue, for longer than
110 would be forgivable – and it is presently forgivable – to breach our own golden rule, as set out by Sir Joe Bossano in his first address as Chief Minister in a Budget debate after 1988.

Mr Speaker, it is worth that I should pause there to reflect for a moment, because last Thursday, 23rd June, was not just the unfortunate sixth anniversary of a very unhappy plebiscite – that is to say the anniversary of voting in the Brexit referendum; 23rd June was also the 50th anniversary of the 1972 General Election. That was the first General Election that saw Joseph John Bossano elected to the House of Assembly, this Parliament’s predecessor, with 4,383 votes. The Hon. the Father of the House, Sir Joe Bossano has, therefore, now been a Member of Parliament for more than 50 years, and on this side of the House we express our congratulations to him on this magnificent milestone and the huge benefits that his work as a parliamentarian has delivered to Gibraltar and Gibraltarians in the course of the half century that he has served our people.

Additionally, we would congratulate him for having persuaded so many of the nay-sayers on the opposite benches who now say they support his economic policies and his policies on international relations. No one, now, is against the accumulation of rainy-day funds, like the GSD used to be. Incidentally, those are now, once again, healthy, even at this time. No one, now, backs the Brussels process, like the GSD did when it was formed. No one, now, speaks out against the Future Job Strategy, like the GSD used to do – although I see Mr Phillips is not here to hear my response to his goading on that. Sir Joe Bossano has seen off all those arguments. The GSD are now converts to what they used to call Walter Mitty economics and unrealistic cherry-picking.

So, I am here to praise Bossano, not to bury him, but the fact is that many on the other side have made it their lives’ work to come to this place to bury Bossano, not to praise him, although in that sense they would be truer to the original Shakespeare. They have happily abandoned their original principles – no surprises there – and have adopted a salutary ‘if you cannot beat him, join him’ approach to Sir Joe, which we on this side of the House warmly welcome on the occasion of this auspicious anniversary. Those opposite, of course, have now found another target for their disaffections – and you are listening to him, Mr Speaker. I have absolutely no difficulty with that, and they should have the comfort that I have no intention of being here for 50 years!

But let us return to Sir Joe and his golden rule, one which Members opposite embrace and eschew, depending on whatever mood takes their fancy, but which we regard as sacrosanct. To observe the golden rule and to reap its benefits for our nation, it is immediately necessary that all of us who can take a step forward and contribute a little more, even if it is for a short period of time, must do so to get the whole community over the COVID hump.

Of course, we are also still dealing with the negotiations with the EU on a treaty on our future relationship. The reality is that the absence of that treaty has meant that there has been an unwelcome element of uncertainty in our economy. The other side of the coin of that reality is that we cannot accelerate the negotiation, if it would mean saying yes to matters which would be unacceptable, simply to hurry the process along. The GSLP Liberal parties which I represent have a very clear view of what is and is not acceptable to us in this context and what is and is not acceptable to the people of Gibraltar. So any voice which is raised to suggest that we are somehow to blame for the delay and not having a treaty cannot be a voice that is concerned to ensure that the said treaty, if it emerges, is safe and secure for Gibraltar, because we cannot rush a negotiation other than by accepting things we would not otherwise be prepared to accept, and we will not do that. I say that in anticipation of addresses from hon. Members in the House in this debate. It would be inherently contradictory to complain we have not gone fast enough and at the same time suggest we must ensure that Gibraltar’s sovereignty, jurisdiction and control must be properly and fully protected. Undoubtedly, however, leaving the European Union has created uncertainty, and that will have had economic consequences, of course. I will say more later in my address to update the House on the latest on the treaty negotiations, but these are, of course, matters which fall to be considered in a State of the Nation debate such as this debate on the Appropriation Bill.

Whilst these are tough times requiring tough but necessary measures, it is an honour to have been entrusted by our people to navigate Gibraltar through these storms. There may be many detractors of the Government and of mine outside of this House. So much criticism these days is vented on social media. It is the modern politician’s cross to bear that so many want to see the

negative in everything and not appreciate the effort that is required to actually achieve things.
165 But that cross is like water off a duck's back given the honour that it is to hold the reins at this
immensely difficult time, the pleasure that it is to see things progress and proceed, the deep
satisfaction as we look back and see our achievements, all of them in the teeth of criticism, and
the reward that we enjoy as we see a community evolving and a nation progressing socially and
economically.

170 Of course we have suffered delays on key projects. Who has not at this time? In fact, I want to
acknowledge receipt of a heartfelt petition from purchasers at Chatham Counterguard and Bob
Peliza Mews relating to the delays inevitably occasioned to those two projects. I look forward to
meeting the organisers of the petition so that we can discuss the reasons for the delays and the
cost increases that are likely on those projects. But I refuse to believe that the Gibraltarians do
175 not really understand, deep down, the difficulties we have faced and the inevitable delays to
projects that have arisen, whatever the more impetuous may choose to blithely post on social
media. Our fellow Gibraltarians know and understand that we did not choose Brexit and the
uncertainty it has created and the work it has required, we did not bring COVID upon ourselves
and the economic and social difficulties it has created around the world, and we did not invade
180 Ukraine and the inflationary pressures that it has brought. These factors are external factors and
their consequences have to be dealt with and managed, and I do not think that many or any
Gibraltarian would have made different choices in the circumstances we have found ourselves in
than those we made ourselves.

However critical some may be, if they had been in my chair they would have done the same
185 thing in nine or 10 out of 10 of the instances in which we have had to make choices. But when all
is said and done, just as I told the House last year, in the end it will, of course, be my responsibility
that we should get this right, and that is a responsibility that I am genuinely honoured to shoulder
for our country at this time, because we – all of us on this side – and I will not cower in the face of
these difficulties. We will not shake and dither or be rabbits frozen in headlights. We will continue
190 to act, we will continue to work, we will continue to trade through and out of these
circumstances – and today marks an important moment in doing so, as we set out to prescribe
the measures that we will all have to contribute to in order to do so.

Predictably, I expect some may want to argue that the state of Gibraltar's post-pandemic public
finances, and consequently the measures we have to take, are somehow the fault of the GSLP
195 Liberal Government. That is probably the oldest political trick in the book, like blaming the Labour
government in the United Kingdom for the debt in 2010 without accepting that the debt arose
from the worldwide economic crash and the need to put cash in to stop a total collapse of the
banks and the capitalist markets. It worked a treat for the Opposition then to use the argument
as the excuse for the austerity that followed and that predictably hurt working people, whilst
200 exonerating the capitalists that had been saved by the socialist government's spending. I will not
stand idly by as the same cruel trick is attempted in Gibraltar to pull the wool over the eyes of
Gibraltarians. Naturally, we are the guys in charge and we are responsible for the public finances,
but from that to being to blame for a deficit and higher debt is quite a stretch.

In this respect, I note the statement last year from the Opposition that the effect of the
205 pandemic was that whatever had happened before, and whether or not we had followed the
Opposition's advice or not, we would have ended up in the same place. It has been suggested by
some now that those remarks relate only to the deficit and not the debt. That is to say it is
suggested that the Opposition accept that we would have ended up in a deficit situation, but not
that the debt would have increased as it has as a result.

210 Sterile though I think such a debate is, I think it is important to highlight that the deficit is being
plugged by borrowing. That is to say the debt is going up because we are plugging the deficit by
borrowing. So, given that we will no doubt face this continued sterility in the approach we face in
this debate, I provide the obvious answer to the argument we expect to hear in coming days,
because anyone who thinks they can sustain the argument that the economic and public finance
215 issues that Gibraltar is facing today is the fault of the Government of Gibraltar is not being

objective in their analysis. I can understand that those who are just perennially opposed to the Government might think that, but any fair-minded, objective, independent observer will appreciate that the point of arrival at the pandemic was a point of reducing direct government debt, surpluses and increased revenue over expenditure. That is why, despite the many attempts
220 to try to get that argument to stick, it has stuck only in the quarters that want it to stick.

What has driven us to deficit is the three-fold aspect of the deployment of public money to pay those forced out of work by the closure of businesses, the closing of our economy and other economies that deprived us of revenue at the same time, to a position from which recovery will take some time, and the additional myriad expenses of COVID. It's that simple. We have a deficit
225 because we spent money to keep food on people's tables and to keep our companies going. We spent money to fund the GHA and public sector to trade through COVID. We spent money to plug the revenue gap from our falling or disappearing revenue. That gap is still there, as Government revenue has not yet fully recovered.

We are not in this situation because we built a school, built a primary care centre or built new, affordable homes, and the measures we will take today, tough and painful though some may be, have a clear purpose and signify a clear direction out of these difficulties – to get back on track, to get back to growth and to get back to surpluses: balancing the books, which is what our right-thinking citizens want us to do.

Mr Speaker, before we get into the economic detail, it is also important to remind ourselves
235 that this debate has always been wider than just an economic debate or a debate just about the public finances. That is the right approach, as the economic well-being of a nation comes from the social and political well-being of a nation, so it equally falls to us to consider the wider vicissitudes of life in Gibraltar when we consider this Bill. In that respect, I think we are well placed to reflect positively on a decade of social investment, social progress and social reform which has landed
240 well and established itself deeply now.

We have refurbished old and tired estates and we will refurbish more of them as our public finances recover. We have added massive new green areas in the centre of our city. Commonwealth Park and Campion Park serve as everybody's back garden in Gibraltar. Just that shows commitment to improving our common environment and our people's quality of life.

We have built and are building new schools, so that by the time our programme is finished
245 every school in Gibraltar will have been built by the GSLP, including a new Jewish school. Additionally, we will have employed 172 more teachers in 10 years. That is where your money is going, not on lavish spending, as some allege. We have employed 170 more learning support assistants in 10 years. That is not lavish spending. That is investment in education.

We have employed 137 more nurses in the GHA in the last 10 years and we have employed
250 almost double the number more GPs in 10 years, although we still have to get right how to organise appointments with them. That is where your money is going.

In fact, the total complement in Head 16, Education, is up from 607 when we took over, to
255 1,123 now. The total complement of the GHA, which can be seen in Appendix G, has gone up from 869.5 when we took over, to 1,185. That is where your money is going. Austerity is about cutting people in such roles. We have done no such thing. We have invested in quality jobs with the best terms and conditions of employment, exceeding even those on which we used to match parity.

We have built brilliant new facilities for our elderly at Hillside and Bella Vista, as well as refurbishing Mount Alvernia and the Jewish Home and opening the John Mac Wing for the elderly.

We have provided two new primary care facilities for our people, one of them for children. In
260 fact, the Government believes that these are not yet operating as they should and they need to be reviewed, and we are in the process of doing so.

We have built and are building more affordable homes than we have ever seen built by any
265 administration in our history. Delays have arisen from the pandemic, of course – nothing we can do about that, although Members opposite will, no doubt, try to pin the delays on us; not surprising, as I fully expect them to try to pin the Black Death, the Plague and the Vietnam War on

us during the course this debate if they think it will help them gain one or two more political points. But we continue doing.

270 We have built car parks that provide facilities for those of our people who wanted to buy car parking spaces.

We have provided a new facility for our broadcasting corporation so that they have the modern studios and equipment that they need.

275 We developed a 700-berth marina for small boats and will soon provide a hard, once we settle the outstanding aspects with the Yacht Club which come from the time in government of Members opposite.

We held great concerts, the cost of which we subsidised for whole families to enjoy when we could.

280 We built and established a University of Gibraltar as a centre of learning, which had long been an ambition of successive Governments that we have made a reality, as is the Gibraltar International Bank a reality that other Governments spoke of and we banked, literally.

285 We have built, and in one case just finished, the best sporting facilities our athletes have ever enjoyed. The delays have been impossible to manage for reasons already repeatedly explained in this House, but again I have no doubt that the delays will also be said by the Opposition to be our fault, just like the Cuban Missile Crisis and the Korean War. Nothing will be too remote in time or geography for the GSD not to say it was Picardo's fault, the Government's fault or the GSLP Liberals' fault.

290 All these things can be said very quickly – *se dice muy pronto* – but what a legacy in the past 10 years. Whilst many have spoken of these things and promised them, we have made them happen, and not without great effort, very late nights and a massive amount of work involving ministerial colleagues and great public servants. That is how we work.

295 That is not mismanagement by any definition. It is the legacy of a golden socialist liberal decade for Gibraltar, stopped in its tracks, like the whole world was, by a pandemic that took no prisoners around the world and has taken 104 of our most beloved people, so far. Indeed, the best way to demonstrate that the issues afflicting our economy today are not related to our actions, our alleged mismanagement or any spending which we may have undertaken which is lavish by any stretch of the collective imagination, is best set out by a quote from Members opposite. This is a direct quote:

Of course, no one on this side of the House is saying that if they had been prudent with the people's money over the last 10 years we could have avoided a £157 million deficit which is, of course, COVID-related. No one could have predicted the pandemic ...

300 That is correct, of course. It is the actual statement, a direct quote, from the Member for Devil's Gap North, Mr Feetham, speaking, as he told us, on behalf of the Opposition because the Leader of the Opposition had asked him to address these issues. That very realistic assessment, which accords with our own understanding, estops the Members opposite from now seeking to suggest the opposite with any credibility. The political estoppel created will, nonetheless, no doubt be ignored at the altar of political convenience, but that fleeting moment of lucid honesty which Mr Feetham brought to last year's debate will forever be recorded in the *Hansard* of this House and in the political history of this community. For that, I thank him.

310 In fact, what we delivered before that was a boost to Gibraltar as a society and for our nation, a massive step forward in a decade of hard work and hyperactive government, a generational step change that we have delivered for our people. Some say we have not done enough. I acknowledge we still have things to do and we have basic things that have gone awry in the pandemic that we have to fix. Some say we have done too much. You can never please everyone. Sometimes, it feels like we can never please anyone – certainly no one on the opposite benches, at least – but we have satisfied ourselves that we have done what we said we would, insofar as we reasonably could until the pandemic struck. We have not been idle one day since we were entrusted by the people

315 to govern our nation's affairs, we have not been complacent one moment since we took over in
December 2011, and we have been humble always in the discharge of our functions and true to
the principles of natural justice and the seven principles of public life set out by Lord Nolan and
our draft Ministerial Code. I trust we will now be able to do the work of the Select Committee to
finalise adoption of it formally, and to further tighten that, we will very soon be publishing a Bill
320 to provide additional protection to prevent any semblance of corruption in our society. Having
blown hot and cold on it, and having insisted that we should not proceed with it, I hope all
Members opposite will support the Bill when it is published in coming weeks.

Gibraltar is now also freer and more open than ever before. Freedom and equality is
established in respect of the sexual orientations. It was a pleasure, therefore, to have attended
this year's Pride event on Saturday, to represent all of Gibraltar there. When people ask why
325 should we have a Gay Pride event: for a simple reason, because the opposite is no longer true in
Gibraltar. There is no gay shame. That is why we celebrate equality with Pride.

We are also making much better but as yet imperfect provision for the disabled in our
community. We have started the work on the extension of the UN Convention on the Rights of
Persons With Disabilities. The process has already commenced and is being led by the Minister for
330 Equality, working within the Ministry of Equality and other Departments. This is a long process
with various stages, some of which are not under our direct control. The extension has always
been our ambition, as we have set out on a number of occasions in this House since we were in
opposition. This is, of course, linked to the Disability Act which we passed in this Parliament and
which is modelled on the Convention.

335 Mr Speaker, you will recall that there are two sections of that Act that have not yet
commenced, and this was in order to give time to plan for premises to be accessible. In the 2019
Budget I announced an initiative to enable businesses to claim a tax deduction equal to the
expenditure of works to improve their property up to a maximum of £15,000. This was to
encourage businesses to facilitate access for people with disabilities in their existing premises.
340 That measure was made available for 36 months. Regrettably, the COVID pandemic got in the way
of that initiative, as with so many other things, and as the very first Budget measure today I
announce that I am pleased to reinstate this provision for another 24 months.

Every community is a work in progress, but it is churlish of our opponents not to congratulate
us on the progress achieved so far. I will not dwell further on the subject of social progress and
345 inclusion and equality, but I will repeat my warning. Whilst I have breath in my body I will continue
to ensure that we move only in one direction in this respect: forward. Gibraltar has no reverse
gear on rights and progress. The progressive road to equality is a one-way road. Any attempt to
reverse the laws to prevent discrimination will have ferocious opposition from the majority,
because Gibraltar is a socially liberal European democracy and we have taken our place at the
350 table of nations with modern, progressive laws, very often opposed from the majority of those on
the opposite benches. And how apposite that on the one-year anniversary of the Crimes Act, or
abortion referendum, in Gibraltar, the United States Supreme Court should have ruled to undo
50 years of federal protection to women's reproductive rights. Whilst others move backwards, we
move forward, *only* forward.

355 Speaking of matters European, I will now update the House on the progress of the EU
negotiations. At this time last year, we had not even seen the publication of the mandate of the
European Commission for this negotiation. When we saw the EU mandate, we all agreed that it
presented many unacceptable aspects which the Government and people of Gibraltar would
never be able to agree. Now we have engaged directly with the European Commission on nine
360 rounds of negotiation. Technical discussions are ongoing today. We have made huge progress in
understanding each other's positions. I think it is fair to say that there are areas where we have
found agreement. It is also fair to say that there are areas where, whether we agree in principle
or not, we are not yet able to agree the mechanics of how to give effect to our agreement. Yes,
this is taking longer than any of us wished or expected, but it is a negotiation that is on foot and

365 which we have to get right. This really is a process where the adage 'more haste, less speed' is going to be what gets us to the right conclusion.

At the moment, the talks are processing through a deeply technical stage where some of the detail of the parts of the Schengen *aquis* and the relevant parts of the *aquis* on movement of goods are being considered. We have to ensure that these have been fully and properly analysed between the parties in order to ensure beyond peradventure that if we do reach agreement, or when we find that agreement, we find no nasty surprises and we have addressed all of those issues in the course of the negotiation.

The technical teams for the Government of Gibraltar are being led today by Michael Llamas QC, the Attorney General, who is immersed in highly complex work. The Deputy Chief Minister and I are equally involved in all policy aspects which the technical work throws up.

The meetings have been innumerable and the meetings to come will likely be innumerable, yet it is worth remembering that this is not a process that we are embarked upon by choice. We have not decided that we wish to recast our relationship with the European Union because we woke up one morning and decided to do so. It may sound trite to say it, but it is important to remember we are embarked on this process because we must, as a result of the Brexit referendum, work to fashion the recasting of our relationship with the EU into the best possible form, and if the best form we can negotiate is not safe and secure, then so be it. But we must pursue this course and I am confident that we will reach agreement and that the agreement will recast our relationship with Europe going forward.

It is also presenting us with an opportunity to recast our relationship with Spain and leave behind the confrontations of the past. Whether that opportunity is taken is more for them than for us, but our hand has been stretched out in friendship for generations and under successive governments. Too often it has been cheaper for successive governments of Spain to play to historic prejudices than to move forward to dialogue and co-operation. We may be seeing a change, and every Gibraltarian will want to welcome that if it takes root and is not lost to the rise of far-right extremism in Spanish politics. But the opportunity may be there, and that is why we remain committed to seeking to resolve the nature of our future relationship with the EU through a UK-EU treaty which is safe and secure on all our fundamental concerns and which is, essentially, with the EU, which has no sovereignty claim on Gibraltar. We do believe we can deliver such a treaty in a manner which creates that mythical shared prosperity of which we all talk and which must, perforce, lead to enhanced prosperity in Gibraltar, which is where prosperity spreads from. I remain deeply optimistic that such a safe and secure treaty is possible and now increasingly probable. The latest technical negotiations are very tough and very tricky and they are dealing with difficult areas of policy. They require deep maturity in understanding the European rules as they are between member states and how they would apply to us in the context of non-membership of the EU or of Schengen, but of adherence through international treaty and the application of public international law.

But what I would, therefore, warn against is the idea, put out by some siren voices, that we could have done this quicker in some way or that we are failing by not bringing it in quicker. It is worth every member of the community remembering that in Greek mythology the sirens were dangerous creatures who lured sailors, with their enchanting music and singing voices, to shipwreck on the rocky coast of their island. In the past, some such sirens have said we should have done like Northern Ireland. Of course, when we pointed out the differences, those who made that argument scoffed. In fact, now, those who argued we should be like Northern Ireland will have seen that there would have been little merit in that. They have come full circle and are now arguing, like us, that the Gibraltar negotiation is very different to the Northern Ireland negotiation. The same sirens have even called for a deal in which Gibraltar's external relations become the responsibility of the President of the European Commission. That is not something we would consider would be safe and secure.

I do appreciate that they have come round to our position, although they do not say so. It is also true that they urge us to do things quicker, but also urge us not to concede anything

fundamental – not that we would or that we might need them to remind us. But of course the only way to go faster is to concede things we are not prepared to concede. We are never going to compromise our British sovereignty, jurisdiction or control, so anyone who thinks we have gone
420 soft on the fundamentals, or who thinks they will be able to argue that in order to somehow lure our supporters away with siren calls to the rocks ... is in for a shock because we will not compromise on the fundamentals and neither are we being asked to do so. But we have been right to be cautious and to be careful in our negotiation. There is too much at stake for Gibraltar, and for those around us, to get things wrong. If we are put under pressure in the process of
425 negotiation, we have to ignore that pressure in order to negotiate successfully, however much the pressure may produce negative effects in the interim.

I acknowledge the difficulties being experienced by blue and other colour ID card holders, but in assessing our actions and reactions to things that may be happening, our opponents, our supporters and the general public need to think about what the alternatives are to the steps we
430 are taking – and any such thinking must be deep thinking. That is to say people should not blithely think that it would be proper to react in this complex and important negotiation as one does in a brawl. This negotiation is no brawl. It is as much a game of chess as it is of poker, where we all have to win and none of us can lose. Not easy, but nothing worth doing in politics ever is easy. And neither will this Budget be easy, or the numbers that I will now report to the House arising
435 from the social background that I have described.

Mr Speaker, the last time I delivered a full Budget address – last year – was July 2021. Over the last few years, in economic terms, the entire world has changed, but as I highlighted last year and every year, my focus has to remain on this small part of the world that we call home. This is our paradise and we must preserve it as much as possible.

440 First, we were hit by the unexpected departure of the United Kingdom from the European Union. The exchange rate ructions and the uncertainty created by that vote, and the subsequent negotiations on our departure, caused huge turbulence to a previously settled economic environment – and to think that Brexit seemed so seismic at the time that we called those politically instigated problems ‘turbulent’ and ‘challenging’. Little did we know what earthquake
445 was to come next, because next it was the impact of COVID. The continuing economic effect of that pandemic is the subject of much of my address. Then came its after-effects, as the world started opening up. We all saw the tensions between supply and demand played out in news reports daily. These tensions translated immediately to increased prices and worldwide pressures on labour forces, as these had been displaced during the lockdowns. This has resulted in further
450 shortages, such as delays on deliveries of motor vehicles, parts – you name it – and daily pressures such as those we can all relate to, such as long queues at security checks at airports etc. Additionally, all of this turbulence has unfortunately been severely compounded by the war in Ukraine, which really has thrown global markets into crisis. The importance of self-sufficiency in energy and other factors has been brought to the fore as we see larger countries in Europe grapple
455 with their conscience in the face of possible sanctions and what is truly deliverable, despite the tough rhetoric, given their dependence on fuel from Russia. This is the main factor moving inflation as high as it is, the effects of which I will analyse later in my address. These are all salutary lessons for us in Gibraltar as we continue to carefully calibrate the arrangements we might be able to negotiate as part of our own agreement arising from Brexit.

460 In this context it is perhaps useful for me to update the recent history of GDP growth to provide a sense of how Gibraltar has performed in the face of all these external factors. I really need to emphasise here that all of these factors – be they COVID, shortages, price inflation, Brexit and now the effects of the war in Ukraine – are external forces which we, as a small nation, are at the mercy of. We are buffeted by these forces but we have no way to arrest them or manage these
465 international issues. We can only ensure the integrity of *HMS Gibraltar* and work to make sure she is a watertight ship that will withstand any storm. It really is quite remarkable how a small place like Gibraltar has found its own way of adapting and dealing with them. As with everything, this is

a continuing journey, not a destination, so it is important to reflect on the journey so far to ensure also the comfort and longevity of the traveller as we continue to navigate the course.

470 Pressures from relocations of public officers to the COVID helpline and related duties have meant stresses in Government departments such as the Statistics Office. The Government Statistic Office has, nonetheless, provided their Budget brief, which forecasts GDP and revises historic forecast in light of actual information. I will walk the House through some of these figures, pausing only to thank the Chief Statistician and her team for the work that they do in delivering these
475 annual metrics for our economy.

Mr Speaker, you may recall that last year I provided a preliminary estimate for the figures for 2019-20. The preliminary estimate I quoted last year, based on the information provided by the Government Statistic Office, was for a GDP of £2.57 billion. I am delighted to confirm that the final estimate for 2019, the final year before the pandemic, which really started at the end of March
480 2019, has not varied materially from that preliminary estimate. There has been a small positive increase in the final estimate of around £2.1 million, which will not move the needle on the rounded figure of £2.57 billion. I explained last year that this represented an increase, now of £112 million, namely 4.6%, as adjusted, over the figure for 2018-19. I explained that this growth was below the average growth rate during my Government's term in office and has arisen from
485 relocations in the gaming sector caused by Brexit. And here, once again, is that first external factor impacting on the economy.

I now turn to the preliminary estimate for 2020-21. Last year, I provided a forecast for that figure of £2.44 billion. The preliminary estimate is slightly below that, at £2.41 billion, a reduction of some £25 million, one that is, again, not material in the context of those figures. As I explained
490 last year, this reduction should not come as a surprise to anyone, given the lockdowns and the other factors affecting this economy. It is consistent with the direction of travel of the growth charted in other mature economies. Once again, factors which were not a direct result of anything we have any control over.

Mr Speaker, I therefore believe the Gibraltar economy has performed remarkably well. The
495 lockdown and restrictions on non-essential travel as a result of the COVID-19 pandemic had a significant negative effect on Gibraltar's economy in 2020-21, which is estimated to have contracted by 5.9% in nominal terms to £2.42 billion and decreased by 7.2% in real terms. To correct the forecast I gave last year and bring this up to date, the preliminary GDP forecast for 2019-20 is £2.41 billion – that is a reduction of £152 million, or that decline of 5.9% over the
500 2019-20 final estimate. Income from employment and gross trading profits of companies are estimated to have dropped by 5.2% and 7.6% respectively over the year, due to the effect of the pandemic. This confirms my statement last year that we have reverted to GDP levels of 2018-19, more or less, pre COVID.

Rolling things forward to the last financial year – that is to say 2021-22 – we opened up the
505 economy in the faltering way that we were best able to achieve and against continuing restrictions elsewhere, not least in our principal markets of the UK and Spain. Our reopening involved a series of different measures, but I am sure that everyone is now delighted to see Main Street beginning to fill up with tourists visiting on land-based tours or cruise ships. This has always been an important part of our economic activity. We have been blessed that we took the right decisions
510 in semi-mothballing these functions and the associated staff by keeping full employment, albeit not fully functional. The result is that we have been able to ramp up our airport, cruise liner terminal and coach park without the disruptions that many other places have experienced. As lockdowns and travel restrictions ended during 2021, the result is that our forecast GDP for 2021-22 is £2.59 million, surpassing the pre-pandemic GDP level.

515 The good news is that this GDP bounce-back reflects that economic activity is coming back and shows that our economy is strong. It is our public finances that will now need to be nurtured back to health. The GDP bounce-back represents an increase of £173 million or 7.2% in nominal terms over the final estimate for 2020-21. This is a solid performance for a year where the economy opened up as early as possible, perhaps in jumps and starts but as early as we could. Real growth,

520 however, decreased marginally by 0.4% as inflation grew at a faster rate, rising by 7.6% over the year to April 2022.

The gross trading profits of companies grew by 10.5% over the year and income from employment increased more slowly by 3.6% as the number of employee jobs rose by 3% over the year, but real average annual earnings fell by 4.6% compared with 2020. Although there was significant growth in 2021, the total number of employee jobs remained just below pre-pandemic levels, with a small shortfall of 200, or 0.7%, compared with October 2019. The numbers show we went from 30,603 jobs at the peak in 2019 to 30,403 jobs in October 2021, growing from a figure of all employee jobs of 29,516 in October 2020 when we were at peak pandemic. Hopefully, we can also see that the growth in jobs is coming in the private sector, where, in the period from October 2020 to October 2021, the growth in private sector jobs was 851, or 3.7%, up to 23,638, and only a growth of 47 in the public sector.

In the financial services sector, we have seen jobs reduced only by 25 out of 4,027 in the past year, up 29% over a quarter and almost a third from when we took over in 2011. In that respect, the FATF decision is one which will impact this sector, but we do not believe it will impact jobs. We respect the FATF decision and will be working to resolve the matters identified. We do not believe that Gibraltar deserves to be anything other than white listed and we will work with industry and law enforcement, as well as with FATF itself, to ensure our view is shared by them in time for the next review date.

Employment generally has remained stable and Gibraltar continues to benefit from admirably low unemployment levels, even during such difficult times. We also continue to see record low unemployment. In 2021, whilst the pandemic critically affected unemployment throughout the globe, the yearly average for Gibraltarians registered unemployed was 27. The comparable figure for 2011 was 442. That represents a drop of 415 unemployed from the time when we took over; a staggering 94% reduction in unemployment since our election in 2011, something of which we are rightly proud. That is not mismanagement, Mr Speaker, far from it.

In 2022 we have continued to maintain low unemployment levels with first-quarter average for 2022 of registered unemployment at 41. The comparable figure for the first quarter of 2012, when we took over from them, was 522. There is a drop of 481 there, a 92% reduction in unemployment since the first quarter of 2012. The House will be pleased to note that as at May 2022, unemployment stands at 35. The fact is that we all agree that daily life has hardly been normal throughout the year, given other places opened up in differing ways with different requirements and the other challenges we have faced.

If we take the average year-on-year economic growth between 2014 and 2018 – the five years pre pandemic – this averages out to 10.7%, despite the lower than average increase in 2018-19 for the reasons I explained, which were associated with Brexit and the losses within the gaming sector of one company, to our economy.

Taking these figures absolutely, the forecast figure now is £21 million higher than in the final estimate of the 2019-20 GDP figure. That year was only marginally affected by COVID, so what I would surmise is that we are back on track, having lost two years of economic growth. This, in my view, would be consistent with what the man in the street may feel, that somehow about two years of all of our lives have been lost to the pandemic.

Mr Speaker, interestingly, the ratio of personal taxation to GDP has been consistently coming down in Gibraltar. The ratio was 13.5% when we took over, with a GDP of £1.082 billion and £146 million in total collected in Social Insurance at £24.1 million and personal tax at £122.5 million. Today the ratio, after 10 years of Socialist Liberal Government, is 5% lower – over one third lower – at 8.7%, with a total of £225.6 million collected in Social Insurance at £45.6 million and personal tax at £180 million.

The GDP to tax ratio in the United Kingdom in March 2022 is 32.7%. That is 73.4% higher than in Gibraltar. The GDP to tax ratio in Spain at the end of 2021 is 36.6%. That is 76% higher than in Gibraltar. These figures show that the remarkable increases in government revenue in our time in office have not been driven by taxation, as we have relied on external arrivals and our external

market to raise revenues. That is the market in which the pandemic caused havoc: arrivals from outside. It is returning, albeit more slowly than we would all have wished.

575 I will now seek to explain how the GDP impacts on the rest of the Government finances. I will also seek to explain the steps I feel we must take to somehow bridge the gap and bring the state of Government finances back on track, after ensuring this extended period afflicted by external forces. Given all the usual caveats, I will also, this year, not have to do the GDP per capita calculation for Gibraltar, as the figures would be the same as for the year 2019-20.

580 As I mentioned in last year's speech, the Estimates Book format took on a much more complex nature to be able to track COVID-related expenditure separately from other annually recurring expenditure. This year, the Estimates Book has necessarily had to conform to that format, but now I will now try to distil at a high level the contents of those close to 300 pages which set out in great detail how Government finances have matched up to expectation and where I think we are heading over the next 12 months.

585 To add transparency and to provide the most complete accountability to our people, we have taken the previously unprecedented step of publishing the Estimates Book online as I rose to start this debate. It will make this exercise easier for the public to follow as they listen to the deliberations of this House. The link to the Draft Estimates Book – which is this one – which was confidential until I have got up to speak this morning, is on the Government Press Office page, on
590 our Twitter feed and on our Facebook page. I have shared the links on my Facebook page also. I would therefore refer all those watching or listening, who want to follow the economic parts of this debate, to please look at the Estimates Book as we go through the next sections. Additionally, earlier Estimates Books will all soon be made available online, also to enable all citizens to track the economic evolution of our community over the past 50 years.

595 To make my references easier to follow – and at the risk of sounding like Disney's Tinkerbell, but without the assistance of a ringtone – I will refer to relevant page numbers of the Book during the speech, so that those following can find the relevant information. In doing so, I would sound a cautionary warning. If COVID and lockdown had an impact on the economy and created uncertainty, inflation and world events continue to cause pressures and uncertainties that make
600 charting the next 12 months as fraught as it was to predict them some 12 months ago. Never has the word 'estimate' been more apposite than in the title page of this Book.

Mr Speaker, let me turn first to the year that has just closed. The background and context to financial year 2021-22 was that whilst we lifted restrictions fairly quickly, many countries, including the United Kingdom and Spain, continued with restrictions for longer than we expected
605 when we compiled the Estimates Book during the first few months of 2021. These restrictions were not in the form of a complete lockdown, but they nonetheless discouraged international travel generally – although we received visitors from the UK – and impacted on visitors, all of which has an impact for many of Government's revenue sources.

610 At a high level we were projecting a loss for 2021-22 of £50.72 million. As I already have made public on first becoming aware of the figure, the forecast outturn deficit for the year was slightly higher than that, at £55.291 million, by some £4.6 million, and people can see that on page 2 of the Estimates Book. Although the figures in the Book are kept confidential until the start of this debate, it would not have been fair for me not to have shared that figure with the public as soon as we became aware of it in the Ministry of Finance and the Treasury. That is our commitment to
615 being fully accountable to our people.

Let me see if I can break this down into more relevant analysis, for those listening to understand. The good news in all of that is that our true third party revenue came in at £650 million, some £16 million above our projected revenue of £634 million. This shows the Government revenue stream by and large held up, despite the after-effects of the prolonged
620 restrictions, and people can see that on page 5, which is a blue page.

Personal tax and corporate tax came in some £22 million overall in excess of our projections. That is on page 6.

625 Import duties, on the other hand, came in at a disappointing £111 million, when our conservative estimate, also on page 6, was for £150 million. This can be explained given the lack of tourists and the measures we issued to make local shopping more attractive. When we have been used to collecting close to £170 million in duty, a hit of around £60 million, or around 10% of our COVID income, is very noticeable indeed and the reason the COVID Response Fund had to step in to make up the difference, but I will say more about that shortly.

630 Stamp Duty, which you can also see on page 6, Mr Speaker, came in at £14.9 million, almost double the predicted estimate of £8.5 million, signifying the continued strength and resilience of the property market.

Aviation revenue was actually down, and to an extent this was in part compensated for by higher fees earned on our Upper Rock tourist sites.

635 The GHA Group Practice Medical Scheme revenue came in some £10 million ahead of our estimate of £56 million, and that is on page 9. This is directly in line with the result of the increases in Social Insurance which were announced after the publication of the Estimates Book and therefore had not been factored into the Estimates.

The revenue from increasing the electricity tariff was also reflected, as this came in some £2.75 million higher than we expected.

640 Remarkably, the Port produced revenue almost in line with expectation, some £650,000 down only on the Estimate, despite the reduction in cruise line activity, which can be seen on page 10.

645 With minor exceptions, income is therefore broadly in line with our estimate, and that can be seen on pages 6-10, which I have just taken the House through. The positive takeaway from this analysis is that where we introduced measures that were not projected at the time of preparation of the Estimates Book, such as increases in Social Insurance or electricity, they actually gave rise to increases in that particular head of revenue. These were not offset by other losses within that same revenue head, as might have been expected, for example, had a spate of redundancies followed the release from restrictions.

650 Mr Speaker, on the expenditure side I believe we managed reasonably well, also. We projected for Consolidated Fund charges of £103.4 million and the forecast outturn figure came in at £105.7 million. That is on page 13. Most of this difference is made up of £300,000 of additional legal aid paid, circa £800,000 of Social Insurance contributions arising from the increase and an additional repayment of tax of £800,000, and that can be seen from page 16 of the detailed Estimates Book for the recurrent fund charges.

655 Similarly, we projected £551 million of departmental expenditure and the forecast outturn came in at £569 million, which is a difference of £18 million or some 3%, and that is visible in the summary on page 14 of the Book, which is a summary of all the heads of expenditure. The main cause of this is not unexpected, with a £20 million overspend between the GHA, the ERS and the Care Agency, all areas of expenditure which have had a significant and unpredictable overspend as they grapple to return to business as usual and emerge from COVID.

660 The Department of Education came in over budget at £61.4 million when compared with £58.8 million estimated. The main reason for this overspend has been the large issue with temporary cover which has been addressed recently by the formalisation of posts that needed to be filled, which results in the increase in posts from 869 to 1,123, or a whopping 30% increase in posts. This is not increased expenditure, though, as we are simply regularising posts that were previously funded through the 'Temporary Assistance' heads of charge. It is on pages 13-61 that people can see the detail of that spending in respect of education. That is not increased expenditure, as I said, though.

670 The GEA is another authority that has come in at higher than expected costs – £67.9 million, as compared with an estimate of £55 million. That can be seen on page 14. The reason for this overspend is the inability to do away with the temporary generators within the timeline we had hoped for as commissioning continues on the new plant, coupled with the inflationary impact on fuel costs. The good news on the former, though, is that we are working to take these offline and save costs. On the latter, however, the recent increase in fuel prices will no doubt impact on the

675 year ahead well beyond what was possible to project earlier this year when the Estimates Book was prepared. In that respect, because the GEA is an Authority, hon. Members will need to go to page 248 to see the detail of the payments I have just referred to. I will say more about the GEA later, Mr Speaker. For now I will say that we expect an overspend in this head by the end of the year, given the unprecedented and unexpected increases in the cost of fuel.

680 Again, by and large, all other Departments fell within the boundaries of their estimates, with the usual swings and roundabouts between Departments as one Department's overspend was compensated for by another Department's savings. That is best seen in those summary pages, the summary of Consolidated Fund expenditure, which are pages 13 and 14 of the Book.

685 Finally, turning to other expenditure within the COVID Fund, this is perhaps the area of expenditure that was most prone to errors in projecting, given the huge uncertainties at the time of preparation of the Estimates last year. It was not just a question of determining how long COVID would persist but also the implications of elements such as how other countries were to react, what tests were required and what attitude would be taken for employees of key facilities, such as the Hospital, that had daily testing of all staff with all the associated impact on cost. What we
690 saw here was expenditure far in excess of the amounts we projected.

Our estimate last year was for a COVID Response Fund expenditure of £67.5 million, whereas the forecast outturn turned out slightly in excess of double this amount at £135.1 million. The detail is on page 292, which is near the back of the Book where we have Appendix S, 'The COVID Response Fund'. It is worth doing an analysis of this because the main reasons for that overspend
695 can be broken down – and those who are trying to follow the Book need to be on page 292 whilst I do this analysis.

There was a large underestimation of how actual revenue would hold up when compared with the average revenue collected by Government for each of the seven key heads of revenue, compared with the equivalent revenue for the same heads for the two years pre pandemic. By
700 and large, our estimates were broadly in line with expectation save for, first, the head of Rates, which is easily explained, as we provided an exemption of rates for a quarter beyond what we had originally projected; and, most importantly, import duties, which, for the reasons explained – when there were no tourists coming to Gibraltar the visitor numbers were low, and import duties are driven by the arrivals in Gibraltar, who buy things in Gibraltar – came in at £45.7 million below
705 the adjustment we expected we would need to make. In addition, our COVID costs for the GHA and other public undertakings came in at £22.8 million, which was £15.8 million, or three times more than what was originally projected.

Mr Speaker, as you know, the COVID Response Fund is entirely funded by Government borrowing – deficit plugged by borrowing. The effect of this additional £68 million of expenditure
710 was that the Government needed to borrow further. Whilst we have expected borrowing to increase for this year by £50 million, it has actually been required to increase by £100 million, and that can be seen on page 11 of the Estimates Book, which sets out how the borrowing comes in at the bottom, the public debt.

I trust this explains the position and also serves to interconnect the different items and threads
715 in the Estimates Book for all Members and for everyone in the community who may be listening to or watching this debate.

Over the last few months there has been an attempt to suggest a division between comments made by the Father of the House in an interview on GBC, where he projected a loss of in excess of £90 million, and some of the statements I have made. The Hon. the Father of the House was
720 guiding his projections for the overall loss based on the level of borrowing, without classifying the distinction between business-as-usual losses of £55.3 million and the additional over-expenditure incurred within the COVID Response Fund. I trust the explanation I have provided seeks to reconcile any perceived differences, as in fact there were, and are, none. Indeed, I would strongly recommend a thorough read and analysis of the Estimates Book, which provides all relevant
725 information in this respect.

Mr Speaker, I will now seek to set out where I think public finances are heading over the next 12 months. As I have said previously, there continue to be very strong external headwinds that make projecting this extremely difficult, but we must, of course, try to produce as accurate an estimate as is possible with the information available. In many ways, these headwinds are different to the effects of COVID, which created uncertainty in economic activity through lockdown and lack of tourists and visitors. The headwinds caused by the impact from the war in Ukraine, the global turmoil and realignment and the impact on availability and prices have resulted in all governments reversing years of low interest to introduce repeated increases in interest rates that many of the young in our community will find unprecedented. They impact on costs and we simply cannot avoid such as the cost of fuel to power our community or to desalinate our water supply or to fill the truck that delivers produce to our supermarkets.

Where all this will eventually settle and what it means is difficult to project. All I can say is that day by day the prognosis is for increasing costs. Our projection of these possible increases back in March 2022 seems modest now, as we have seen the rapid rate of change and increases in inflation. They impact on all of us in similar ways, devaluing the pound in our pocket and making us feel grateful that there is availability of the product we may seek to acquire. This highlights some of the challenges in delivering a programme of work when it is not just price one is grappling with, but availability and impacted timelines.

Once again, Mr Speaker, I remind the House of my earlier comments that these issues are not of our making. The only difference on the effect of this is that most of us do not have to seek to project where we are heading in a way that is so challenging that it was most likely wrong from the moment the ink dried on this Estimates Book. These external forces are affecting all countries in different ways; we are no different. Nonetheless, this is what we think will happen over the next 12 months in terms of public finances.

Mr Speaker, if those who want to follow the debate in the Book go back to page 1, we are estimating revenue for the year 2022-23 of around £637 million. That is some £12 million below the forecast outturn for the year 2021-22. The reason for this is as follows, and if people now go to page 6 they can see the breakdown. We have kept corporate and personal tax more or less in line with the estimate for the year that has closed and we have not increased these figures in line with the forecast outturn, as we expect corporate tax returns coming in this year might be somewhat impacted by the effects of the lockdown. Remember, those corporate tax returns are sometimes 18 months in arrears. It must be noted that corporate tax returns and assessments trail about a year and a half behind general activity.

We have significantly reduced our estimate for Import Duty, from the £150 million we estimated last year to £120 million. We are hopeful, now that visitors and tourists are on the up, that the forecast outturn for this year will be higher than this, but we think we should remain prudent and conservative in our predictions. I would comment that, from the information I presently have, that has been wise because, so far, we are on target for the lower estimate of revenue ... than we would have been for the higher.

In terms of expenditure, we are projecting Consolidated Fund charges at £99.4 million and departmental expenditure at £552.8 million – and that also is on page 1. The reasons for this are as follows. The Consolidated Fund charges factor in increases in our cost of borrowing, assuming an average base rate during this financial year of 1.5%. It is possible that the average may well exceed this given recent announcements by the Bank of England that a more forceful approach may be taken to future rises to curb inflation. This recent change only serves to reinforce my comment on the possible accuracy of the assumptions we have made. The effect of increased borrowing costs is somewhat mitigated by channelling some of the excess cost through the Sinking Fund. Nonetheless, given the overall impact on liquidity, it is important to highlight this.

On departmental expenditure, this figure of £552.8 million is, of course, ambitious. It is £16.5 million down on the forecast outturn for the year just closed, and this occurred during a period where inflationary increases were quite confined. That said, if we are going to seek to

rebalance our books as soon as possible and return to the fiscal discipline of meeting expenditure from revenue, we must be controlled, and ambitious in that control.

780 A quick review of the information on the Estimates Summary page – going back to page 1 – shows that we are expecting COVID Response Fund expenditure to tail off this year, hopefully finally. The budget for the fund is £40.12 million. The vast majority of expenditure relates to making contributions to foregone revenue; once again, the majority of this being to cover shortage in import duties.

785 We have not budgeted for any departmental COVID-related expenditure, with the exception of the £120,000 for Elderly Residential Services. The reality on this approach is already proving a challenge, as there are invoices that are being received during the early months of this year that will inevitably relate to the COVID Response Fund for goods and services relating to last year. Nonetheless, this prudent and controlled approach seeks to bring to an end expenditure under the COVID Response Fund, with controlling officers knowing they cannot incur any further
790 spending under the excuse that it is for COVID.

Given the GHA was the Authority with the highest COVID-related expenditure, we have explained that were a resurgence to occur, we expect the cost of the necessary preparations and tests to be between £8 million and £10 million. That is actually provided for specifically on page 227. If such expenditure were necessary – should there be, for example, a resurgence of
795 COVID-related cases – it will be available as money that can be tapped into, but it should not be incurred otherwise. In this way, any such expenditure is instantly highlighted and we can seek to understand why it has been incurred. It will not disappear with the run and flow of all of the rest of the recurrent expenditure.

The effect of all of the above results in a projected deficit for the current year of £45.3 million and an overall additional net borrowing of £50 million. If we come in or around these figures, it
800 will mean we are back on track and have reset spending within acceptable levels without resorting to cuts in services or austerity.

Additionally, we will finalise, this year, our strategy for the repayment of the COVID debt, which will be long-term, war bond style debt. Our current discussions with HM Treasury sees us repaying
805 the bulk of the outstanding over 25 to 26 years, with the benefit of the sovereign guarantee from the United Kingdom extending over that period for that ring-fenced, crystallised debt. We will be able to set that into legal-agreement stone only once the full extent of our COVID drawdown is, itself, crystallised.

Mr Speaker, I turn now to the relevant areas of ministerial responsibility on which I lead. I am
810 going to start with the Central Arrears Unit (CAU). It is clear that the local economy is still adversely affected by the cumulative impact of the pandemic. The CAU has, therefore, been asked to continue to take a more conservative and prudent approach towards debtors, as many are still just surviving in the current economic climate. Although businesses are now up and running and the tourist industry is now starting to recover, our economy is still recuperating from the
815 aftermath of the pandemic. But whilst we do not want to push anyone over the edge at this time, it is also true that it would be unfair to take steps to increase revenue from everyone who pays and allow those who do not want to pay to continue not paying. Leniency in chasing government debt is therefore being shown only in respect of those who genuinely cannot pay.

The CAU, in fact, focuses mainly on the arrears recovery for the Commissioner of Income Tax,
820 who is the principal Receiver of Revenue. They focus on compliance with arrears agreements and the recovery of arrears on a daily basis using different methodologies, and also actively ensure that current payments are received in a timely manner. This is hugely important in delivering social justice also, as it is totally socially unjust for most to pay their dues and for some not to bother paying.

825 Although the CAU managed to control and reduce the debts for individual tax, PAYE and Social Insurance, unfortunately the corporate tax debt increased by £2.67 million from last year as a result of the economic difficulties being experienced by some businesses. Without the CAU, that increase in debt would undoubtedly have been even greater. £1.8 million of this increase can be

830 attributed to tax penalties that need to be recovered or written off, as the case may be. These
arise from a number of non-chargeable and, on occasions, single-purpose companies that are not
trading but remain 'active' at Companies House and are therefore required to file annual returns.
Mr Speaker, as you know, the Registrar has the discretion to strike off the register the name of
any company in respect of which no annual return has been filed for the previous three years.
Should he do so, the prospect of recovering these accrued penalties becomes remote and they
835 then need to be written off.

Mr Speaker, as you can imagine, the increase in corporate tax debts is largely to be expected
given the very difficult trading conditions arising from the lockdown and the wider COVID
restrictions. The CAU continues to retain payments due to companies and businesses from
HM Government and retained a total of £2.5 million during this year for both current payments
840 and arrears recovery. This is an incredibly effective tool, whereby tax and other debts due to
Government are settled by offsetting payments due by the Government for goods and services
provided by the companies or businesses.

The raising of objections for new business licences and/or extension of licences with regard to
directors or companies continues to be a very effective tool that has seen the recovery of almost
845 half a million pounds – £456,000 – during this last financial year. The CAU has also successfully
recovered over £108,000 with regard to arrears for PAYE, electricity and gambling licence fees as
a direct result of dividends received from liquidations. They have also raised objections to
Companies House with regard to re-domiciled companies and liquidations reducing corporate tax
by nearly £379,000.

850 In addition, the CAU undertakes full arrears checks for the Environment Department before
the granting even of beach tent licences, as individuals are required to settle all outstanding debts
before the use of the seasonal beach tent is approved. It is important to use every lever at the
disposal of the Government to recover debts due to Government and I am sure that the whole
House will agree with this strategy, as we cannot allow some to simply ignore their liabilities whilst
855 the majority dutifully pay. Remember, this is about those who will not pay, not those who cannot
pay. In fact, we have seen a measure of agreement in the House in this respect in the past.
Additionally, we do protect those who genuinely cannot pay, as opposed to those who simply will
not or do not want to pay. Furthermore, the CAU carry out full arrears checks for LPS on the
assigning of units, and effectively recovered over £120,000 in respect of taxes and Social Insurance
860 prior to the assignment of just one unit by using this strategy.

However, the CAU's most important role during these two challenging years has been to
maintain and control the overall arrears of revenue in the midst of a pandemic, where companies
and individuals have been struggling to survive from one day to another. As hon. Members will
understand, as years go by it becomes more challenging to recover historical debts, especially
865 since the main bulk of arrears had already been addressed by the CAU during their first four
operational years under our time in office.

The CAU works closely with all Government departments, agencies and authorities to actively
pursue and guide them with their debt recovery and assist them with the preparation of write-
offs for historical bad debts. During the last year, the CAU undertook thorough exercises to
870 identify those bad debts where there was no prospect of recovery, as individuals and sole directors
had passed away, left Gibraltar and were deemed uncontactable, or companies had been struck
off the register or liquidated. This exercise was presented to the Financial Secretary, who
approved write-offs amounting to over £4.85 million, of which £2.8 million pertained to taxes and
Social Insurance and £0.7 million pertained to general rates and sundry rents. The balance of
875 £1.35 million related to house rents, airport landing and departure taxes, hostel fees, import
duties, services performed by public officers, port arrival and departure taxes and port operators
and harbour craft licences. The benefit of this exercise results in not just reducing the debt but
also thoroughly cleansing both the Tax Office and LPS databases.

Even though the pandemic has, unfortunately, cast long shadows on our economy, it is evident
880 that the CAU has been creative in their approach and has effectively and successfully managed to

reduce the overall arrears of revenue by over £2.3 million in a pandemic period. Finally, let there be no doubt in anyone's mind that the CAU will continue to work diligently to restore fairness to our system of chasing debt and defaulters.

885 Mr Speaker, I now want to deal with the Civil Status and Registration Office and Customs. In order to do so, but not delay the consideration by the House of the economic issues which concern us today, I will lay on the table an extract containing the relevant part of my address today which deals with the hugely important work of both these departments. In that way, the House will now have before it all relevant information about the running and progress of those departments, as well as the important statistical information which may be helpful to Members. I am going to
890 distribute that to all hon. Members now, so that they all have it. I will then be able to continue with the parts of my speech which relate directly to the budgetary matters that the House is concerned with primarily today and at paragraph 609 of my prepared text.

Mr Speaker, it is only fitting that I now turn to taxation, given that the collection of corporate and personal income tax consistently accounts for approximately between 40% and 50% of
895 recurring Government revenue. As is now customary, I comment on this very vital part of our economy, highlighting developments and important areas in this field that are relevant to our community.

The total amount of tax collected in the 2021-22 financial year is £324.6 million, representing £202.5 million in personal taxes and £122.1 million in corporate taxes. Those who are following
900 the Book can see those numbers on page 6. That is £22.5 million more in personal income tax and £2.1 million more in corporate tax than in the previous financial year 2020-21. Despite this immediate net increase in revenue, the general expectation is that trends will start to decline as the eventual effect of the COVID pandemic is realised in the years to come.

It is now more important than ever that we continue to exercise prudent financial
905 management, ensuring that we successfully drive through these challenging times. That is the focus of this Government. We are fully committed to ensuring a speedy return to the prosperity Gibraltar has always enjoyed, to the life every Gibraltarian deserves and to continuing to make Gibraltar the wonderful place it is. This is the path that we have embarked upon. It is by no means an easy path, but I am confident that this Government has the necessary expertise and maturity
910 to navigate these challenges which, together with the public service, achieve the desired and deserving outcome for all. Our prudent financial management is evident in the way that we have forecast future tax receipts. Our financial estimate for the 2022-23 financial year is projecting a receipt of £307.6 million, ensuring that any potential impact from external factors such as Brexit or the lasting effect of the COVID-19 pandemic is suitably hedged against.

915 Mr Speaker, I have in past Budget sessions highlighted the enormous investment made by my Government in addressing the historic backlog of tax refunds owed to the public. In the extended financial year 2019-21 an unprecedented investment amounting to £26 million was allocated to tax refunds, ensuring that as many taxpayers as possible were repaid moneys due to them. Notwithstanding the careful and responsible approach that we have adopted regarding public
920 spending, we have continued to allocate significant funds towards tax refunds, with an amount of £18.8 million allocated in the financial year 2021-22. Despite the difficulties we are experiencing, it is right to give money back to taxpayers that is due to taxpayers as soon as possible. It is also a measure that puts money back in people's pockets at a difficult time. That is not just the right thing to do, it is in line with the recommendations of the OECD on helpful measures to the public,
925 helping them to cope with the pandemic.

I am advised by the Commissioner of Income Tax that whilst the COVID-19 pandemic impacted anticipated progress in their refunds programme, the Income Tax Office is now continuing to
update its refund position successfully. Presently, over half of the assessment refunds for
930 2019-20 and over one third of those for 2020-21 have now been completed. Completion in relation to these years will continue, and refunds will continue to be released in line with the funding of £10 million made available this financial year.

I know that some criticism may have been levied against the Income Tax Office by some who have experienced delays in receiving refunds. I am also aware that some have had to wait longer than we would have liked in order to receive refunds. Unfortunately, cash counters had to be closed due to the COVID-19 pandemic and, as a result, the payment of tax refunds is now carried out via direct bank transfer. I believe that most people are content to receive their tax refunds in this manner; it is more streamlined, there is no requirement to physically queue up at a counter and no delay due to clearing of cheques. It also allows for a shorter processing time and for HM Treasury to effect payment sooner. It is important to understand the extraordinary number of applications received by the Income Tax Office, however. Most people in Gibraltar had not supplied these details and therefore this continues to be a tremendous task, but one we are committed to, in order to ensure that taxpayers receive their refunds directly and quickly. This investment in information and data will pay dividends in the future and will help to smooth out the efficiency of future refund payments by the Income Tax Office. The team at the Income Tax Office is working hard to give each citizen what they are owed; they do not want to keep it.

The Government continues also with its commitment to Tax Transparency and Prevention of Base Erosion and Profit Shifting (BEPS). As a Member of the OECD's Inclusive Framework, Gibraltar has engaged in these initiatives, including the implementation of Pillars 1 and 2 relating to the taxation of the digital economy, the allocation of taxing rights and the harmonisation of a minimum global tax rate – probably the most drastic change to modern taxation in recent times. The Commissioner of Income Tax, in his capacity as Competent Authority for Gibraltar, has continued to ensure that Gibraltar meets all international obligations under its various international exchange mechanisms in respect of both the automatic exchange of information and that exchanged on request, including both the International Tax Agreement with Spain and the Double Taxation Agreement with the UK. Gibraltar also continues to undergo numerous assessments as part of its membership with the Inclusive Framework on BEPS across various of its actions.

Returning to a national focus, the Income Tax Office continues with its digital transformation in conjunction with HM Government's Digital Services team. Last year saw the rollout of a preliminary tax e-service. I was sorry to see that the adoption of this service was not as expected, with most taxpayers continuing to opt to file their returns either by email or even in paper form. We have listened to criticisms and complaints about the system. We have listened to what citizens want and need and we have worked hard to deliver what they deserve – a system for which you can easily register, one which is not cumbersome and is set out in a familiar format, one which is not time-consuming and which is dynamically responsive to requirements. As a result, both components of the tax return that need to be completed online are now much simpler.

Finally, I would like to express my sincerest thanks to all the team at the Income Tax Office for all their hard work, dedication and commitment. In doing so, I turn now to the measures that the Government will implement in order to redress the imbalance in our public finances and secure our nation's future.

Mr Speaker, last year I announced an incentive intended to promote investment in marketing by awarding businesses that invest in marketing an additional deduction amounting to 50% of their marketing costs. When we discussed this incentive internally, before the announcement, it was always intended to refer to marketing of Gibraltar as a destination and jurisdiction to visit or in which to set up business, and not a deduction for all marketing expenses generally. The idea of the incentive was that as we emerged from the pandemic we wanted to encourage travellers to visit Gibraltar and businesses to consider relocating here, particularly now the case has been made and proved for remote working. This was a way of adding to the Government's own efforts and promotion of Gibraltar by allowing and incentivising businesses to join us in these efforts. We recognise that businesses sometimes have a different and, at times, perhaps more effective way of delivering these objectives. That was the intention; however, it was not how it came across from the speech, or the legislation that followed.

985 This incentive was intended for a period of two years. Following this announcement, we have realised that this incentive is uncapped and capable of being overused by certain sectors of the economy, as presently drafted. With this in mind, I am terminating this incentive with immediate effect. To date, very little use has been made of this incentive, in large part because those businesses that might have used it heavily to market to their customers are considerably delayed on their filings, something which, in itself, needs to be corrected and I will deal with this shortly. It should also be noted that some businesses within these sectors have brought the possibility of excessive charges to our attention and told us they will not be making use of this enhanced deduction. In order to treat everyone fairly, the incentive will, therefore, apply for its first and only year as set out in the legislation, but only in the way it was originally intended – that is to say the marketing must be of Gibraltar as a destination and jurisdiction, with the aim of attracting conventions, events, visitors and tourists or new businesses to set up here. Generic marketing to customers of one’s own product is not what we had in mind and will not be allowed. The Income Tax Office will set out guidance to define ‘marketing’ in the context of the legislation. An amendment to the legislation will shortly be passed to address these issues.

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1000 Mr Speaker, there has been much discussion and debate in other parliaments of the introduction of a windfall tax. I must admit I find the principle of retrospective taxation challenging. However, I also recognise that these are difficult times which call for difficult measures. Many key and long-held principles have been set aside as countries chase ways of balancing their books. Indeed, as every day passes it seems some announcement is made whereby the entire rule book is being rewritten on public finances beyond our shores.

1005 It will come as no surprise that we are looking at our corporate tax take and how this is being split between the various pillars and sectors of this economy. What we have found is that certain sectors pay their way in a balanced manner, whereas others are not meeting their end of the bargain. They are using all the creative tricks that are available to them and, in some cases, pushing the extent of limits that were not expected to be pushed and which they should know better than to push. I will not point these sectors out, as it would be unfair, but rather I will tell them how I suggest we address this without resorting to a windfall tax, which punishes everyone across the board. We are going to open an amnesty period between now and 31st December 2022. All companies that have filed accounts during the COVID period – that is to say the last two financial years – and should have filed accounts up to December 2022 will be invited to voluntarily review their returns. If they consider they have under-declared or pushed deductions in a way that might be considered over-creative, they will be allowed to resubmit these returns and pay the corresponding taxation without penalty, interest or further question. At the same time, we are conducting a review of those companies that we consider are being over-creative and under-declaring. Listeners should note that in doing this we have reached out to our contacts at HM Treasury to secure a secondment who will assist us with this process. After the end of the amnesty window, on 1st January 2023 – still within this financial year – the Commissioner of Income Tax will then issue estimated assessments on those companies where we believe there has been an under-declaration for the years in question. The tax in this case will be a multiple, to be determined, of the taxation they would otherwise have paid. There will also be penalties and interest charges.

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1025 In Gibraltar we have generally taken a friendly and open view to operators in respect of their corporate tax, always seeking to incentivise and prioritise business and make the jurisdiction attractive and fair. In this regard, our officials are approachable and tend to take a balanced view when applying our tax legislation. I do not intend that to change, but ask operators to reciprocate and treat the jurisdiction correctly and fairly, too. The last two years have been exceedingly tough. We believe that as a Government we have enabled business to continue to thrive despite the unprecedented challenges. It is therefore a little too much when there is a feeling that that generosity of spirit is being somewhat taken for granted and abused. The world is changing. Going forward, international businesses that set up here and do not pay tax here will be paying the correct amount of tax elsewhere anyway, so these operators are depriving this jurisdiction of tax

1035 for no net benefit. We must, therefore, instil in them correct tax behaviour at this early stage.
Their under-declaring here needs to stop and we intend to tackle it in the next 12 months, going
back through earlier financial years. We will need to enact legislation to deal with this, and this
will follow after this session.

1040 Mr Speaker, over 30 years ago the Government entered into a series of agreements to privatise
the production of water, the maintenance and operation of our water network and waste-water
network. As part of a joint-venture arrangement with the Lyonnaise Group, a number of contracts
were entered into between the joint-venture entity, Lyonnaise des Eaux (Gibraltar) Ltd, and the
Government of Gibraltar whereby HMGoG contributed our network and desalination plant. This
1045 model was similar to the model adopted in the creation of GibNynex in the telecommunications
space. Lyonnaise Group, as shareholder of joint-venture entity Lyonnaise des Eaux (Gibraltar) Ltd,
brought in their expertise. In this way, the joint venture we now know as Aquagib Ltd was
established. The operation and maintenance contracts were originally for a period of 30 years,
with the possibility of extending it further for 10 years. Those contracts expired on 30th June 2021,
and given the other pressures facing Government at the time it was agreed to extend it for a short
1050 period such that discussions could take place between the Government and NWG Commercial
Solutions Ltd, known as Northumbrian Water, the successor to the Lyonnaise Group. The nature
of the agreement was that if the contract were not renewed, the respective assets held in Aquagib
would be returned to Government.

Clearly it is not practical to unwind Aquagib, given the implications of that approach. The
1055 Government has, therefore, agreed to take Aquagib back into public ownership. Thirty years ago
it was right to find a partner to push our water production forward and benefit from external
expertise; today, it is right that we should renationalise our water supply and buy in expertise
when and where we need it. But the benefit of our water production company can now return to
the taxpayer entirely. We will, therefore, purchase the shares in Aquagib for the proportionate
1060 net asset value of these, based around the latest financial statement and calculations, subject to
any adjustments that may be required. By transferring the shares, as opposed to allowing the
contracts to reach their natural conclusion, it is possible to avoid numerous problems, such as
having to set up a new entity with all the implications for novation of agreements, customers,
creditors, banks and, most importantly, the employees of the company. The approach of acquiring
1065 the shares in the way proposed means nothing changes. The accounts are being audited and
completed and it is, therefore, not possible to provide the exact cost of the acquisition at this
stage. These will be subject to negotiation, of course, before finalising the purchase price.
Although discussions and documentation are advanced, the agreement has, as yet, to be finalised
between the parties. I am pleased to say that the Government would expect to finalise this
1070 transaction within the next six months, such that ownership will return fully to the Gibraltar
Government and our control in the course of this financial year.

Mr Speaker, as all hon. Members will know, the GSD, when in government, entered into a
structured finance agreement to purchase and fund the set-up costs of St Bernard's Hospital. We,
on this side of the House, have been vocal critics of that agreement. Indeed, the former leader of
1075 the GSD, Mr Feetham, has been consistently critical of this arrangement entered into by the
Government of the former, former leader of the GSD and the current leader of the GSD,
Mr Azopardi. To put it in perspective, an arrangement entered into by the GSD in 2003 for a total
value of £54 million will, by the end of this year, have cost the taxpayer a total sum of £91.3 million,
leaving an additional amount of around £17.8 million – that is to say going well into over
1080 £100 million of costs for £54 million. The total amount is £109.1 million, assuming we paid it off
now. It would be even more if we continued the GSD arrangements.

That agreement offered a break clause given interest-free swaps maturities, so long as certain
filings are completed by 11th July 2022. These filings would allow the Government to act as agent
in the sale of the hospital building. The arrangement provides for a reduction of around £825,000
1085 by way of rebate if this approach is taken. I can confirm that the Government is in discussions with
Royal Bank of Scotland International to take advantage of this ability to terminate that sale and

1090 leaseback agreement and, instead of brokering a sale with a third party, confirm we, the Government, will be purchasing the hospital ourselves. This will substitute the present sale and leaseback arrangement with a short-term financing that vests title of the hospital away from NatWest Bank, back to the Government or the GHA. Remember that, at the moment, the structure is that NatWest owns the hospital, Mr Speaker.

1095 Whilst terms have not yet been finalised, to put this in perspective, we are currently paying a rent to the bank of almost £5 million per annum as a result of the arrangements entered into by Members opposite. That is best seen on page 226 of the Estimates Book, which sets out the detail. The new arrangement we propose would allow us to repay fully the hospital loan over 10 years for an annual payment, instead, of £1.9 million. That would represent a saving of an additional £3.1 million per year – £3.1 million per year less than the arrangements they entered into – that can be spent on healthcare by taking advantage of this opportunity. There are, of course, numerous alternatives for that final repayment which we are considering. If we decide to repay this facility more promptly, an alternative would be to increase repayments to say £3 million per annum in rent – again, less than the £5 million that they lumbered us with – which again frees up £2 million for further healthcare and will allow us to repay the loan in under seven years. These interest figures have been projected, of course, with the current rates of interest in mind. Whilst we expect interest rates to rise, we do, nonetheless, feel we can structure a deal which will be more beneficial to the taxpayer and those patients who use the GHA than the current deal done by the GSD, which we have been locked into and which Mr Feetham and we have been rightly critical of for so long.

1100 Mr Speaker, in order to ensure that we do social justice, one of the things that this Budget must also do is insulate the most vulnerable from the effects of rampant inflation and the increased cost of living. So who are the most vulnerable and how will they be protected by this Budget? First of all, we must agree that vulnerability, for the purposes of this discussion, is economic vulnerability. Secondly, the key factors in economic vulnerability are earnings and dependence on state benefits and payments. In this respect, we will be ensuring that those on the Minimum Wage, those on disability benefit and the recipients of the state or old age pension will all enjoy the benefit of increases in line with inflation to the payments that they will receive. I will take each of those in turn to announce the relevant increases that this Budget will provide for as follows.

1105 The Minimum Wage will increase, in line with our estimate of inflation, at the rate of 8%. The Minimum Wage will therefore increase by 60 pence, to £8.10 per hour. The Government considers that this is the best way to ensure that the minimum sum of money that people earn in our economy keeps pace directly with the cost of living in our economy. Based on a 37.5-hour week, the Minimum Wage will go up from £14,681.25 to £15,855.75, an increase of £1,174.50. Based on a 39-hour week, the Minimum Wage will go up from £15,268.50 to £16,489.98, an increase of £1,221.48. Those worst off in work will, therefore, enjoy the benefit of salary increases in the region of £1,200.

1120 It will not just be the Minimum Wage that will go up by inflation. The state pension and disability benefit will also go up by inflation, which, as I said, we expect to be in the region of 8%. It is right that the old age pension and disability benefit should go up by the rate of inflation, in order to ensure that those who depend on those amounts are not affected adversely by the increase in the cost of living.

1130 There will also be an increase for occupational pensions from the Government, which will increase by 2% in line with the provisions of section 6(2) and (2A) of the Pensions (Increase) Act. Those pensions have been increasing by 2% each year for the last 20 years, even in the years when inflation has been lower than 2%. They will also rise by that rate this year.

1135 Our public sector salaries have grown in Gibraltar, even when in successive years they have not grown in the United Kingdom. Where, once, parity was an aspiration for our community, in the past 12 years we have exceeded parity in many areas. In most areas, public sector salaries in Gibraltar are now in the region of 40% above parity with equivalent grades in the UK. That is not true of all areas, however. We will not tolerate, even in these difficult moments, that any public

1140 servant should fall below parity with a UK equivalent officer, because we remain committed to
parity with the UK public sector. We are, therefore, prepared to borrow more, if necessary, to
fund public sector pay rises for any grades that might fall below UK parity analogues. In addition,
and in any event, we will resume the annual pay rises for the public sector as our revenue recovers
or the overall cost of the public sector payroll comes down as a result of efficiency measures taking
effect. Our public sector deserves nothing less and we restate our commitment to it and to the
1145 complement of the Civil Service at the time of our election in December 2011.

In terms of the services provided by the public service, as from 1st July all fees charged by any
Government Department and payable to Government, including licence fees and forms, will
increase in line with inflation, rounded off to the nearest half point and to the nearest 50 pence.

1150 Mr Speaker, over the years we have noticed a number of issues with the operation of the
Category 2 regime and we will seek to correct these as we now progress the development of that
hugely successful regime. A point that is concerning us is that the scheme works well when
individuals join and stay in Gibraltar. One of the things that we have noticed, however, is that as
individuals decide to leave they sometimes fail to adequately settle their final tax position prior to
departure. This means that their final period in Gibraltar can, in some instances, go untaxed. This
1155 arises when the authorities seek to raise the amount but the individual is no longer in Gibraltar,
and it is very difficult to locate them, let alone get them to settle the amount of taxation due or
enforce an order in that respect. I said a little about that when I was talking about the Central
Arrears Unit not being able to reach some people who had not paid their taxes and who had left
Gibraltar. In order to resolve this concern, we are going to require existing Category 2 individuals,
1160 as from this year, to pay the year's tax in advance. This will be effective for the tax year
commencing on 1st July 2022 and the amount will be based on the maximum amount of tax
payable under this regime. This should be settled by 30th November this year, which is the date
by when they are obliged to file their return together with their annual balancing payment of
taxation for the year just passed, as is normal. This payment in advance will be returned to them
1165 if or when they finally decide to leave, and any overpayments will be credited or rebated as
appropriate. In this way, the final amount due on the year of departure can be settled correctly
and we do not end up having to chase individuals outside Gibraltar, with varying degrees of
success. This rule will also apply to new applicants, who will be asked to pay a year up front on
confirmation of the status.

1170 We believe that all individuals were cared for very well during the COVID pandemic in Gibraltar
and it is, therefore, necessary for us to look to all our taxpayers, amongst others, for ways to
recover the amounts spent. Category 2 individuals are perhaps the wealthiest in our community.
In this regard, we propose to increase the bandings such that the maximum assessable income
increases to £118,000, up from £105,000. This results in an additional amount of tax of £5,000
1175 being payable at the maximum income level. The minimum amount of taxation will also increase
by £5,000, from £32,000 to £37,000. This, we believe, is a small increase to balance the benefit of
the safety and relative freedom of living in Gibraltar which has been granted them during the most
difficult times of this pandemic, as it has to all of us.

1180 We have also noticed another trend recently, whereby certain individuals have given up their
Category 2 status and others are coming to Gibraltar without any such status and nonetheless
residing here. This follows advice from certain quarters to assist such individuals to remain
resident of Gibraltar, with all the benefits that that accrues, but pay not tax or make any other
direct contribution to the Government's coffers. The reason for this is that we do not tax many
forms of income, and therefore some individuals have chosen to make Gibraltar their home
1185 without necessarily paying their way. I am sure that all Members of the House will agree that this
is neither fair nor equitable. To deal with this, we propose to introduce a tax whereby any non-
Gibraltar national who claims residency in Gibraltar or is resident in Gibraltar, is not in possession
of a CAT2 or HEPSS certificate and is not in true third party employment – that is to say somebody
who is here but is not making any contribution – will be taxed on their full savings income,
1190 including pension income, interest income, dividend income and income from other passive

sources. This approach is clearly intended as a penalty. We will use the register of occupation as a means to assist us to identify these individuals and grant the Commissioner of Income Tax powers to address this issue. There will also be a simple way to address this, and that is for such individuals to rationalise their status by enabling them to apply for their CAT2 status retrospectively, so long as they meet the eligibility criteria and pay any outstanding amount of tax. That means that they will be able to attain the protection afforded to them and those sources of taxation by CAT2 status. In order to address the unfairness of them not having paid over what may possibly be a number of years, they will need to pay the taxation at the maximum rate with no adjustment for lower rates of income for the years when they have not done so.

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Mr Speaker, similar to the position of CAT2 individuals, when seeking to square our public finances we have looked at other relative unfairness in our tax system. One that has existed but has remained unaddressed is the way the personal tax rate, introduced by Members opposite when they were in Government, dips for income in excess of £500,000 – half a million pounds – under the gross income based system (GIBS). At present, under the GIBS system the average tax rate for income up to £500,000 works out at 25%. The rates become, in our view, socially unjust when you get beyond that point. This is not something that we have alighted upon before, given that there are very few of us on those levels of income. Beyond that, the rate drops to 18%, and beyond £700,000 of income the income is taxed at 5%. This means that the higher the overall income, the lower the overall average rate of taxation. That GSD measure is not progressive and it is not socially just. For illustrative purposes, someone declaring £1 million of income pays tax at 17.6%, whereas someone with an income of £30,000 pays an effective rate of 18.3%. That cannot be right. This creates an anomaly whereby business owners and others are able to delay or defer payments such as dividends, or even consultancy fees, to a point whereby they are able to distribute accumulations in one go and avail themselves of a lower marginal rate of taxation. In order to address this anomaly, the rate beyond £105,000 of income will, from now on, be a flat rate of tax and, subject to what I am going to say in a few moments about tax rates generally, it will be 25%. This is a fair approach whereby everyone will pay tax at the same rate, save those at the very lowest levels of income – that is to say less than £25,000 – who pay at an average rate of just under 17% and those on very low incomes, below the tax threshold, who pay zero.

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Mr Speaker, like every country in the world, we are going through tough times that have impacted on our public finances and our levels of necessary borrowing. This borrowing has not been on anything other than the public spending on COVID and the maintenance of our public sector salaries – nothing lavish, nothing extravagant, whatever some may now say to try to spare their blushes in having agreed our COVID spending. It is, nonetheless, incumbent on me and this Government to seek to find a way to lead this community out of the deficit period, with the certainty that we can address the debt that has built up during the COVID period and its aftermath. In order to do so, I therefore propose a number of temporary measures. This measure is for two years only, and tax rates will restore after those two years for these taxation measures that follow.

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For the next two years only, all tax rates in all bands under the allowance based system and the gross income based system will increase by two pence in the pound for those two years. That is a two-year 2% increase in taxation. That is to say under these new bandings an individual paying tax under GIBS on income above £25,000 will be taxed at an average rate of 27%, not 25%, and below that level the average rate will be just shy of 19%, not the aforementioned 17%. As I said, the measure will apply only for two years, 24 months.

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As we did last year, the Government has decided not to levy tax on pensions. We gave careful consideration to the option but, on balance, we have determined it is possible to avoid doing so. I do believe this measure was largely to be expected in this community and will catch few right-thinking members of the community by surprise.

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The additional income recovered by this measure will allow us to fill in the revenue shortfall in the coming two years and make repayments of the amounts borrowed easier for the taxpayer. It will also assist us to crystallise our COVID-related borrowing in a structured way over a longer period and allow us to repay this in a managed way. We have all lost two years of our lives to

1245 COVID. The Government has been paying out for two years, but we have lost two years of revenue
whilst paying out more than ever and more than we received, so now, for the next two years, we
must get whole again. We must use the next 24 months to strengthen our public finances. We
may likely get a UK-EU treaty, but it may only last four years, so we will have to be strong, at the
latest, in four years. So this is a Budget measure we impose not out of desire but out of necessity,
to get our public finances back on their feet in two years. That does not change that we want tax
1250 to remain as low as possible. That is why we are fixing this measure for a short and defined period,
so that people will have the certainty of how long they will pay this extra amount. Given the GDP
to tax ratios we see in other countries and increases being seen in direct and indirect taxation in
other economies, this is a modest measure which will be much less painful than it will be useful in
the rebuilding of our public finances post COVID.

1255 Mr Speaker, taxation is the lifeblood of any modern government and is vital to the continued
prosperity and growth of any economy. In order to ensure that taxes are duly paid, it is vital to
enforce tax compliance. 'Compliance' is not an ugly word. It simply means that each of us should
contribute what is owed in a fair and timely manner, so that this can be invested for the benefit
of all. It is, therefore, imperative that tax systems have robust and practical tax compliance
measures. Unfortunately, the current sanctions we have in place in Gibraltar are outdated and, in
1260 some cases, simply not fit for purpose. Tax penalties should penalise those who flagrantly flaunt
their obligations, whilst simultaneously acting as a deterrent to others from doing the same. In
seeking to improve this, I have already asked the Commissioner of Income Tax to carry out a
review of existing penalty regimes and seek alternatives that implement stricter but fairer
sanctions, ones that are commensurate with the size of the defaulter as well as the level and
1265 frequency of the default itself. These revised sanctions will be introduced shortly and will seek to
create a noticeable improvement in general tax compliance and behaviour.

Mr Speaker, presently the Income Tax Office receives numerous applications for certificates
and other information requests, ranging from ordinarily resident and sub-contractor certificates
to payment transaction printouts, as well as copies of previous filings and associated
1270 documentation. Whilst the team at the Tax Office are proficient in expediting these service
requests to the best of their ability, the large volume of requests at particularly critical times of
the fiscal year impose a notable administrative burden and corresponding cost on the department,
which, up until now, has been absorbed as part of continuing operations. Certificates confirming
'ordinarily resident' are sought to satisfy requirements from offshore financial institutions as part
1275 of the due diligence and self-certification process governed by obligations imposed by regulations
for the exchange of financial account information between jurisdictions or to provide additional
evidence of tax residency in Gibraltar in response to a tax residency challenge or enquiry from a
foreign jurisdiction. Sub-contractor certificates are sought by those seeking to avoid the
imposition of a 25% withholding tax being applied on payments received from their main
1280 contractor, in accordance with the Income Tax (Construction Sub-Contractors) Regulations 1994.
In order to alleviate the administrative burden referred to above, with effect from 1st September
2022 the Income Tax Office will impose administrative fees for the provision of these services. A
tariff sheet will be made publicly available by the Income Tax Office.

1285 Following the change in corporate tax rate from 10% to 12.5% on 1st August 2021, the Income
Tax Office has received representations from industry practitioners that the legislation is not
sufficiently prescriptive in providing a basis for how the transitional year containing the change in
tax rate is to be computed. Although we believe this was clear, in order to accommodate industry
requests an amendment to the Rates of Tax Rules 1989 is being published. In addition to this, the
Income Tax Office is also issuing explanatory notes supplementing this legislative amendment.

1290 Section 30 of the Income Tax Act 2010 provides for a threshold of assessable income above
which corporate tax returns must be accompanied by audited accounts. This threshold presently
stands at £1.25 million. In order to assist our audit practitioners, and particularly those smaller
firms, this threshold is being increased from £1.25 million to £1.5 million. We understand this
increase will expand the net of companies in scope of this audit exemption, with approximately

1295 85% of companies filing chargeable returns with the Income Tax Office now benefitting from the exemption. This increased threshold will apply to accounting periods ending on or after 1st July 2022. We will be introducing a regulation-making power in section 30 of the Income Tax Act 2010 which will allow us to make the necessary changes to this threshold expeditiously and responsively without the need to seek the amendment of primary legislation in Parliament in the future. I
1300 nevertheless urge practitioners and company directors themselves to ensure that the quality of accounting records and accounts is maintained and that the increase in this threshold we have announced today is not used as an excuse to disclose improper or incorrect returns to the Income Tax Office. Should we find that the quality of non-audited accounts is lacking, we will reverse this measure.

1305 Mr Speaker, by and large, most companies in Gibraltar somehow benefited from the approach we took during COVID. If the company was operational with a large workforce, they received support for their staff and reduced elements of rates and other charges. If they are passive holding companies, their service providers, directors and secretaries were put in a position where they were able to operate and keep those companies compliant with the rules. If is, therefore, right
1310 and fair that as we seek to balance the Government's finances we should also ask every company to make a small contribution, just as we are seeking, for a time limited basis, from personal tax payers. As with individuals, we are seeking a COVID recovery charge for a period of two years only. We propose that every company pay a COVID recovery charge of £25 per week over the next two years. This charge will be levied as part of the company annual return collected by Companies House as from 1st August, to allow Companies House the time to set their systems up to deal with this. Companies House will then pass this COVID recovery charge straight on to Government with
1315 no deduction whatsoever.

I turn now to import duties, Mr Speaker. In July 2020, in the first throes of the pandemic, we announced a series of measures designed to provide financial support to our businesses as they
1320 returned to work during that difficult period, and secondly to stimulate and accelerate economic activity. These measures included an Import Duty waiver which was introduced for all commercial imports, other than for certain commodities such as excise goods. In addition to this, we later introduced a 10% flat rate of Import Duty to be levied on all personal imports over £25 in value, with this measure again not applying to key commodities. Both of these measures will be revoked
1325 with effect from zero hours on 29th June. Private importations will now be charged at the Import Duty rates in place prior to the introduction of these measures in 2020, subject to the £25 de minimis rule remaining. The waiver on commercial importations ceases to be in effect also at zero hours on 29th June – tomorrow. This means that duty will be charged as per the Integrated Tariff Regulations 2017. The relevant Gazette will be published during the course of today.

1330 Mr Speaker, you may recall that HMGOG introduced a change to the tariff for petroleum products at the roadside petrol pump, for motor vehicles only. This measure was aimed at helping our petrol stations locally, as an equivalent measure had been introduced in Spain. This does not apply to fuel for vessels or other pleasure craft. This measure was there to partly address the ever-increasing price of fuel suffered at the petrol pump by the motorist and haulier. The equivalent
1335 measure has recently been extended in Spain. In order to ensure that our citizens do not feel the economic need to drive to Spain to fill up, I propose to extend the original measure here, too, from its expiry date of 30th June 2022 to 30th September 2022. We will keep fuel prices under review for the next quarter and make such announcements as may be necessary in coming months about this measure. Absent a further announcement, fuel duty will revert to its original non-
1340 discounted rate on 1st October 2022.

Any individual taxpayer who installs a mechanism for the electric charging of a vehicle in their home, or private parking space or garage owned by them, will be able to continue to deduct the first £2,000 of costs approved by the Commissioner of Income Tax against their tax liabilities.

1345 In tandem with measures to encourage the uptake of electric alternatives, we will be actively disincentivising the purchase of conventionally fuelled vehicles. Mopeds fully fuelled by diesel or

petrol will become prohibited imports as of 1st July 2023. These vehicles are polluting, they cause a noise nuisance and contribute to overall levels of traffic.

1350 Nearly 50% of currently active registered vehicles in Gibraltar are more than 10 years old. The market sees approximately five or six hundred imports of used vehicles every year that do not meet the latest emissions standards. In order to prevent the market from continuing to be filled with older, more polluting vehicles, used passenger cars – other than classic cars – light commercial vehicles and buses over five years old will become prohibited imports from 1st January 2023.

1355 Tourism is one of the main areas of our economy where we expect to see growth. We are excited to see it slowly but surely returning to pre-pandemic levels. The influx of visitors, however, places increased demands on our infrastructure and on our tourist products, such as our beaches and the Nature Reserve. As such, Government will be introducing a Sustainable Tourism Tax, similar to that already payable in many destinations. Research has shown that well-designed tourism taxes can be both practical and meaningful tools in the sustainable management of a destination's resources. As from 1st August this year, hotel and Airbnb visitors will, therefore, pay £3 per person per night for a stay in Gibraltar. All revenue from this hotel levy will be paid into the Climate Action Fund and will be invested into relevant projects such as promoting sustainable mobility and protecting and preserving our biodiversity. It will be the responsibility of each hotelier or property owner to pass that cost on, monthly, to the Department of the Environment
1360 as the receiver of revenue. Additionally, as from 1st April next year, cruise ship passengers will pay £1 per passenger environmental levy, based on the number of passengers on the vessel calling. This sum will be paid to the Port Authority.

We have seen the recent inflationary increases apply across the board. Nonetheless, the item that will be most noticeable to individuals will be the increase in the cost of fuel at the petrol pump, despite the deduction of duty we have granted and now extended to seek to mitigate the impact. These increases are really quite significant by any measure and are being felt across the globe, even in the US, which is an oil producer. This is, in fact, the principal driver of inflation across the world. You know the situation is severe when even citizens of the United States are complaining of the cost of filling up a tank of petrol. Mr Speaker, as you know, we have opted to produce the electricity that powers our homes and businesses through the use of natural gas. The cost of gas is linked to the price of oil and this has also increased with inflation. Not only that, but to keep self-sufficient we desalinate our water supply and this process is powered by electricity, which is ultimately powered by natural gas.
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We have recorded increases in IRP here in Gibraltar, between July last year, the time of our Budget announcement, and April this year, of 5.8%. I have no doubt – based on recent CPI increases announced for May, in the UK, of over 9% – that by the time the end of the year comes, our own IRP will be closer to that figure. We consider that increases are likely to be in the order of 8%. As I have already said, we will apply that figure to the Minimum Wage, state pension and disability benefit. In light of this, we really need to pass on some of the cost of the increases we are suffering on the cost of producing electricity – which I referred to earlier when I pointed out the increases that we could see in the cost in the book – which, in turn, is also used to produce water. As a result, we propose to increase electricity and water charges, but contain that increase to 8% also. We are not applying the full increase in the cost of fuel to the consumer, far from it; we are greatly amortising the increase to ensure it is less harsh than the reality of the market in which we are operating. We are going to provide more support, in doing so, than any other government is providing anywhere else in Europe, and we are doing this from a historic position of giving full amortisation in a much, much more generous manner than is the case in the UK or in Spain, or in any other economy.
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Gibraltar electricity prices are very significantly cheaper than the UK and Spain, our two most relevant comparators. Compared against the prices paid by consumers in the UK, Gibraltar's average annual household electricity bill is approximately 30% lower. Spain has an average annual household electricity bill that is almost 40% more expensive than our own. Gibraltar's average
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household consumption is 4,038 kWh, which is quite high. This consumption is notably higher than the average consumption in the UK, where it is 2,900kWh, and Spain, where it is 3,240kWh. The reason for this is likely two-fold. The first is that heating of households and, in some instances, cooking in the UK and Spain is generally delivered via other means, normally gas heaters and boilers, and those are billed separately but have also seen costs increase significantly, and they have not been incorporated in the price differentials that I have just provided, so, in fact, it is higher. Additionally, the higher cost also makes people more conscious of consumption of electricity, something we all used to be in earlier times, I recall. But notwithstanding our higher household consumption, our electricity bills are still lower. If we calculated the annual household bills according to annual consumption by flexing volumes to equate things like for like, our bills would be approximately 50% lower than in the UK and Spain, and that is even with the discounts we have seen announced in Spain and the financial support being provided to some in the UK. Take away the discounts which have recently been announced in Spain and the UK and the difference will be more than 50%. Indeed, that is why discounts and financial support for some are necessary in those jurisdictions.

Consumers in Gibraltar have not needed price caps or electricity tax cuts, as we have seen in Spain and the UK. Indeed, electricity charges have been stagnant in Gibraltar since 1984 until 2010 under the GSD, who started to put them up. Our consumers are not exposed to regular price fluctuations based on fuel prices, as most, if not all, European consumers are. Here, the unit price has remained constant for the past 12 months and before then it had been constant for 11 years. I think people cannot have missed that in Spain and in the United Kingdom, in the news bulletins that most people will be seeing, there have been constant references this year to how the price of electricity has changed almost on a weekly basis as the price of fuel has changed. That has not been the case in Gibraltar, where the price is fixed for a year. And the 8% tariff increase that we are announcing today will be fixed for at least the next 12 months and represents an increase to the average monthly bill of £4.37, or £1.09 a week. Thankfully, for most people in our economy that will be an imperceptible amount – *dos crónicas*, some might say, Mr Speaker. This is approximately just over one third of the total increase suffered by our neighbours over the last three months alone, where they have seen an increase of €162.01 in quarter 1 of 2022. To put all of this in context, the price we are paying for diesel to run the temporary generators whilst we snag out the new power station has increased from £467.31 per metric tonne on the supply date of April 2021 to £1,022 per metric tonne on the supply date of May 2022 – in other words, an increase of 120% of cost to the taxpayer in diesel alone. For LNG this has increased from £9.24 per MMBTu (metric million British thermal unit) on a supply date of May 2021 to £15.79 per MMBTu in May 2022, or an increase of some 71% in the period of one year alone.

The increase in water and electricity which I have announced will apply as from the August 2022 bills. Again, that will allow the GEA and Aquagib to deal with billing issues and will be accompanied by a weekly levy of £1 against each Aquagib and GEA meter to support infrastructure maintenance costs as we prepare to make greater investments in the distribution and management network of our basic utilities. Going forward, and building upon this continuing subsidy against the fuel price, hereafter electricity and water tariffs will increase annually on 1st April by the cost of living percentage, rounded down to the closest whole number. That will be a considerable, continuing discount against the fluctuation of the cost of fuel, whilst being a more manageable subsidy for future generations to sustain.

In the event that there are people who find themselves in genuine difficulty and for whom this increase might be meaningful, the Government will introduce a means-tested utilities credit which will provide relief for genuine cases of hardship arising from these increases. No one will have their water or their electricity cut off if they genuinely cannot afford to pay. I will discuss the detail of this with relevant unions and representative organisations, including Action on Poverty, to ensure that we are able to protect the most vulnerable and that no one falls between the cracks.

Mr Speaker, raising the cost of utilities, even if it is by just over £1 a week, will obviously be unpopular. Most will not even feel this increase, but it will be unpopular with everyone. I just want

1450 to say this about that. I think that sitting in my chair at No. 6 Convent Place, having my
responsibilities and seeing what I see from the bridge of *HMS Gibraltar*, everyone in this House
and every Gibraltarian and resident of Gibraltar would do the same thing. These are the right steps
to steady the ship, by spreading the load amongst all who have taken the benefit of the measures
we are now paying back, whilst protecting the most vulnerable, because this is the right thing to
1455 do, even though it may not be the most popular thing to do.

I want to recognise the representations from employer and business representative
organisations seeking no increases in respect of the costs of utilities. It is their job to make the
case for their members and I recognise that too, but if any of the member of the Chamber or the
Federation were in my chair, if our captains of industry were doing my job, they would be making
1460 the same decisions, too. Yes, they might also take the knife to the public sector and to public
sector terms and conditions – something that I will never do, because I believe in and I defend the
Gibraltar public sector and the role it plays in keeping the community working, as it did in sterling
fashion during the COVID pandemic. And our unions might think that they might borrow more to
pay out more, until they saw that in the medium and long term that would mean fewer jobs, less
1465 quality employment and more years without surpluses and pay rises, as well as even higher
inflation. On reflection, union leaders and business leaders would reach the same conclusions I
am setting out to the nation today – I am absolutely sure of that. They, too, would do what I am
doing now because I am doing these things to make Gibraltar strong for my children, I am doing
this to make Gibraltar strong for their children, I am doing this to make Gibraltar stronger for all
1470 our children and our children’s children, not because we choose to do so but because we need to
do so; actions taken out of necessity not ideological choice or desire.

When we are done, Gibraltar will be stronger than it has ever been before. Gibraltar will need
to be stronger going forward with a future outside the EU, although hopefully with a treaty
relationship with it; with all commentators predicting a recession for next year; with a war in
1475 Eastern Europe that shows no signs of abating and with its attendant worldwide consequences. I
may be an optimist, I may believe Gibraltar has a bright future – although this year will present
high inflation and rising interest rate charges outside our control also – but I know that our strong
and bright future comes only as a result of robust, tough measures now. When the going gets
tough, the tough get going – but always protecting the vulnerable, taking a little more from those
1480 who can, because, as Sir Joe has also repeatedly taught us, the road to self-determination is paved
by self-sufficiency, and, in the end, we are the ones elected to manage problems and to fix
problems, not to exacerbate them. That is why we have to do what is right to treat the patient
and not fail to do so.

Mr Speaker, it is incumbent on me now to thank the whole of the public service for the
1485 magnificent work they do for Gibraltar. I say that genuinely and knowing that they are often the
butt of criticism, but the Gibraltar we know and love cannot operate without our public sector’s
continued commitment. In particular, I thank the officers of the Departments that I have reported
on and who work directly under my ministerial responsibility.

Mr Speaker, I take a moment to thank you and your staff, in particular the Clerk and the ushers,
1490 for all of the support given to all Members of the House, myself in particular.

I single out, of course, for specific mention those who work daily with me at No. 6 Convent
Place, assisting me in the discharge of my obligations in the post of Chief Minister. They are a very
special bunch of people who are like knives through the butter of the daily challenges we face. My
success, such as it may be, is down to them. The failures of my Office are entirely my own.

1495 Of course, in this debate so much of the preparatory work is done by the team from the
Financial Secretary’s Office, the Finance Ministry and the Treasury. I thank all those who have
helped us to prepare the Estimates Book. I single out Bethany, Ernest and Susie, who, together
with the Financial Secretary himself, spend most of the late winter and early spring in a permanent
wrestling match with figures and spreadsheets to produce the Estimates. These Estimates are,
1500 therefore, as much my work as the work of the Financial Secretary, Albert Mena, whom I recognise
in the House today, Mr Speaker. I genuinely believe he has been an essential part of how we have

1505 successfully negotiated the very challenging past 28 months since that dreadful first moment of March 2020. I cannot be fulsome enough in my gratitude, on behalf of the people of Gibraltar, for his work alongside me in the Finance Ministry in the dark days of the dawning of the pandemic. History will judge his contribution as essential for the economic survival of this community.

1510 Mr Speaker, this is not a giveaway Budget, because there is nothing to give away, but neither is this an austerity Budget, which would be a Budget of cuts and wholesale tax increases that affect everyone in our economy in the same way. No. We will target support for those most in need. We will use this Budget to deliver measures that will ensure that those worst off in our economy will not suffer in this period. No one in our economy will be left without enough money to buy the goods they need in their home.

1515 Our opponents, Mr Speaker, should not treat our people like children, pretending they do not understand the severity of the worldwide economic downturn, the complexity of the situation and the reality of the arguments about our public finances, because, contrary to suggestions, there is no pay freeze in Gibraltar as we continue to invest in the areas which require and are worthy of our investment, not least our people, who will continue to progress through spine points etc.

1520 The fact is that our people gave me this job this past decade not because it was easy but because it was hard, and we are taking these measures today not because they are easy but because they are right. That is why this will not be a Budget for those who have more than enough to have even more, because today we must rebuild our public finances, not plunder them.

1525 The fact is that if we had not had the COVID pandemic to deal with, we would today probably be announcing a £100 million surplus. If that were the case, we would not be announcing a tax rise. We have raised salaries and allowances for the past 10 years, so people know our instinct is not to tax more. We are not taking these steps to court unpopularity; we are doing so because we have to, and we will do so only for a limited time.

1530 The pandemic has affected many things, of course, not just our finances, and as a result, the Government accepts that there are issues affecting services to citizens that we have to resolve. Is everyone happy? No. Do we need to do more in some areas? Yes. But let us be clear that where we are failing to act, there is a good and problematic reason, not negligence, laziness or dereliction. And there is, of course, the effect of the pandemic and the effect of the Brexit negotiation. Both those are slowly resolving themselves and we expect to be able to do more to resolve outstanding issues in coming months.

1535 I know that this Budget will be difficult for people to hear. The tough part of this job is not being able to do everything that people would like you to do, but we are already borrowing quite a large amount of money. Borrowing more for recurrent expenditure would not make sense and would further breach our golden rule. We have to get back to observing the golden rule as soon as possible.

1540 So, yes, some of these things are difficult, they are certainly – probably – going to be unpopular, but these are the responsible and prudent measures we have to take. They are measures that will help us in the long term, and I am not going to deviate from the long-term good just for some short-term popularity gain. That is not what people elected me to do, it is not what people entrusted me to do; indeed, it is not why people trust us on this side of the House, because we are on the side of parents, pupils, pensioners and patients in improving public services, and of course we are also on the side of our public servants. We have shown that by prioritising them for 10 years, but the efficient delivery of the public services themselves to those who need them is also the priority for my Government.

1550 So, to every young person, to every older person, to every pensioner, to every vulnerable person I say we on your side. Your ambitions are our ambitions. Your concerns are our concerns. Your aspirations are our aspirations. As we remove the low rate of tax for those earning over half a million pounds, we are building also a new model of Gibraltar based on equality, fairness and opportunity which is not based on class, wealth or who you know; a nation of fairness for the many, not the privilege of the few, concerned about those who use services as much as we care for those who provide services.

1555 We are the people's Government, delivering the people's priorities in the people's toughest Budget yet, but seeking to do the people's bidding as we do so. This is a Budget to ensure that we strengthen our common treasure chest again, a Budget to protect us in the long term with very little pain in the short term, with no giveaways but no austerity either, with none of the benefits we enjoy and value in Gibraltar being negatively affected.

1560 Mr Speaker, we respect our people. We believe in the Gibraltarian, in Gibraltar and in the Gibraltarian spirit. We trust our people. We trust them to understand the logic and reasons behind this Budget, this people's Budget, a fair Budget and a renaissance Budget to lead to a rebirth of our public finances, to leave COVID behind, to make Brexit history and to propel our nation forward.

1565 This really is a Budget in which I am telling our people to ask not what more they can take from our country, I am telling our people to accept that now it is time for our country to take a little bit more from each of us. These increases are preparing us to be in a position to give public sector pay rises again in the future, setting direction to resolve the economic issues we face today, to repay the debt, to get back to surplus, to protect our way of life and to insulate our prosperity for future generations.

1570 I am raising taxes and I am raising utilities. These things may be unpopular but they are the right thing to do in these circumstances, in this time and in this moment, to turn the corner and to get back to growth, and every Gibraltarian and resident of Gibraltar who cares about Gibraltar and our people will want nothing less. That is why, even though it contains tough measures, even though it contains measures to increase taxation in small way for a short period, even though it
1575 may feel like hard medicine, it is the right appropriation for this nation at this time and I therefore unhesitatingly commend the Bill to the House. *(Banging on desks)*

Before I sit down, Mr Speaker, and given the length of my address, I would propose that the House should now recess before we return to hear other speeches at three o'clock this afternoon.

1580 **Mr Speaker:** The House will now recess to three o'clock this afternoon.

The House recessed at 1.03 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 7.40 p.m.

Gibraltar, Tuesday, 28th June 2022

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The Gibraltar Parliament

The Parliament met at 3.03 p.m.

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

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

Appropriation Bill 2022 – Second Reading – Debate continued

Clerk: We continue with the Second Reading of the Appropriation Act.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, thank you.

This morning we listened intently to the Chief Minister, as we would. It had been trailed, already, as a tough Budget by drip-feeding into the public domain and we listened intently, and towards the end ... The temerity of calling this the people's Budget. The people will be tired of the antics and wish the Chief Minister would practise what he preaches.

This was the ultimate act, especially towards the end – 'we are on your side' – while he stared right into the people's eyes and slipped his hand into their pockets. It is all too much. Some, or all, of these new revenue-raising measures would not need to happen if the Government had been disciplined last year, if they had been disciplined from the beginning. This is a case, simply put, of passing the bill on to the people for *their* failures, of Mr Picardo asking the people to bail him out of his mistakes, and then, with drama, trying to convince them that it is not his fault.

When anyone looks at this Budget and, importantly, last year's public spending, there are some big themes that emerge: on trust, because the Chief Minister cannot be trusted on the economy, public finances or the recovery – there is no real plan, other than a very late and insufficient one, no direction, no willingness to address issues and no clue; a reality check, because scratch the surface of his Budget and today's picture is far worse than presented – when you look forward to next year, it might be even worse than that, and that is down to the possibly unrealistic projections the Government is making in certain key areas; and failure, because all this is down to Government failures – a failure to control expenditure, a failure to control waste and a failure of discipline, which goes all the way to the top because there is a clear line of responsibility and the buck stops with Mr Picardo, who has political responsibility for the bottom line, no ifs, no buts. I am going to deal with all these points in some detail, but first some observations on the macro-economic picture as well as some state of the nation issues that affect public finances and the economy.

We are still without a post-Brexit deal, six years after the referendum. We have been warning about lost opportunities for some time. Not only have there been lost opportunities, there now appear to be missed boats. When, with great fanfare, the flimsy eight-page non-binding New Year's Eve Agreement was presented as some form of Neville Chamberlain-type triumph, we warned about its vagueness, the potential concessions it may lead us to, and the fact that we had missed the boat by not landing a deal at the same time as the UK had bagged for itself a 1,000-page binding legal treaty. We were told we were wrong and that the negotiations for a new treaty would be over in six months, but here we are, 18 months on, without a deal, without even the

draft of one and with problems surfacing and affecting some of our citizens. That is inevitably compounded by the Northern Irish reality, despite any assertions that the negotiating streams are separate. Of course, they are theoretically separate and I hope they remain so in practice, but it does not take much to understand that these are also human processes and the potential of our process being stymied by the mounting sense of European frustration with the UK over Northern Ireland is a distinct possibility.

I make clear that we want a safe and beneficial deal, but this uncertainty is not good for Gibraltar and some of our people are now facing the impact of delay as blue card holders endure an erratic and sometimes hindered passage across the border. These are also realities on the ground. The Chief Minister may urge us not to mention this a lot or too loudly, lest we all suffer the same fate, but that is a drab, self-serving invitation tendered by a contributor to, if not the architect of the misfortune, (*Interjection*) because we have been saying since 2018, when Spain bagged lasting freedom of movement rights for its frontier workers, that Gibraltar lost an opportunity to bag enduring rights for our people – again a reality – not because workers should not have these rights but because we should have got these at the same time in exchange and when we gave other things away.

Mr Picardo often says it was not the right time to talk about these things. I get it – he got it wrong and he does not like to admit it, but that is the reality. Instead of landing permanent rights for our citizens, we gave away MoUs that were inroads into our economic and social affairs, gave frontier workers permanent rights for not much in return, and accepted a permanent Tax Treaty that classed some Gibraltarians and some of our companies as Spanish tax resident, even when they lived here and did not do business in Spain. It discouraged inward investment by hitting at the core quality of life factors that attract investors to Gibraltar.

That was the balance sheet before the New Year's Eve Agreement and when the boat to a new relationship with the EU was badly missed again. Now, here we are, six years after the Brexit referendum, without a permanent deal and without knowing what the future has in store. We are now alone in this quest, as the UK has its deal, and we have the certainty that if we do not get a deal, Spain will still have obtained permanent rights for its citizens and permanent tax concessions to its state. Facts, not spin, and so far a black mark as to the Government's negotiating skills.

He said, this morning, he could not go quicker because he was protecting our rights and our sovereignty, but he gave away rights in the MoUs and fiscal sovereignty in the Tax Treaty, so if this is him taking his time to protect us, then I say no thanks. Is he suggesting, by placing us in a position where we are the only ones without a deal, that this is somehow beneficial to us? That would be the last straw in his salesman's pitch. I suppose we are to thank him for not having landed a deal and for keeping us in this state of uncertainty. I, for one – and I am sure I am not alone – cannot see the logic of those statements.

None of that is to indicate we do not want an agreement. I repeat: we want a safe and beneficial agreement, and the sooner the better, clearly. Of course, whether it is safe and beneficial will need to be judged when the specific text of the draft treaty is published. Again, we think that publication should be before any treaty is entered into, and not just before its ratification. It should be before the treaty parties – the UK and the EU – enter into it. After all, this is a treaty of some importance and it will affect our lives and our people. Why shouldn't it be published in draft, so we can look at it before it is entered into, so that a debate can be had, so that there can be proper scrutiny, so that the people most affected can express a view, and perhaps for that view not just to be expressed informally in the media but in a referendum where our people decide whether to freely choose to accept the permanent relationship with the EU which is then on offer?

I am clear that I want a deal that achieves freedom of movement – mobility – for our people, and safeguards our economic future. We need to be politically and economically sustainable, and a good deal would enhance those prospects, if it can be achieved. Uncertainty damages our economy and the prospect of inward investment. It is less likely that people making investment choices will opt for a territory whose economic relationship with the EU is unclear over one that

90 does not have these big challenges and uncertainties on the horizon – again, a fact. So, despite my criticisms of the negotiations so far, which I make in all honesty and clarity and have always made, I reiterate our desire for a deal that works and is good for Gibraltar.

Whatever happens, we are at a crossroads because the present situation cannot continue much longer – at least, we would not expect it to. Either there is a deal that emerges and that is acceptable, or there is not. We cannot turn the clock back and we are not in the EU. Unless a future UK government were to take the presently unforeseeable course of applying to join the EU, the best we can do is negotiate an acceptable arrangement for ourselves with Europe, because we are European and that is where our future lies as an inevitable geographic reality that nowhere else in the UK has. So we do hope for a safe and beneficial agreement and one that emerges soon this year, because the present Brexit uncertainty affects our economy and is present against a backdrop of global and local economic pressure. Some of that has been caused by the COVID pandemic but other factors have not, and it is important to distinguish between these.

The COVID pandemic left economic chaos in its wake which will take time to recover from, but it also needs to be seen in context. Not every country was the same and not every country will face the same issues. Some had longer lockdowns than others, some are still suffering from these, some were more affected by the economic pressure, and in some countries the toll of human suffering was much larger than in Gibraltar, so it is important to understand the effect of COVID and not let it mask other, more historic issues we had when entering the pandemic.

Clearly, by the time we entered the pandemic we were already straddled in a historic ratcheting of direct and indirect gross debt of around £1.3 billion, this despite the Government having promised to halve the level of gross debt that existed in 2011, then £480 million. Instead, it tripled it. That is a fact and a stunning breach of promise and one that affects our recovery and our ability to manoeuvre. Again, this may be an unwelcome reminder for Mr Picardo, but it is true and a fact. As I said last year, while the £500 million guarantee of the UK was welcome because it lowered the cost of borrowing, it did not provide absolution of past mistakes and nor did COVID paper over the financial state in which we arrived when the COVID crisis happened. If there is further borrowing, it should be to kick-start the economy and not to plug the running costs of an unrestrained and undisciplined Government.

I know he does not like my reminders of his debt promises of 2011, but in 2012, in his first Budget speech as Chief Minister, Mr Picardo said:

in Opposition, we raised issues about the creeping growth of our nation's gross debt and why we have a clear commitment to deal with gross debt and net debt levels, as we set out in our manifesto ...

[...]

That is why, Mr Speaker, our manifesto specifically provided, in clear and unambiguous terms, our approach to the reduction of national debt. Our manifesto provides on page 27 that in respect of gross debt:

'Our commitment is that Gibraltar's public debt will be brought down by half of its current level, whatever the current level is after the election, so that by the time of the next election in 2015 there will have been a 50% reduction. Gibraltar's gross debt is presently stated to be at £480,000,000.00 ...'

In 2015 he was still carrying on the pretence of lowering gross debt in his Budget speech, but as the addiction to debt and hunger for clinging on to power grew, the Government parked hundreds of millions of pounds in off-book transactions to pretend the gross debt is smaller than it is. There is now almost £1 billion in off-book, indirect gross debt and the total gross indirect and direct public debt is over £1.7 billion.

That historic debt hangs over our ability to do things. It deprives us of leeway in this severe financial crisis and lessens the opportunities for us to navigate through these challenges quickly. All that is a fact, and it is a fact born out of the financial ill-discipline over the last decade when he has been in charge. Where we are now is because of him and his policies. He has had the opportunity to tackle issues but dismissed those opportunities and, instead, taken the easier road of borrow and spend with everyone's money – your money. Anyone can do that. It takes guts to

be disciplined, bold to ensure you say no. Instead, every time a lender has knocked on his door, all he has been able to say is yes without regard to the precarious position it would put Gibraltar in, and that is why we already were weak when we entered the COVID period.

135 The most direct and extreme effects of COVID subsided before the beginning of the last financial year and obviously have improved further since then. The last lockdown did not occur during the last financial year; it happened almost 17 months ago. The vaccination programme which was successfully rolled out, to the credit of the Health Authority and its staff, started 18 months ago. It is clear from the COVID Fund numbers that some income streams have
140 recovered well. I mean, in particular, Income Tax and, to a large extent, company tax. The Import Duty issues may suggest factors that are systemic or structural and not about COVID, and they bear further examination in the future.

During the period up to 31st March 2021 the COVID Fund contribution was £227 million, this last financial year it was £135 million and the forecast for next year is £40 million, but as you will
145 see when I analyse the COVID Fund spend for this year, we have some doubt about how or why this Fund was used this year to channel some payments, and questions as to whether it will or should be used in the future. Ultimately this fund was about costs directly attributable to COVID and not other costs.

There are also surrounding economic circumstances affecting citizens. There is talk of a US
150 recession, which of course would trickle down to the whole globe, and high inflation during 2023. In the UK, inflation rates are already high at 9%, and here the index of retail prices has reached levels not seen in years with a 7.6% increase this last financial year, compared with 1.4% for the year up to April 2021, and 0.6% in the year up to April 2020. This is a reality faced by people whenever they go to buy food in the supermarkets. Life has become more expensive when there
155 is less money for wage rises. Everyone is tightening their belt and understands this on the ground, and so it is important for Government to lead by example. The facts, however, show that the Government is not. In fact, far from leading, it is making the situation far worse and their mistakes have contributed to the necessity for the more financially painful measures today.

This is the backdrop which takes us to the more detailed analysis of why Mr Picardo cannot be
160 trusted on the economy and on public finances, because there are seven economic sins: because there is no discipline; because there is no plan – there is bad management – and he just hopes one will magically emerge; because the worse-off, the vulnerable and the most affected in this community have been left behind despite some of the measures today; because he is not making the public sector more efficient – he has a duty to do so and to make it more responsive to people,
165 and he is failing; because there is a duty to reduce waste and better monitor the spend and use of the people's money; because there has been an unwillingness to make hard choices; and because the policies are often incoherent and contradictory.

Let's look at those features that come through, in detail. Last year the Government predicted a deficit of £50 million, or £1 million per week. In other words, they predicted that the public
170 sector would cost £1 million per week more than it would generate in revenue. Let me make that clear: that is like losing over £142,000 per day, £6,000 an hour. And of course that calculation was based on the fact that they were going to borrow £50 million to prop up public finances. It was, by all accounts, the worst public finances crisis ever. Sir Joe Bossano candidly described it that way: the worst he had seen in all his 50 years in Parliament. But let's be clear, what happened
175 next and over the last financial year has been absolutely staggering.

Instead of being extra prudent and careful in the worst time ever for our public finances, instead of being the watchdog of the people's money, instead of being the financial shepherd he pretended to be this morning, in this crisis the Chief Minister allowed further overspends, and not just a few pounds here and there. Instead of making sure he kept to his own Budget in the worst
180 crisis of our history, the Chief Minister has presided over some massive overspends and could not even keep to the limits he promised this House and the people last year.

In the estimate for 2021-22 the Government promised it would spend, and it was authorised to spend, £768 million. In fact, the actual expenditure this last year was £859 million. In other

185 words, this was a figure of around £91 million above the estimated Budget. They spent an
additional £91 million which they had not expected to spend, which they had promised not to
190 spend in the worst year ever. Not just £90,000: £90 *million*. We appreciate some of that is
represented by additional contributions to loss of revenue, but a big chunk of that is departmental
overspend. In fact, the basic departmental overspend in net terms alone, compared with what it
should have been, is around £35 million of that figure. Not £35,000: £35 *million*. To compound
195 things, they had to resort to borrowing more. They borrowed an extra £50 million, bringing the
borrowing for the last year alone to £100 million, and a large part of that borrowing was just used
to pay for running costs.

To put it in the simplest terms, if you were a person who had started the year with zero in the
bank account and you had then added all your income and taken out all your expenditure, you
195 would have been down 12% – in reality, £103 million, given the figures that were presented last
year ... this year. Any person running a home or a business will understand that. You are earning
less than you spend. If that is the case, you need to tighten your belt. You cannot buy luxuries;
you have to live within your means. You cannot go on holidays or buy expensive things; you have
to wait till you have more money, till your income rises, and cut out unnecessary spending. You
200 do not buy cake if all you can afford is bread. You do not go on that Caribbean cruise. Everyone
understands that. But instead of tightening its belt, the Government is still spending more than it
receives and, worse still, more than it promised to spend in the worst financial year ever. This is a
recipe for disaster. The public finances are out of control. In the year of the biggest deficit,
Mr Picardo failed to have the discipline of sticking to his own Budget and had to borrow more.
205 That is sheer irresponsibility with the people's money. How can he have got it so wrong,
£103 million down for the year, and the Government that he is responsible for not sticking to their
own departmental budgets by £35 million?

There is sometimes departmental overspend, but the difference is that this was the year of the
biggest deficit ever, which required the biggest discipline ever for us to get out. It is very different
210 to overspend in a year of surplus than in a year of the biggest financial crisis ever. And when you
drill down further, there are serious warnings for the future. The Health Authority budget, for
example, for last year was supposed to be £140 million, of which £134 million was supposed to be
regular expenditure and £5.5 million was supposed to then come via the COVID Fund as COVID-
related expenditure. In fact, the GHA spent a whopping £170 million last year, with £20 million,
215 instead of £5.5 million, coming through the COVID Fund. And it is not necessarily because people
are getting an amazing, unsurpassed Health Service. There are many excellent health
professionals, but they are frustrated and morale is low. For the user, the children's dental service
is appalling, the telephone appointments system at the Primary Care Centre has been a shambles,
the administration services are slow and grinding, and in Mental Health the complaints of lack of
220 support and continuity of care are legion. If we are not getting a Rolls Royce service for the money,
should we not at least expect the Government to keep to the budget that they have been voted
and to ask for more money only if they are intending to provide better services?

So, GHA overspent by £30 million – over 20%, not just a few thousand – and as I mentioned,
when you look at that in detail you see that instead of a projected injection of £5.5 million from
225 the COVID Fund the GHA received £20 million last year from that source. But how were some of
those COVID Fund expenses ...? If we take a step back, in the year of the two lockdowns, with the
massive disruption which that entailed, with the massive extra recruitment that had to be
engaged, with the massive purchase of PPE and other equipment that had to be made, with the
massive commitment to the Nightingale facility that had to be planned and delivered, in those
230 two years that ended in March 2021 and spanned all the COVID expense from the beginning of
2020 – in practice, a period of 15 months of intense spending from March 2020 – the GHA needed
£19 million from the COVID Fund, £19 million of extra money to pay for the costs of COVID.

So how can it be that last year, after the lockdowns – we did not have a lockdown last year –
after the vaccination programme and after the worst effects of COVID, the GHA needed more
235 money, £20 million, than in the worst COVID time? And if it did, why was it not foreseeable last

year when the Budget was presented? Why did they not know? How did they project £5.5 million would be needed and then ended up needing £20 million? Why were these payments necessary? And why was this a surprise and unforeseen? Above all, how was this COVID related, given that the sum received last year was higher than when the COVID pandemic was in full force? And even
240 if all this was COVID and unforeseen, how were other aspects of the GHA overspend generated and why was there such obvious inability to maintain the Budget?

I will give you a few examples. They had forecast they would spend £2.5 million in relief cover last year. They ended up spending £11 million – it is not even close – of which £4.3 million was a sum attributed via the COVID Fund, so why was there a need for the other overspend of nearly
245 £5 million? How can you go from £2.5 million to £11 million? How can you get it so wrong?

Medical departments were supposed to spend £3.5 million last year, and they spent £18.5 million. It is not even close. Of that £18.5 million a sum of £13.1 million was funded from the COVID Fund – £18.5 million instead of £3.5 million. How can you get it so wrong? They presented that Budget. These are figures from their Budget of last year. They must have had that
250 information. Officials provide information, and then they present the Budget. Massively off.

Recruitment expenses cost £2 million instead of the promised £900,000, more than 100% more. Security services cost £270,000 more than budgeted. Computer and office equipment were £700,000 above budget. There are other examples. And if they got it wrong this year by such a
255 margin, what comfort do we have that the figures this year are realistic or will be kept to?

This year, for example, if we do the same exercise, they are projecting to spend £1 million in relief cover – that is down £10 million on last year; £750,000 in recruitment expenses, down from £2 million last year; £9 million in GPMS prescriptions, down from £12 million last year; £5.7 million on medical departments, down from £18 million last year; £10 million on sponsored patients, down from £14.75 million last year; and £1.5 million on disposal of clinical waste, down from
260 £2.4 million last year. In overall terms, the GHA forecasts it will spend £128 million this year. That is £42 million less than last year and £12 million less than last year's estimate, which they did not keep to anyway. Are these figures realistic? Will they keep to the Budget this time, and will they do so in a way that the public service is not impaired? That is what the user expects. After all, the health and care services – meaning the total of GHA, ERS and the Care Agency – cost the taxpayer
265 over £210 million last year alone.

The GHA is not the only Department; I am using it as an example. Other departmental budgets are smaller but the principles are the same. The Environment Department was £500,000 above budget. The collection and disposal of refuse was £750,000 above budget. There are other examples scattered around the Budget of departments, agencies and statutory authorities
270 overspending by margins which are well above slight increases.

This inability to keep to the Budget hampers our overall ability – Gibraltar's ability – to emerge from this financial crisis, and there is a political responsibility for all this which lies at the feet of the Chief Minister, who presented last year's Budget as a real attempt to start our process of recovery. In that, he has singularly failed. In fact, our position this year is worse than last year. We
275 had to borrow £50 million more than envisaged, just to keep afloat. The Government spent £90 million more than it promised. Government Departments for which Ministers are responsible and accountable overspent by £35 million.

Our direct and indirect borrowing is now at approximately £1.75 billion. Of that sum, hundreds of millions of pounds were parked in an opaque way without there being full clarity of how those
280 moneys have been spent – and, indeed, if they have been spent. We still do not know how much of those moneys borrowed remain.

This year the Chief Minister promises to spend £723 million – in other words, £45 million less than the promise he made last year of £768 million, which he did not keep to anyway. Last year's promise was breached because they spent £859 million. So, to put it into context, this year he is
285 promising to spend £136 million less than the Government actually spent last year. Really? After all that failure? Who believes that? It is like someone who ran a kilometre two minutes slower than expected now saying that he will run it three minutes faster than his personal best time. He

is a person without credibility in the field of economic promises. These promises having been breached so often and this failure of financial discipline being so profound, he will forgive us for no longer believing he can navigate us through the storm. He has borrowed to the hilt, with even six of our housing estates mortgaged, with tenants locked into regular rent increases because of the terms of those facilities.

People face hikes in inflation. Everything costs more. Their wages stretch to less. The Government is not providing a better service but is asking people for more for a worse service and giving the people less. Prescription charges go up, and by stealth the legal notice contains a provision that there will be inflationary prescription charge increases every year. This is a Government that issues a press release whenever it feels any sense of good news story which it can capitalise on, and yet did not tell us of the expected annual prescription fee charges – an attempt to bury bad news and to hide behind the GHA.

The financial stress is being felt by the ordinary citizen and the small business owner, who has now been left to survive out there while the Government asks everyone to tighten their belt but does not do the same itself and overspends massively in the year of biggest financial crisis. Little surprise, then, that we have no faith in Mr Picardo's economic management skills. He is the captain without a plan and without a clue, all spin and smoke and mirrors. Is that why he went to visit His Holiness the Pope in the Vatican? Things must be really bad if he had to go all that way to ask for financial forgiveness and to confess his economic sins. Or, as he walked those hallowed corridors and smelt the powerful incense, was it a bid for divine inspiration that would illuminate his financial path, or a request for an economic miracle, because that's what he needs now?

Mr Speaker, people are increasingly seeing that the promises are just that: empty words that are said but not kept, like the pretty pictures in their successive manifestos, like the hundreds of letters he writes to associations and individual voters at election time hoping to persuade them to trust one more time – just one more time, one more for the road. He is addicted to debt and to economic failure. Just one more for the road does not cut it anymore with an electorate that can see through the smoke and mirrors of his spending and his promises.

He spends the people's money like there is no tomorrow – maybe because there *is* no tomorrow for him – and the signs of recklessness and lack of realism are also there in other ways. They say they will borrow another £50 million next year, but of course we know they did not keep to that promise last year. They are now perilously running out of leeway in the guarantee facility they negotiated – and we heard what he said this morning about that. For next year's Budget and to maintain the pretence of prudence they have shaved off projected expenditure from high-spending Departments, but without any real sense of whether these promises will be kept – because, as I have illustrated clearly, they were not last year at all.

Part of the reason they are projecting to spend £723 million next year is because this year they are only providing a notional £1 million contribution from the Consolidated Fund to the Improvement and Development Fund (IDF), from which, as people know, the infrastructure projects of the Government are paid. The spending in the IDF seems clearly dependent on the receipt of the Eastside premium of £90 million, but what happens if it is not received? How are the extra projects going to be funded? After all, they are expecting to spend an extra £30 million this year through the IDF.

For example, via that fund it is clear that they intend to spend £2.75 million on computerisation of the Government, having already spent a massive £14.5 million in 2019-21. Over and above that, they intend to spend £3.75 million on so-called digital transformation, having spent £3.4 million last year. But of course that is a misnomer, if you ever needed one, because the citizen knows that e-government is still a shambles and there is not much to show for that – and yet the millions being spent just keep on piling up.

Remarkably, the Island Games facilities are still not complete. They intend to spend another £2.3 million on those facilities this year to complete the facilities of the Games that took place three years ago. If there is a monument to this Government's tendency for smoke and mirrors, it is those facilities – which they are still trying to finish – that were promised to sportsmen and

340 sportswomen as a generational legacy to enhance sports facilities and training capabilities, only to be ripped up, in part, when the Games were over; because the façade shown at the Games was just that, a façade, and for these still not to be complete even now forcing sports people to go elsewhere to do their training. This morning, he called them the best sporting facilities our athletes enjoy. In fact, they are the best sporting facilities that our athletes do not enjoy.

345 But no worries, Mr Speaker, because No. 6 Convent Place expects to spend 50% more in its entertainment budget this year. While Rome burns, the emperor will play the fiddle and be entertained. To put it in sharper context, the Government is cutting the GHA's sponsored patient budget by £4.75 million this year, or over 30%, but intends to spend 50% more by way of the Chief Minister's entertainment budget than last year. The priorities are all wrong. *(Interjection by Hon. Chief Minister)*
 350 The Hon. Chief Minister says it is to invite me to National Day. Well, that glib little remark will not obscure the reality. If you pull that picture together, you see a large public sector budget out of control with a Government preaching a tightening of the belt to others but unable to carry it out themselves. Far from a tightening of the belt, the figures show a greater loosening by the Government.

355 If only they at least stuck to their Budget, that would be but a first step. There would then be a need to weed out inefficiencies, monitor public contracts in a better way and cut out waste and abuse. But that seems a lost cause with a Government that has not got a clue or a real desire or commitment to rein in expenditure, prioritise properly and become more efficient and deliver a better service to people. Above all, there is no leadership to make that happen, and that must be
 360 a conscious decision. Instead, everywhere you look there are contradictions and incoherence.

Beyond this, there remain real concerns that the people have still not been properly told how hundreds of millions of pounds borrowed in their name have been used, or *if* they have been used, and what we have seen over the last 12 months indicates a willingness to ignore tendering processes that the Government itself had triggered. These practices affect governance and
 365 finances. So it was a few months ago that TNG, an entity that did not even exist when the expressions of interest process closed for the Bayside/St Anne's plots, were suddenly announced as having been awarded that multi-million luxury plot, despite not even having participated in the expressions of interest process. Instead of re-advertising the process, the Government awarded the sites to them. That was compounded by the downright misrepresentations of the Government
 370 press releases at the time, which clearly suggested that TNG had presented the 'highest offer' – to quote from their press release – clearly implying that they had been bidders in that process when they had not.

Once we made clear and put in the public domain that our own verifications suggested that the entity did not even exist when the process had closed, the Government backtracked,
 375 inevitably, at that stage, and, to try to deflect matters, suggested the Opposition had an agenda for some nameless developers; a complete nonsense, of course, but demonstrative of how, if there were 'locked-up cats' here – to coin the pejorative Spanish saying used by the Chief Minister on Twitter at the time – they were on that side of the House. But the reality is that the cats did not stay locked up much longer, because days after the Bayside announcement the same entity
 380 was also awarded the whole of the very valuable £2.5 billion Eastside development. Again, this entity had not participated in the Eastside expressions of interest process because, we know, it did not exist at the time. Again, the Government misrepresented the position by saying TNG were, to quote, 'the highest bidder', when clearly they were not bidders at all at the time the process closed. Again, much more recently the Government has accepted that TNG did not submit an
 385 expression of interest by the closing date in this Parliament. The 13 other bidders on the Eastside plot and the other bidders of the Bayside/St Anne's plot may feel, rightly, hard done by that sequence of events.

Of course, at the same time that those behind TNG were seeking to persuade the Government that they should consider their aspirations for those plots, when they had not even filed bids by
 390 the closing dates, it was a complete coincidence that those behind TNG via Trusted Novus Bank gave the Government a £3.75 million donation to bail it out of the spiralling high cost of the

Midtown Park. In a rather quirky intervention at the Budget last year the Chief Minister described the donation in this way:

I am very pleased to be able to announce that the new park at Midtown is being funded entirely by a very generous donation from Trusted Novus Bank.

He went on:

What an out of the ordinary manner to support the community with an out of the ordinary donation for an out of the ordinary park area in the very centre of our city.

395 He used the words 'out of the ordinary' in front of descriptive words several times for emphasis
and clearly deliberately. Given that the bank that shares the same ultimate owners of TNG market
themselves as the 'Out of the Ordinary Bank', using that as their effective strapline – 'Out of the
Ordinary' – and that the park eventually acquired the livery and emblem of the bank, one can be
400 forgiven for being left thinking that these are the new depths that we have got to with this
Government.

This is a cash-strapped Government that is not only selling the family silver and looking for
benefactors for its financial mistakes but is, apparently, prepared to rent out the Chief Minister
for short, 30-second commercials where you are assured that he will use your corporate slogan a
few times. If he was in Saatchi & Saatchi they would be proud, but to watch that performance was
405 farcical and demeaning to his office, especially given the events that then unfolded, a few months
later, when it became obvious what the donation was for.

Mr Speaker, last year the Chief Minister increased Social Insurance, which was a burden on
small businesses trying to survive as they emerged from the COVID lockdowns. He did so by a
significant margin. He also increased electricity charges: 20% for commercial electricity and 16%
410 for home consumers. When he did so, he compared electricity charge increases in the past. This
year, there have been further hikes of 8% in electricity and water charges. Of course, it is different
to increase charges when wages are going up and in a buoyant economy with low inflation, where
charges and increases may still leave you better off, in net terms, after you take account of wage
rises; but when wage rises are difficult or low and inflation is high, all these charges and new
415 indirect taxes leave the poorer worse off. So where is the real evidence that ordinary working
families are being insulated from his economic mismanagement? That is not a sentiment felt
simply by the Opposition. The Equality Rights Group, who have campaigned fearlessly on social
issues for decades, chastised the Government recently, and rightly, for precisely running deeply
contradictory financial policies seeking a tightening of the collective belt but being unprepared to
420 do so itself. All this leaves people behind.

We share the view that in a year of high inflation and such economic pressure the Government
should be cautious about putting further pressure on workers or small business. There are people
already living on a knife-edge. There is a need to protect the worse off, the more vulnerable and
those on the business economic knife-edge who are striving hard to put food on the table for their
425 families and employing people who, in turn, need those businesses to survive. This is especially so
given the rising inflation of over 7%. Everything is more expensive. People have less money in their
pockets.

The problem with this year's measures is that it is a bag of contradictions, like everything they
do. This year, and unusually, certain figures have been drip-fed into the public domain ahead of
430 this Budget debate. Additionally, they have briefed the press about how this is going to be his
toughest Budget. But what he has omitted to say is why. The why is because of a decade of
borrowing without restraint; a decade of spending without discipline; a decade of not controlling
public sector contracts; a decade of not controlling waste and abuse; a decade where
systematically *our* money – *your* money – has been misspent by him and where he has singularly
435 failed to provide a strong financial legacy to future generations. We have been taken, as a
community, to the financial cliff-edge. That is why it is so appalling for the Government to

overspend in its own Budget in this year, because this then creates pressure on the innocent. Workers and small businesses and the ordinary citizen will feel a sense of genuine outrage that the reason they face new taxes or charges or higher fees is because in the worst financial year ever the Government of Mr Picardo has not kept to its own Budget. Why should people pay for his mistakes? What moneys are the measures they have announced this morning going to generate, other than to plug the holes of his overspend, which I have explained already he did last year?

Some sectors of the business sector will rightly suffer a genuine sense of dejection. There is nothing in the Budget to help businesses through the current turmoil. Beyond the continuation of BEAT for part of the last financial year, the big chunk of the COVID Fund was used to fund loss in revenue, although some went to expenditure of some Departments, as we have seen.

The Social Insurance price hikes last year were penal. They hit business and eroded wages so that there were employees actually worse off, even after receiving a wage rise. That is how profound the Social Insurance hikes last year were. He will remember that the Chamber condemned those increases because they were done without consultation and highlighted, to quote from their press release at the time, 'the precarious state of the Government's finances in the wake of not only the COVID pandemic but also years of rampant recurrent and capital expenditure'. We agree. Those increases were against a backdrop of much lower inflation, and even then there were concerns on jobs, wages and business viability. The Social Insurance increases last year were from 20% to 107% at one brutal stroke. Voluntary contributions were increased by 142%. This meant around £1,100 to those taxpayers.

As I said last year, COVID left certain sectors of the economy very damaged – particularly those reliant on the tourism industry, which is only now starting to come back, albeit not in the large pre-pandemic volumes – but many of those businesses remain on a precipice and there is no real sign of Government assistance or sympathy. For example, when the Omicron variant spread quickly and the Government openly discouraged people from going out, this had a real effect on bookings and business. The public comments of the Government were unsympathetic, as the Catering Association had itself noted in its public remarks at the time. Rather than give the small business sector breathing space, the Government jumped from funding BEAT payments to levying higher Social Insurance or electricity charges – plainly inconsistent policies. And now, this year, further pressure has been piled on workers, ordinary families and small business.

So, let me be absolutely clear on the specific budgetary measures announced today. Of course we welcome that state pension and disability benefits should be increased by inflation and the measures designed to assist the most vulnerable through this crisis – for example, the means-tested utilities credit. We agree with the measures announced in respect of adjusting Income Tax rates at the highest end on incomes over £500,000 a year and the reform of rules on Category 2 individuals. We also agree with measures that would address any corporate under-declaring.

Some of the other specific measures seem short-sighted and counterproductive to the economy. For example, of concern would be the passenger tax applied to the cruise liner market. In a notoriously competitive market, that could remove any edge our market has and mean that cruises do not dock at Gibraltar. This would be a massive mistake. It would harm the industry and jobs. That measure and our concerns will be addressed more specifically by my colleague Damon Bossino in his reply.

So, too, the imposition of a so-called COVID recovery charge, by which companies have to pay, in effect, £1,250 per year. That will raise lots of eyebrows in the business and financial services sector. It was not clear – and he has the chance, on reply, to say – but did he mean all companies or all trading companies? If the former, it will, in effect, strike a crushing blow to company and trust managers and potentially destabilise the big sectors of the financial services industry and, with it, endanger many jobs in the industry. If he meant the latter – trading companies – then this, too, is harsh on small businesses trying to make ends meet. Margins of survival are thin and all he is doing is making it so much harder for business and for these ...

On the Minimum Wage, we understand and share the concern that we must do more for our lower paid. When this is put alongside other charges, however, and without any rebalancing relief for small business, the Government may find that the effect of increasing these burdens is that small businesses on thin margins will not survive. That will mean the loss of jobs and the irony that by seeking to increase wages the Government has caused workers to lose their jobs, in some sectors.

The Chief Minister has increased Income Tax by 2% and electricity and water charges by 8%. The fact that electricity and water prices may be higher in Spain is of little comfort to ordinary working families who may be on the edge. Food prices here are higher than in Spain, and there are people who are even facing difficulty going across the border, so they cannot just pop over to buy food in Spain. So, if we are going to do the comparison, let's do the comparison in the round. He may be dismissive about the effect of these charges, but they have to be seen in context, and as a cumulative effect they take a toll on the ordinary working family. Last year, electricity and water went up 16%, so in cumulative terms it means they have raised these 24% in the space of merely 12 months. That will mean hundreds of pounds more per year for consumers, on top of the hundreds of pounds they have already been paying because of last year's increases. Combined with that and the inflation and the Income Tax, it will erode wages even further. It will mean that the vast majority of people will be worse off after this Budget and will have less money in their pockets, and they will ask why.

This is not the people's Budget, Mr Speaker. It was the last straw for him to call it that. This is *not* the people's Budget. It is to hold the people up by the side of the road like a 15th- or 16th-century highwayman. This is not the renaissance Budget. I know how fond the Chief Minister is of straplines, in the hope that tomorrow the headline will be 'The Renaissance Budget', but the Renaissance was a break with the past, a great leap into modernity. The only relevance to his Renaissance reference is that there were plenty of highwaymen robbing the people in Renaissance times as well. And this is all this is. This is the highwayman's Budget: stand and deliver! These are his inabilities to control expenditure, which he is now seeking to sell to people as everyone chipping in to save the country. He has the gall to sell to people – after his failures, the over-expenditure last year – that this is the people's Budget, a Budget for them, to save the people, to save their souls, when this is only to cover *his* tracks and save *his* political future after *his* expenditure and overspending last year, to plug that hole.

How do the words even slip out of his mouth when he has raised taxes and made most people worse off, after overspending last year and making our position worse than it was last year, in the year when all financial records were broken? How can he even keep a straight face after raiding everyone's pockets, when all he is doing is taking more from the people? How can he treat the people with such financial disdain? Why does he not own up to the indiscipline, the overspending, the vanity projects, and say this is necessary because of that? Why doesn't he say that? Why doesn't he come and say, 'Look, we overspent, we apologise, we made mistakes, but we have to do this?' That is not what he says. It is a different message and he is trying to sell to people that it is the people's Budget, some kind of common-man approach. It sticks in many people's throats, Mr Speaker.

I repeat, as I said last year, that we need a new way and one that ditches this catalogue of failures and contradictions. We need efficiencies, control of waste, control of abuse and corruption, transparency so there is real visibility of the economy and actual debt, real prudence, targeted business assistance to deliver restart, borrowing only to invest and to create economic activity, a programme of reduction and management of borrowing, a reform of public services to deliver a better and more modern service to people which gives the taxpayer more value for money and embraces the 21st century.

Mr Speaker, this Budget does not give a true picture of public finances and is unrealistic. We cannot support it because to do so would give the signal that we support the approach of someone with no clue and no plan, that we support someone who has made our public finances even worse in the worst year of our democratic history. We are not going to do that and we are not going to

540 equivocate. As I said last year, this is not about us being seen to vote for public service salaries or
not. This is about the Chief Minister and not our hardworking public servants, who grow as
frustrated and tired of his lack of leadership, inconsistencies and failures as the rest of the
electorate.

545 The basic point here is this: we think that our ability to emerge from the effects of the COVID
pandemic have been made worse by years of economic mismanagement. The Government say
that is not true. They say the deficit has nothing to do with them, and nor does our financial
weakness. But putting that debate as to where we were before COVID and our relative financial
strength or weakness, as it was, to one side, what is clear is that they had the opportunity last
550 year to show discipline and leadership. That required, at the very least, that they keep to their
Budget. By failing to do so, they have demonstrated beyond doubt everything that they have been
accused of.

Mr Speaker, this is the State of the Nation debate, and after the damning indictment people
will hear from the Members on these benches about his economic record and the lack of
leadership, it would be wrong and perverse to send the signal that we are aiding and abetting his
555 attempts by voting for his lack of controls and unwillingness to grapple with the hard choices
necessary to steady our economy and to leave a legacy of sustainability. That would require
leadership and vision. In the ambition he has to remain in power, he is sacrificing the public
interest for the sake of their narrow electoral interest. That is why a change in approach is so badly
needed, so we move away from his addiction to debt, his recklessness and his lack of direction, so
560 that we can recover a better path of economic sustainability, tackle the big challenges for our
community and deliver a long-term strategy for a solvent future.

Where is, for example, the big roadmap to first recognise and then deal with the issues of major
public sector reform that exist? It is obvious that systems and working practices need to change
to achieve a responsive, modernised and effective public service. That requires investment
565 combined with change, not just a continuation of antiquated practices, a perpetuation of the
unchecked and also untargeted, un-strategic use of money. This is as bad as throwing taxpayers'
money down a deep well, in some cases. The taxpayer deserves better. The people deserve better.

All this, Mr Speaker, is putting huge pressure on working families or small business because
there is little financial leeway to help them out at a time of crisis – because the Government led
570 by the Chief Minister has spent all the people's money and there is no money left. Borrowing from
banks to pay wages and costs, which he is now having to do, is a fool's economics – and that
because of historic debt and a fundamental inability to control expenditure in this time of deep
crisis and make efficiencies. Everyone knows reform is necessary, and it takes courage and
leadership to deal with those issues but to deal with them consistently and show and lead by your
575 example of having kept to the Budget of last year, which they failed to do. Mr Picardo is not the
man for that job because he is far too fond of just being in that job. The people have given up
hoping for financial realism, prudence or a willingness to conduct radical economic reforms from
him or his Government. (*Banging on desks*)

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, it has been a difficult six years. I think
even the hon. Member opposite would realise that. As you know, Gibraltar has, in that time, had
585 to endure a dual crisis, the consequence of a lethal combination of our departure from the
European Union and a global public health pandemic. The former stretches back now to the
referendum of June 2016. The origins of the latter can be traced to December 2019. Those two
events have dominated our politics and shaped our lives. They have also taken up valuable hours,
days, weeks, months and years of Government time. And not least, the pandemic in particular has
impacted negatively on the economy and on Government finances. All this is reflected in the
590 Estimates of Revenue and Expenditure before us today. In all my time in this House I have never
witnessed an external event which has impacted on our finances in this way – and I have been

here for 23 years now. It would be grossly unfair to belittle or ignore this fact, as the hon. Members are prone to do, and to pretend it simply has not happened. This is, as I said, my 23rd Budget debate; the pandemic, as the House will recall, caused us to skip one a couple of years ago.

595 The COVID Response Fund has set out, in a clear and transparent manner, exactly what the financial consequences of the pandemic have been. Clearly, the human cost will always be more important than the numbers – the 6.3 million people who have lost their lives so far, over one hundred of our own citizens – but the public health crisis has catapulted the planet into an economic crisis. That cannot be denied. Businesses have closed, many have contracted; jobs have
600 been lost; revenue has fallen; expenditure has increased; and debt has mounted everywhere. Government finances all over the globe have taken a hit, and Gibraltar is no exception. The latest published figures show that the overall impact of the pandemic, here, is over £360 million. All this represents a real and direct blow to our finances.

The House will recall the detailed preparations that were made in 2020 and 2021 to meet the
605 challenge posed by the pandemic. This included the purchase of medical equipment, the stockpiling of medical supplies, the creation of a field hospital from scratch, the extensive testing regime which made Gibraltar a world leader in the field, the Contact Tracing Bureau. And in addition to all this, the taxpayer supported the salaries of private sector workers during two lockdowns and, in certain cases, beyond. Indeed, businesses were also assisted with their costs in
610 other ways. The bill has run to hundreds of millions of pounds. That is money the Government has spent and money the Government has not received – all this with the agreement of the Opposition. True, we hoped to have seen the back of the pandemic by now, but the truth is, as variants of concern continue to emerge, we can never know for certain. The vaccination programme remains our main defence going forward, and in this area, too, Gibraltar has led the
615 world with the invaluable support and assistance of the United Kingdom. Therefore, the impact of the diversion of resources, funding, staff, time and energy to fight the pandemic since 2020 should not be underestimated or belittled; neither should the combined consequences of the £360 million in expenses and lost revenue.

But COVID-19 is, sadly, not the only external factor to have hit Gibraltar. The effects of our
620 departure from the European Union have been with us for even longer. Indeed, Brexit has dominated many Government workstreams since the 2016 referendum. That makes it six of our 10 years in office. It also means the entirety of this electoral term so far. It is inevitable that six years of Brexit and three years of COVID will have consequences for what any Government can do. The time spent on Brexit matters by Ministers and officials has had and will have a knock-on
625 effect. That same attention will, sadly, have been denied to other areas. The speed with which decisions are taken has been impacted. The time available to meet people has been, sadly, squeezed.

We cannot underestimate the all-consuming and cross-cutting nature of our EU departure. Practically every Department or Ministry has been affected in some way. It is true that the Chief
630 Minister and I have certainly devoted more time to this than other Members of the Government, but that does not mean to say that the others have not been involved also. On the contrary, they have: firstly, in the wider discussions and the policy decisions that have needed to be taken; secondly, because of the direct impact of our EU departure in their own areas of responsibility; and now, thirdly, in the assessment and discussions of the proposed future relationship with the
635 European Union. I cannot stress enough, therefore, the cross-departmental nature of this work. It is also relevant to emphasise that there are different Brexit workstreams: the first for work in the context of an agreement; the second for work in the context of no agreement, with the exploration of possible alternatives or contingencies; and the third in relation to future long-term economic planning. The entirety of the Government has been involved in these processes over all
640 these years.

As my hon. Friend the Chief Minister has said, the Government continues to work towards a treaty to govern the future relationship of Gibraltar with the European Union. The House knows that our main interest lies in a mobility agreement which facilitates the movement of persons.

645 That principle was reflected in the New Year's Eve Agreement of 31st December 2020. It is relevant
to note that this objective is diametrically opposed to the deal that the UK negotiated for itself
under the Trade and Co-operation Agreement. The UK wanted barriers, controls and check points,
whereas we were looking for the opposite. But for us, our objective remains – that is to remove
the existing EU Schengen controls from the land border with Spain and transfer those controls to
650 Gibraltar Port and Airport. The effect of this would be the seamless movement of persons by land
between Gibraltar and the European Union through Spain.

It is obvious that the movement of goods can impact on the movement of persons. Under the
terms of a common travel area, a person on foot or in a vehicle would not be subject to
immigration controls. However, they could still be stopped and asked to show the contents of
their bag or their suitcase, or indeed to open the boot of their vehicle. The decision of the
655 Government to pursue an agreement on the movement of goods must be seen in this context.
The House will understand why. The history of the border crossing experience enjoyed by our
people since the Frontier opened is well known to us all, and no controls means no queues. So the
work goes on.

The Government remains fully committed to arrive at a positive conclusion, but we also need
660 to be alive to the alternative – that is to say the possibility of a no negotiated outcome (NNO).
This, to put it mildly, is not an attractive proposition, nor is it where we wish to land politically,
but we do recognise that until there is a deal no agreement remains a possibility, and the
Government has a duty to prepare, as far as possible, for that eventuality. In some areas, Gibraltar
can and will look to alternative mechanisms and procedures. We will look to non-EU international
665 legal frameworks, Council of Europe and United Nations Conventions. International Agreements,
too, may cushion the full impact of our departure from the European Union. However, it must be
understood that there are some areas where it will simply be impossible to provide any mitigation.
That means that the full impact of our position outside the European Union will come to bear.

This House will be aware of the booklet on NNO which was issued by the Government in
670 February. This was entitled *Guidance to Citizens – No UK-EU Treaty on the future relationship of
Gibraltar*. It was an important piece of public information strategy on NNO. The booklet was
published online and distributed to thousands of households all over Gibraltar. It made the point
that since the UK or Gibraltar would never sacrifice fundamentals or put Gibraltar's future in
jeopardy, we must also be ready to walk away. The 40-page guidance covered areas like the
675 movement of persons, the movement of goods, healthcare, driving licences, social security,
students and mobile roaming. It also pointed to advice which had been issued previously. This
information is now all on the Government website.

I should add that the booklet did not pretend to be exhaustive, so in order to further assist the
public, the email address brexite@gibraltar.gov.gi was provided in order to handle any further
680 queries. That email address was set up in October 2020 and a total of 170 emails have been
received. These were all replied to in substance or the sender was referred to the correct
Department for a substantive reply. The queries mainly related to passports, residency, health
cover, customs requirements, road haulage, driving licences, pets and the registration of medical
devices. Those questions and questions about other areas were answered in line with the
685 guidelines included in technical notices or based on the advice provided by different Government
Departments. Over 50 technical notices and two information booklets have been published to
date.

Mr Speaker, United Kingdom experts have supported every aspect of the negotiations. The
necessary resources and expertise have been made available to Gibraltar at every stage. This has
690 been a cross-Whitehall effort. In that same way, we have also worked together on every step of
our planning for an NNO. There has been, and continues to be, very positive and productive
engagement between the two governments. The formal structure between the Gibraltar and UK
governments remains the NNO Board. This is co-chaired by me and by the UK Minister for Europe.
When in that role, Wendy Morton MP participated in a Board meeting here in Gibraltar, her

695 successor, Chris Heaton Harris Mr President, did so virtually, and I very much look forward to working with James Cleverly MP on the NNO Board going forward.

I want to place on record the thanks of the Government, on behalf of the people of Gibraltar, for the unwavering support that we continue to receive from the United Kingdom. The contribution from UK Ministers and officials from every department and in every area has been
700 second to none. I must single out for particular praise the support of officials from the FCDO. This has extended to the co-funding of NNO projects here in Gibraltar. The first of these was for the purchase of waste equipment. The shredder, wrapper and baler was put to good use at the beginning of the year when there was a delay in the processing of permits for the export of waste to Spain under a new system. This increased the resilience of Gibraltar by allowing us to shred,
705 wrap, compact and store a greater volume of waste.

The UK also co-funded the food ferry operation from Algeciras. The House will recall that the end of the transition period saw a change to the way in which goods of animal origin made their way from the UK to Gibraltar. That ferry operation is now entirely funded by those who choose to make use of it.

710 A third area where the UK has assisted financially is with works to the container terminal at the Port. Those works have involved repairs to the wharf, resurfacing and repaving the area as well as improvements to its electrical infrastructure. The outcome is that the number of electrical connection points for refrigerated containers will increase from just a handful to over 50. That project will be complete in the next few weeks. The Government cannot stress enough the
715 importance of this facility in an NNO context.

The UK has also assisted Gibraltar with financing a contingency to hold a number of hotel beds for key workers in the event of problems at the border when the transition period came to an end.

Mr Speaker, the governments of the UK and Gibraltar are now working together on a plan to extend the pedestrian entry facility at the land border with Spain. A planning application has now
720 been filed with the DPC. The objective is the expansion of the building in order to accommodate the installation of a number of e-gates on our side of the Frontier. These are already in place on the Spanish side. In the event of NNO, the automated technology would assist with the flow of persons into Gibraltar. The UK and Gibraltar governments had agreed to co-fund this programme as well. Indeed, as I speak, a team of officials from Gibraltar are in London to meet with the UK
725 Border Force precisely about the e-gate project. Hon. Members should bear in mind that even if there is a treaty, this contingency will be available to Gibraltar at any point in the future. It will arise at the four-year treaty review point, for example; it could follow the election of a more aggressive government next door; and it would also work when there is a need to reinstate controls with and within Schengen. This happened, for example, following the terror attacks in
730 France and again during the migrant crisis from the east.

I want to take this opportunity to thank the many officials of the Government of Gibraltar, too, who have also been active participants in this process, in particular the Civil Contingencies Co-ordinator, Ivor Lopez, the Director of Gibraltar House in Brussels, Daniel D'Amato, the CEO of the Ministry of the Environment, Dr Liesl Mesilio, and my Principal Secretary, Ernest Francis. They
735 have brought the many strands of this work together in an effective, organised and highly efficient manner. However, despite all this work, I must repeat the following. In certain areas there are simply no contingencies available, there is no mitigation and no plan can be formulated. In those areas, the default position of NNO will simply reflect what it means to be outside the European Union.

740 The details of NNO planning were set out in private to Members opposite and to others. The Leader of the Opposition and the Brexit Select Committee were each briefed separately. A similar presentation was delivered on a confidential basis to the Chamber of Commerce, the Gibraltar Federation of Small Businesses, the Gibraltar Betting and Gaming Association, the Finance Centre Council and the media. Gibraltar is, therefore, as prepared as we can be. It is impossible to have
745 done more.

The House will know that the full impact of a hard Brexit has been mitigated, so far, by a series of contingency measures unilaterally extended by Spain. Those unilateral measures were first enacted by them on 28th December 2020, a few days before the transition period came to an end. The last extension, under Spain's *Decreto Real*, came on 28th December 2021, so persons with a
750 right of access to public healthcare in Gibraltar were allowed to continue to access public healthcare in Spain on terms equivalent to those which existed before we left the European Union. That measure was reciprocal and applies only between Gibraltar and Spain. This comes to an end this month, on 30th June, unless it is extended further. The equivalent provisions with regard to
755 other bridging measures applied at the time, in relation to the exchange of driving licences and education. Gibraltar has ensured reciprocal treatment, where relevant.

The single most important area has been the border. Gibraltar's departure from the European Union at the end of January 2020 meant that the legal status of our land border with Spain changed overnight. It ceased to be an internal EU border and switched from being an external
760 border of the Schengen Area to an external border of the European Union as well.

Our departure also transformed our personal status. British citizens, including Gibraltarians, ceased to be EU nationals and became, instead, what the EU terms Third Country Nationals. Therefore, when crossing a Schengen border the rules that apply to us are no longer the same. Nonetheless, Spain maintained the position at the border from January 2020 until October 2021.
765 However, at that point the United Kingdom introduced new immigration rules for EU nationals. Spain did the same for UK nationals at the border. This led to the stamping of their passports on entry to and exit from the Schengen Area.

In April 2022 there was another new departure. UK nationals, including those who hold blue civilian registration cards, started to be stopped and questioned by Spanish border guards; some
770 were turned back. Although there is provision for questioning in the Schengen Border Code, the Government has made it clear that this state of affairs is not satisfactory. We have raised the matter both with the United Kingdom and with Spain, and we will continue to do so. Having said that, the Government is conscious that the default legal position at the Frontier is the Schengen Border Code. The full application of that Code would mean that everyone, including Gibraltarians,
775 would be subject to the more stringent controls. No agreement would extend that same chaos to all. It is important to note that the proposed treaty, therefore, would unblock these mobility issues for all residents of Gibraltar.

Mr Speaker, I now turn to report on our office in Brussels. The expanded office is in its seventh year of operation. It has been a constant source of support throughout the tumultuous journey of
780 our withdrawal from the EU and it continues to provide vital assistance to the Government as we conduct negotiations for a treaty to govern our future relationship.

The office has provided much more than simple technical support. Its footprint in Brussels, in the heart of the European Union, has also gone a long way to promote our interests and our reputation. The Government has always maintained that this physical presence in Brussels has
785 provided a value to Gibraltar that goes far beyond its size. Our representation in Brussels has continued to engage on a regular basis with the EU institutions and with other stakeholders there. This includes officials from the European Parliament, from the European Commission and from different member states. This contact takes place both online and in bilateral meetings in person. Indeed, the Government hopes to be in a position to resume familiarisation visits to Gibraltar by
790 relevant EU stakeholders. The value of this was evidenced by the European Commission technical visit to the Airport and the border, which took place in January. They left with a better understanding of the situation on the ground and with a willingness to explore practical solutions. The best way to understand Gibraltar is to see it.

Efforts continue to be made by Gibraltar House to remain centre stage of the British presence
795 in Brussels. The office continues to have a central co-ordinating role in the activities of the network of UK interests there. This organisation has been newly rebranded and is now called UK Stakeholders Brussels (UKSB). It brings together governments, industry associations and

educational representatives from the wider British family of nations which are based there. This has become a forum in which to share perspectives and devise strategies to collectively promote British interests within the EU. Gibraltar maintains close contact with the offices of the devolved administrations – Scotland, Wales and Northern Ireland. We also work very well with the Channel Islands, the Isle of Man and with other UK Overseas Territories like Bermuda, all of whom maintain their own representation despite Brexit.

Gibraltar remains a vital British interest in Brussels. This is evidenced by the excellent working relationship the office and the Government maintains at all levels with the UK Mission to the EU, known as UKMIS. Indeed, the lead negotiator for the UK in our treaty negotiations is the UK Ambassador to the EU himself, Lindsay Appleby, a close friend of Gibraltar who understands better than most every nuance and every detail of our position. This, in itself, underlines the importance that the UK government attaches to these negotiations.

In the last year, the Brussels office has been instrumental in facilitating my participation in the European Committee of the Regions' UK Contact Group. The Group was formed in 2020. It brings together local and regional political representation from the UK and EU member states. The majority of meetings I have participated in have been virtual. However, the most recent meeting of the Contact Group took place in the Welsh Senedd, in Cardiff. I took the opportunity to attend that meeting in person. It was a useful occasion to engage with officials from the EU institutions as well as with politicians from different regions. The meeting was attended by the Chair of the UK-EU Parliamentary Partnership Assembly, Ms Nathalie Loiseau MEP, and the First Secretary of the Delegation of the EU to the UK, Mr Jan Tatum-Krauss, among others. I also used the visit to meet bilaterally with the First Minister of Wales, the Rt Hon. Mark Drakeford MS. It was very useful to be able to exchange notes with the First Minister on Brexit and on other matters. The next meeting is pencilled in for Brussels in September. It is important to be part of the efforts at continued UK-EU co-operation. This is key to ensure that Gibraltar's unique situation in the post-Brexit landscape is understood by the relevant actors both in the EU and indeed in the UK itself.

With regard to the actual treaty negotiations, the office in Brussels has been a bedrock of support. It has been involved at every stage of the preparation and conduct of these negotiations. Indeed, the Director of Gibraltar House, Daniel D'Amato, has participated in every negotiating round, in person, alongside the Attorney General, Michael Llamas. We anticipate that the office will also be vital in ensuring that any agreement, if reached, is effectively communicated in Brussels.

It is relevant to recall that, as with any other international treaty, a Gibraltar treaty will have to be ratified by MEPs in the European Parliament. It will also require ratification by the EU member states in the European Council before it can enter into effect. The UK and Gibraltar governments and Parliaments will have to do the same. Our point of view during any ratification process will be put forward by Gibraltar House.

The role of the office will be vital if a treaty is concluded, but it will be equally important if there is no agreement. In the case of a deal, this will mean another wholesale transformation in our relationship with the European Union. The office will need to cater for the increased workstreams which such agreements usually generate. There would, for example, be technical work and reporting requirements through working groups and joint committees established by the agreement itself. In addition to this, there would also be a need for day-to-day working relationships with the Commission to ensure that the anticipated treaty is implemented correctly and efficiently. On the other hand, if an agreement is not reached, the office will continue with our lobbying and promotion work. Therefore, Gibraltar House in Brussels stands ready to continue to serve Gibraltar's interests, whatever the future may bring. I take this opportunity to thank the Director of Gibraltar House in Brussels, Daniel D'Amato, and the team there.

Mr Speaker, I move on, now, to Gibraltar House in London. COVID restrictions gradually eased in London over 2021. Gibraltar House took the first opportunity under UK rules to have a full staff return to the building on 12th April, thereby ending working from home. It was a priority to get back to normal operations as soon as possible. This reopening of the office was in the context of

850 a London where many shops and businesses were still closed. Indeed, there was a very gradual
return to in-person work on the part of many institutions and organisations. Whitehall itself was
a prime example of this. By late May 2021, officials and Ministers from Gibraltar were once again
travelling and making use of the office in the Strand for meetings and as a base for work.
855 Commercial entities began using Gibraltar House two months later. In this period, it was also
possible for the team at Gibraltar House to finally meet more parliamentarians and officials in
person. However, both Houses of Parliament took a cautious approach. It was only some months
later that meetings were allowed on the actual parliamentary estate. Nonetheless, lobbying and
engagement in London continued both online and in person, where possible. Indeed, online
meetings of the All-Party Gibraltar Group had one important advantage. This was simply that MPs
860 working from home were more easily and readily available. It also meant that the Chief Minister
and I were able to brief MPs remotely from Gibraltar. We did so on several occasions.

The House will recall that last September the traditional National Day celebrations were once
again on pause due to the COVID-19 pandemic. Instead, Gibraltar House in London hosted 10 MPs
and peers to a lunch, to mark Gibraltar Day on 10th September 2021. Before lunch, guests
865 gathered at Gibraltar House for a viewing of the National Day rally, which included an address
from Sir Bob Neill, the Chairman of the Group, all virtually.

Mr Speaker, the Government expects to have a presence at all main UK party conferences this
year. In 2021, both the Conservative and Labour parties returned to in-person conferences.
Gibraltar hosted a stand and a reception at both of these. The Prime Minister, Boris Johnson,
870 addressed the 400-strong Gibraltar reception in Manchester. Then Shadow Europe Minister
Catherine West did the same at the reception in Brighton, at which some 300 delegates were
present. The Liberal Democrats chose to meet virtually, instead. This included a fringe meeting
with speakers from the devolved regions and from Gibraltar.

In late October, Gibraltar House supported my colleague the Minister for the Environment,
875 Prof. John Cortes, who led a delegation to COP26 in Glasgow. The office in London also co-
ordinated our participation at the Joint Ministerial Council between the UK government and its
Overseas Territories, which was hosted at Whitehall in November.

In January 2022, Gibraltar House London organised a visit to Gibraltar by Sir Bob Neill MP. He
was briefed by the Chief Minister and I on the state of the negotiations with the EU. Sir Bob also
880 attended a number of meetings and delivered an address to students at the University of
Gibraltar. Two months later, in March 2022, Stephen Doughty MP, Shadow Europe Minister, and
Stephen Morgan MP, Shadow Schools Minister, also visited Gibraltar. They too were updated on
a number of issues, including the continued negotiations on the proposed UK-EU treaty.

March also saw the first in-person meeting of the All-Party Parliamentary Group. I would like,
885 at this point, to pay tribute to Lord David Chidgey. He was both a close personal friend and a good
friend of Gibraltar. In his early days, David represented the Liberal Democrats on the Foreign
Affairs Committee of the House of Commons. He took a strong and determined stand at the time
against the attempt to share the sovereignty of Gibraltar between the UK and Spain. Sadly, he
passed away after having contracted COVID-19 in February of this year. I am sure that the whole
890 House will join me in expressing our deepest condolences to his wife, April, and to their family.

Members will recall that in March the Royal Gibraltar Regiment was presented with new
colours by HRH the Earl of Wessex at Windsor Castle. The Government hosted eight MPs and
peers, as well as the UK representatives of the other Overseas Territories, to the parade and a
reception to mark the occasion.

895 Finally, Gibraltar House has, of course, been subject to the same restrictions and controls on
spending as other areas of Government. The Gibraltar Representative to the UK has reported back
to me that there will be an inevitable impact on the office of the level of inflation there. This will
cut across different areas. The cost of electricity, for example, projected from existing usage, is
expected to rise by 86%. The telephone bill is expected to increase by 14%. Generally, a 9% rise
900 for most items and services is anticipated. However, the expiry of some long-standing contracts
at Gibraltar House has nonetheless allowed the opportunity to explore alternative providers for

some services. This may help to mitigate some of those projected costs. Hon. Members will have seen that both Gibraltar House in London and Gibraltar House in Brussels have come within the Estimates approved by this Parliament last year.

905 In the last financial year, Gibraltar's engagement and links with the Commonwealth continued to be an important part of the activity of Gibraltar House. There was plenty of direct contact with Commonwealth institutions and High Commissions, as well as general diplomatic contact with other countries. Gibraltar was invited to and represented at a number of royal and Commonwealth events. The Gibraltar Representative, Dominique Searle, attended regular
910 sessions of the advisory group of the Commonwealth Enterprise and Investment Council. He also participated in meetings of the Commonwealth Foundation, as well as FCDO meetings on the Commonwealth Games.

Along with the other UK Overseas Territories, Gibraltar was represented at key events in the United Kingdom. These included Remembrance Day, the Commonwealth Day service and the
915 memorial for Prince Philip, the Duke of Edinburgh. On Commonwealth Day, Lyndsay Hoyle invited all the Overseas Territory representatives to the raising of the Commonwealth flag at the Houses of Parliament in Westminster. Gibraltar was there, too, along with Commonwealth High Commissioners, at a number of events in London to mark Her Majesty the Queen's Platinum Jubilee. This included the Trooping of the Colour ceremony, the service of thanksgiving at St Paul's
920 Cathedral and the Platinum Jubilee pageant.

Now that restrictions have eased, a number of Commonwealth High Commissioners have expressed an interest in visiting Gibraltar. We hope to be able to make arrangements for this to happen soon.

Part of my role as the Minister with responsibility for relations with the Commonwealth is to
925 bring together the different strands of Commonwealth activity. The Estimates before the House reflect the continued support of the Government for different organisations and institutions of the Commonwealth. These comprise the Commonwealth Enterprise and Investment Council, the Commonwealth Foundation and the Commonwealth Local Government Forum. Separately, the House will see reflected in the Estimates the estimated expenditure in relation to the
930 Commonwealth Parliamentary Association, which this year meets in plenary session, in person, in Canada.

I want to take this opportunity to thank my hon. and learned Friend the Minister for Justice for her sterling work during her term as chair of the regional Commonwealth Women
Parliamentarians.

935 This year, Gibraltar was represented at some of the events taking place in the margins of the Commonwealth Heads of Government meeting in Kigali, the capital of Rwanda. There was a business forum, a women's forum, a citizen's forum and a youth forum. These meetings were a case of third time lucky for Kigali. On the previous two occasions, in 2020 and 2021, everything was postponed as a result of the COVID-19 pandemic. The Commonwealth Youth Association
940 selected Chris Cardona and Adriana Lopez to represent them and Gibraltar in the youth forum. Sadly, Chris was unable to attend for health reasons but was replaced, just in time, by Aaron Santos. My friend and colleague the Minister for Tourism and Business delivered an address to the business forum. He was joined there by the Country Director of the Commonwealth Enterprise and Investment Council, Jared Peralta.

945 This year, the Commonwealth Games will take place in Birmingham. The opening ceremony on 28th July will once again see the Gibraltar flag flying proudly with those of over 70 countries and territories that make up the wider Commonwealth family. I know that the House will join me in wishing all the very best to Team Gibraltar.

950 Mr Speaker, I move on, now, to our work in Washington and in New York. This is an area of Government in-person work which has suffered as a result of the pandemic. Given the restrictions on travel to the United States at different points, coupled with the risk of enforced quarantine or isolation, the Government has exercised some caution in this respect, although some of that work did move virtually. In this context, it was very helpful that Gibraltar's representative in the United

955 States, David Liston, lives and works in New York. He was only too pleased to deliver our annual address to the Committee of 24 in June 2021, and later to the Fourth Committee, in October. The Government is very grateful to him for this.

960 The work in New York has often gone beyond the set speeches to the United Nations. There is a significant amount of activity behind the scenes. This year, the Chief Minister and I were able to continue where we had left off. The House knows that there was also a private meeting with the Chair of the Committee of 24, the Ambassador of Grenada, to the United Nations. In addition to this, my friend and colleague Sir Joe Bossano participated in the annual regional seminar in St Lucia.

965 There has been no work in Washington in person over the last financial year. This was brought to an abrupt halt by the pandemic, so my last visit to the US Congress was in May 2019 and the last visit by a group of US Congressmen to Gibraltar was in July of that same year. I have, however, met virtually with Congressman Ron Kind, who is a Democrat. The Congressman is now the lead sponsor on the annual resolution which is tabled in support of Gibraltar. This followed the retirement of Congressman George Holding, who was himself a great friend of Gibraltar. Indeed, the House unanimously approved the award to Congressman Holding of the Gibraltar Medallion of Honour in 2017. Congressman Kind has himself been a supporter of the Gibraltar resolution since 2014. The House will recall that we started with only five sponsors. There are currently 25 other co-sponsors, in addition to Representative Kind.

975 However, Gibraltar has continued its interaction with the United States of America in different ways. The Gibraltar branch of the American Chamber of Commerce (AMCHAM) continues to develop commercial ties. Under their auspices, a sister cities agreement was concluded with Raleigh in North Carolina, the capital of George Holding's former congressional state. I know that there are plans for a trade exchange in the pipeline. I was also very pleased to receive the Commercial Attaché to the US Embassy in London, here in Gibraltar, in March.

980 This year marks the 80th anniversary of Operation Torch. This was the Allied offensive against the Nazis in North Africa. It was planned and executed from Gibraltar under Gen. Dwight Eisenhower, who became the 34th President of the United States after the War. Indeed, Gen. Eisenhower then became the first non-British person to command Gibraltar for over 200 years. There are plans to celebrate our links with the United States through a permanent memorial to Operation Torch in the vicinity of the American War Memorial in Line Wall Road. The concept is that that will mark the start of the Walk the Wall project.

985 Mr Speaker, I move on, now, to civil aviation. The Airport has managed to continue to grow its traffic, albeit now concentrated on British Airways and easyJet flights. The 2022 scheduled programme of summer flights is not far short of the pre-COVID levels of 2019. I have to congratulate my hon. Friend and colleague the Minister for Tourism for this. It has been a difficult operating environment for the airline industry all over the world. The number of non-scheduled flights visiting the Airport also set new records in 2021. The figures for the first quarter of 2022 show a significant increase in numbers, even over that same period last year. While domestic routes between Gibraltar and the UK continue to develop, Brexit limitations mean there are no scheduled flights from Gibraltar to EU airports. In the event that a UK-EU treaty regarding Gibraltar is concluded, and if that treaty covers aviation, it will set the legal basis for flights to and from the EU.

995 Work on aviation legislation continues. Over the past 12 months, a law improving the enforcement of the control of drones has come into effect. This is important as it allows a number of agencies, in addition to the RGP, to impose penalty notices on those persons using a drone without the correct authorisation.

1000 The Government has recently published a Bill to cater for the policing of Winston Churchill Avenue between the police posts at the Airport. This has come about as a result of an incident last year which occurred as the function of Winston Churchill Avenue changed from a road to a runway. The consequence of the incident was that an aircraft was forced to break off its approach to land.

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Gibraltar has followed the western world in imposing restrictions on Russia after the illegal invasion of Ukraine. In common with the United Kingdom and the European Union, Gibraltar issued instructions to the Airport and the wider aviation community that we would not permit aircraft owned, chartered or operated by persons connected with Russia at Gibraltar Airport.

1010 Post-COVID, the Director of Civil Aviation (DCA) has reintroduced the ongoing audit programme. This is necessary in order to demonstrate continued compliance with stringent international civil aviation requirements. The audits, which are undertaken by UK CAA inspectors, have provided the DCA with confidence that standards have not dropped despite the impact of COVID on operations. In compliance with international aviation requirements, the DCA has
1015 informed the Civil Airport that it will face a cyber-compliance audit before the end of this year.

Drone activity has reduced slightly in 2022. Nonetheless, there remain a significant number of local commercial and recreational operators registered with the DCA. In addition, there is an increasing number of requests from persons visiting Gibraltar with their drones. The majority of drone flights continue to be undertaken within the authorisation system run by the DCA. However,
1020 there continues to be evidence on social media of flight activity being undertaken by unregistered operators. Given the very small size of drones and their limited endurance, it is exceedingly difficult for the law enforcement authorities to counter this unlawful activity. For this reason, the DCA, in conjunction with the MoD, law enforcement agencies and a local software company, will be trialling an electronic surveillance system designed to detect drones in flight. Once a drone
1025 datalink is activated, the system should be able to pinpoint the location of the drone, but more importantly the location of the operator. If the trials are successful, consideration will be given to seeking funding for a permanent solution to protect not only the Airport but also local wildlife and persons in the urban environment.

On another matter, after a short competitive tender process, the DCA has renewed the contract of Redline Assured Security Ltd to provide unannounced covert and overt testing of security at the Airport. I want to take this opportunity to thank the Director of Civil Aviation, Chris Purkiss, for all this.
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Mr Speaker, I now want to update the House on the workings of the Freedom of Information Act. The House will recall that when the Command Paper on Freedom of Information was published, there were no representations received from anyone within the period allowed. The Freedom of Information Act was commenced in June 2021. In that time there have been a total of nine requests made. Four of those requests came through the online portal. All of these were in respect of the Human Resources Department. Two of those requests were subject access requests, which do not carry a fee and are dealt with directly by the Department. The applicants
1040 were informed to contact Human Resources directly. A further five requests were received by email. Request 1 was for information from the Gibraltar Health Authority, which is not currently in the schedule. Request 2 was for information from the Gibraltar National Archives, for which a Freedom of Information request was not necessary; the applicant was advised to contact the archives directly. Requests 3, 4 and 5 were from persons who were not resident in Gibraltar and therefore did not meet the criteria. The Government looks forward to the annual report from the Information Commissioner, after which it will consider the next steps.
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Mr Speaker, the Gibraltar National Archives continues to do a sterling job in promoting our history. This is due in large measure to the energy, enthusiasm and commitment of the Archivist, Anthony Pitaluga, with the assistance of his dedicated staff. Much of this promotion is carried out online through their website, which has become a portal for the world. In the financial year 2021-22 there were 22,434 hits on the website from 135 different countries. There were also 2,427 registered visitors who consulted analogue and digital material directly at the premises. In addition to this, there were 59 enquiries received by email and one by post from a total of 30 different countries.
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On 1st January 2016, the Archives implemented the issuing of history cards for registered users. This allows them to log the number of enquiries received per member and to build up a
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profile of the interests of each one of them. There are now 1,254 registered members of the Archives, of whom 143 are new users who joined in the financial year to 31st March 2022.

1060 In April 2021, the Archivist attended, via Zoom, online digital preservation workshops run by Preservica UK. In August, he also took part in the Zoom conference of the Archives and Records Association of the United Kingdom and Ireland after the in-person event was cancelled.

1065 In November and December 2021, the Gibraltar National Archives organised an exhibition which marked 100 years of the establishment of the City Council in 1921. Another exhibition was organised on 25th April 2022, outside that financial year, to mark the 40th anniversary of the Falklands conflict. These exhibitions were both expertly curated by Anthony Pitaluga to the high standard that he has us accustomed to. Hon. Members will be aware that an exhibition to mark the Platinum Jubilee of Her Majesty the Queen opened at the Gustavo Bacarisas Gallery in Casemates earlier this month. It will run until 22nd July. I must specifically thank the Archivist, the staff and their helpers for this commendable achievement.

1070 The Government remains fully committed to the development of the Gibraltar National Archives. Hon. Members will recall that Duke of Kent House has now been earmarked as the building that will be home to the public face of the Archives. There is a nominal entry for this in the Improvement and Development Fund Head 102 Projects, Subhead 4 Other Projects (zzu). The House will also note that the I&DF also provides for funding to be made available for the
1075 installation of a specialist fire suppression system at the Gibraltar National Archives. This is shown under Head 102 Projects, Subhead 4 Other Projects (zzc).

1080 Mr Speaker, work at the Northern Defences continues to progress well. The Government remains committed to continue the transformation of the site into a new heritage, tourist and community park. In March this year, outline planning permission was received for a strategic master plan. This will gradually see that vision come to reality. An application for full planning permission for an access staircase from Casemates Square was also supported by the Development and Planning Commission. It was gratifying to witness such overwhelming support from every member of the Commission, both for the work done so far and for the holistic proposals presented to them for the future.

1085 In addition to the clearing and restoration work, the area has also witnessed major improvements to our infrastructure. This year, I wish to particularly praise the work carried out by Aquagib. They have co-ordinated that work tirelessly with representatives of my office. Providing and upgrading infrastructure is an essential component of a thriving community. However, those responsible for delivering such a service are rarely acknowledged or praised for the work they
1090 carry out. We too often take for granted the presence of our Wi-Fi signal, the provision of electricity or the supply of water.

1095 Last year, the Western Water Mains Relief Project, designed to supply the needs of the Eastside reclamation site, progressed smoothly and quietly along the western slopes and tunnels at the Northern Defences. This infrastructure project was born out of the need to provide redundancy in water supply due to the ageing infrastructure on the west side. It was also designed to cope with increased demand due to the rapid expansion rate of construction and demographics in the building sector. The logistical challenge of supplying these relatively remote sites has been overcome through close co-operation between AquaGib and the project director, Carl Viagas. The combination of knowledge about the Northern Defences coupled with a dedicated management
1100 team has enabled the identification of a route away from congested sites. The outcome has reduced costs and avoided considerable inconvenience to the public. The extent of the works, once completed, will involve the laying of some 1,650 m of twin pipes, 1.6 km. This will make this project one of the most significant of its kind in the last decade.

1105 I have to congratulate the team at AquaGib for the sensitive way in which this infrastructure has been dealt with. For instance, hundreds of metres of pipes have been laid and then buried in tunnels, and a viewing platform below the Tower of Homage now conceals a previously exposed network of pipes. The speed and nature of this intervention will hopefully be adopted in sensitive sites elsewhere in Gibraltar in the future.

1110 The pandemic wreaked havoc with our lives. The challenge of isolation and of adapting to this
was a strain on many of us. However, our people have always been resourceful. The Government
responded to this new stressful environment by adapting our programme of works at the
Northern Defences. The work was redirected to infrastructure, as I have just explained, but we
also isolated those works to allow for the rest of the site to remain partially open for leisure
activities. The public was able to make use of this new park within the Nature Reserve. There is
1115 still, obviously, plenty more to be done, though the benefits were immediately obvious. Families
have been able to enjoy a stroll or a picnic in what is one of Gibraltar's most picturesque
landscapes. I have been extremely pleased to see members of our community practising yoga
there or attending some of the popular tours on offer, but perhaps the best use of the site has
been for educational purposes. Several schools have visited the area, which now features as part
1120 of our local history curriculum. Walking through fortifications which date back to the late
18th century and witnessing the impact damage of cannon-shot upon our historic walls often has
a greater effect on a student than the most relevant book or classroom presentation will ever be
able to accomplish.

The most notable use of the site for educational purposes came last year. I reported to the
1125 House then on the use that the Gibraltar College made of the area. The House may recall that the
College chose this site as a destination as part of its Business and Travel module. In the past they
had opted for locations outside Gibraltar. Organising events such as rock climbing and abseiling,
the College tapped into a resource that until now was only available elsewhere. Building on such
an event, the College will be announcing its new educational programme starting this September,
1130 and I am very grateful to my colleague the Minister for Education, Prof. John Cortes, for this. The
concept is to use the Northern Defences as a wall-less classroom. This is a revolutionary vision
which the Government is very keen to support. The use of this site and access by specialists will
allow students to play an active role as part of an educational enrichment programme. This
programme will consist of modules such as event organising, health and safety, local history, rock
1135 climbing and conservation, and will be part of the education provided.

The investment at the Northern Defences will therefore go beyond the physical elements of
the site. It is also an investment in our younger generation. The Northern Defences will become a
key area that will provide the opportunity for us to create a qualified team of youngsters who may
well end up running this or other similar sites in the future. This will be a unique experience for
1140 our learners to redefine learning in real-life local projects. It will connect students to the real world
with a vision of enhancing creativity and purpose in a range of vocational fields. So, works will
continue this financial year. They will see interpretation signs and access stairs as well as lighting
and improvements to the designated activity areas at Queen's Lines. The House is aware that the
Government has received a number of expressions of interest for the commercial running of
1145 activities on the site. However, no firm decision has yet been taken and multiple options are being
studied.

The Government warmly welcomed the fact that the Earl of Wessex, Prince Edward, chose to
visit the Northern Defences earlier this month. He did so, together with His Excellency the
Governor and I, under the expert direction of the project director, Carl Viagas. My impression is
1150 that His Royal Highness was very interested in everything that he saw and valued the restoration
and rehabilitation of this historic site. I wish to thank Carl Viagas, whose energy and enthusiasm
have been a driving force behind this project.

I now move on to update the House on progress at the Mount. Two planning applications for
the Mount and its associated grounds received planning approval in March this year. The first was
1155 a master plan, which provided a holistic approach and strategy to the site and its grounds. The
second was a detailed application for the refurbishment of the Porter's Lodge and the hall, which
are to be used as a registry office and an events venue respectively. The two applications received
overwhelming support from the Development and Planning Commission and works are expected
to commence after the summer.

1160 The policy approach here has been similar to that adopted at the Northern Defences. The
Mount is a large, complex and historically significant site. Hon. Members will recall that the
Government embarked on a clearing-out exercise two years ago. The grounds have now been
1165 cleared of undergrowth and many paths and steps have been exposed as a result. This work has
respected the wildlife and has been carried out in consultation with GONHS, the Heritage Trust
and the Environmental Safety Group. The removal of vegetation has allowed us to identify an
original set of steps which connect from the Mount's main service road all the way up to Engineer
Road. This will become a new direct walking or hiking route to the Upper Rock Nature Reserve,
away from our busy roads.

This first exercise has allowed for the true scale and nature of the project to be appreciated.
1170 Even though the task may seem overwhelming, the team has eagerly accepted the challenge and
defined the type and sequence of works which now need to be carried out. This will be based on
the phased approach that was presented and approved at the Development and Planning
Commission. Whilst clearing-out works will continue, works to the Porter's Lodge will commence
as phase 1. The refurbishment of this charming building, the events hall and associated gardens
1175 will be an initial step towards the renaissance of the Mount. This will provide the perfect venue
both to register and host weddings. Running parallel to the refurbishment of the Porter's Lodge
will be works to the slopes behind the main residence. These beautiful spaces and magnificent
views of the bay will be used for outdoor educational experiences.

This part of the project is being funded directed by the Parasol Foundation, for which the
1180 Government is extremely grateful. Their generous donation of £1 million towards this vision is
what makes us special as a community. Their contribution will see the creation of a children's play
area, paths, nature areas, tree-hopping activities and an adventure park which seeks inspiration
from the property's history. Future phases will see the creation of paddle tennis courts. The
centrepiece will be the sensitive restoration of the main building, which is our ultimate goal. The
1185 recommissioning of disused water tanks and the use of sustainable technology could make this
project a truly remarkable one to be enjoyed by our people and by visitors.

Mr Speaker, planning permission for the refurbishment of Parliament House and a change of
use for the ground floor was received on 22nd March. It therefore gives me great pleasure to
1190 announce today that the installation of the lift at Parliament House is finally scheduled to
commence during this financial year. The preliminary funding for this can be found at Head 102
Projects, Subhead 4 (zzv). This is the outcome of the work of several years on a number of different
options. In the end, following the availability of the premises on the ground floor, it will now be
possible to provide an internal lift. The proposed solution will address the concerns of those
1195 persons with reduced mobility who want to access the Parliament Chamber, but it will do so in a
manner which respects and is sensitive to our proud heritage, too. This new planning application,
as with the previous two, received overwhelming support at the Development and Planning
Commission. Hon. Members will recall the wider proposal which I presented to them privately last
year and of which they have copies. The next phase, in the future, will see the creation of meeting
rooms, enhanced security and offices for Members and staff. The roof will also be refurbished and
1200 will allow for a series of uses, whether ceremonial or simply as an external space for staff and
Members. Once again, the appreciation of the Government must go to the Parasol Foundation.
Their generosity has not been limited to the Mount and to its grounds, it will also go towards the
external refurbishment of this handsome but currently tired building.

In order to satisfy the requirements for an internal lift and much-needed extra office space,
1205 the ground floor cafeterias have been lost. However, we do acknowledge that these provided an
element of vibrancy to this part of town. In order to minimise this loss, the Government has
awarded a tender for the use of the kiosk as a coffee-serving facility with a limited number of
tables and chairs. Such a proposal has already received planning permission. We look forward to
providing a modern Parliament which allows the public to enjoy that special morning coffee
1210 downstairs in its forecourt.

1215 This building is not just bricks and mortar; it is and has been the bedrock of our democracy. It has witnessed our evolution and our development as a people. It is, therefore, only fitting that there be some investment and restoration. The first phase will focus on the external refurbishment and the internal lift. This is expected to commence after the summer. The rest of the restoration will have to wait and will be carried out in phases over slower time as this House approves the funding.

1220 Mr Speaker, the last expression of interest for Road to the Lines closed on 7th March. The Government has since engaged in detailed discussions with the most attractive proposal from the highest bidder. The discussions have involved a number of Government Departments, agencies and utilities who have put in a considerable amount of time and effort to push matters forward. The result is that the Government is on the verge of concluding an agreement that will completely transform the Upper Town. I will give the House a flavour of the submission on the table.

1225 This proposal will see considerable private sector investment which will run into millions of pounds. Hon. Members will know that the site has been neglected and dilapidated for decades. Road to the Lines is a quaint area consisting of narrow streets and steps visible from Casemates Square. Nestled below our castle, it is the backdrop to many of the events held in our most popular public space. Yet it has been the victim of neglect and sadly witnessed the loss of its residents. Many old housing properties lie empty and abandoned beyond economical repair. Different factors have contributed to this, including anti-social behaviour, the lack of accessibility, and poor infrastructure. These issues are not easy to resolve. The Government has regarded this as a challenge, a challenge that we have a duty to meet if we wish to drive a meaningful urban regeneration programme that is truly meaningful. In dealing with such projects, we have to understand and accept the causes of this kind of urban decline. Refurbishing individual properties without addressing the core issues, while certainly very useful in certain areas, is only an important first step. The current situation requires a fully co-ordinated, multi-disciplinary approach if we are to succeed in bringing life back into this quarter of town. In order to do so, we aim to address those main core issues head on.

1240 Road to the Lines is adjacent to the Northern Defences, an area once colourfully described as 'the jungle'. Anti-social behaviour plagued Road to the Lines for decades. No urban renewal attempt would ever have a chance of succeeding if the Northern Defences had remained ignored. We are now on the road to tackling this matter. The Northern Defences is slowly becoming a family-friendly area, even before it has been officially opened. It will become our most prized jewel as a recreational space, once works have been completed, and it will provide the perfect outdoor walking and picnic area for residents and visitors.

1245 There are two other remaining costly issues. The first is failing infrastructure and the second difficulty of access. The negotiations that the Government is conducting aim for improvements to infrastructure to be provided at no cost to the taxpayer within the site. That is the objective. It is painful to see cables and pipes fixed on to historic walls and facades, and collapsed drains in different places. All this needs to be tackled. A significant cash premium has been offered for the land. The details will be announced when the agreement has been signed. In addition to this, private investment estimated at over £2 million will be made in infrastructure for the area. This will see the provision and re-routing of essential services. It will also involve the introduction of high-speed telecommunications. New drainage will be provided. The proposed development will involve the use of sustainable technologies. The creation of a revitalised public square, landscaping, stone paving, cafés, public artwork, up-lighting of historic walls and green walls are also proposed as part of this scheme. This will be directly in line with our manifesto, where we pledged to create a child-friendly city by upgrading properties and public spaces.

1260 The above improvements will be pointless if we do not address the issue of access. This will affect not only residents and visitors but also the developer himself, who will need to transfer tonnes of material to and from the site. It is a logistical challenge that very few have been willing to accept and an impossibility for individual property owners. Once completed, and as part of the scheme, the intention is to provide lift access to Road to the Lines. This will not only serve

1265 residents but will also become a vital connection to the Northern Defences. I am very grateful to
my friends and colleagues, Minister for Urban Renewal Prof. John Cortes and Minister for Housing
Steven Linares, for their invaluable and continued support. The Housing Department has been
instrumental in decanting residents over many years. A small number of tenants who remain are
being offered alternative accommodation so that they are not inconvenienced during these
intensive and intrusive works.

1270 Having said all that, I must stress that this proposal is still under negotiation. The House may,
nonetheless, be interested to know that the redevelopment is aimed at attracting a diverse
market and that the properties are intended to be rented and not sold. This was an important
consideration for the Government. The objective is to create a vibrant new quarter in Gibraltar.
There will be, needless to say, a full public consultation exercise with all interested parties when
the plans are presented to the Development and Planning Commission, hopefully later this year.
1275 The outcome will deliver an improvement not only in the constructed fabric of the area but, in so
doing, to its social environment. This project will deliver an exceptional residential product, but it
will also attract visitors to appreciate the history of the area as well as its unique environment.
The combination of the Northern Defences with Road to the Lines will provide a springboard from
which to push forward with a new high-quality visitor offering. I must, once more, thank Carl
1280 Viagas, who has advised the Government on the merits of the different proposals received, as well
as Kevin de los Santos, the senior director at Land Property Services Ltd, for his advice.

The House is already aware that the different expressions of interest for the Victualling Yard
and the former GBC premises have yet to progress. The Government is, however, in discussion
with preferred bidders in respect of the vaults at Ragged Staff and, separately, the relocation of
1285 the College of Further Education to the Cross of Sacrifice site. We also continue in discussion with
preferred bidders for the Rooke site and for the old air terminal site following two separate
invitations to expressions of interest. I want to thank the staff at the Lands Office in Convent Place
and the management and staff of Land Property Services Ltd for their assistance and their
professional advice.

1290 Mr Speaker, the last six years, since the Brexit referendum, have been difficult years for
Gibraltar, not least because of the consequences of the global pandemic, which was thrown into
the mix for good measure. The combined effect of these two events has been that the
Government has had less time to deal with other matters. This is not an excuse, it is a reason. It is
the plain truth and the hard reality we have lived over the last few years. Were there things we
1295 could have done that we have not been able to do? Yes, there were. Were there also things we
could have done differently? Yes, there were. But the financial and time constraints imposed upon
us have meant that we had to do what needed to be done. The people put us in office in 2011, in
2015 and in 2019 for a reason, precisely to take those difficult decisions, to tackle and overcome
whatever challenges fate may throw in our path, and we are fully confident in the knowledge that
1300 nobody else in the same circumstances, faced with the same challenges, would have done any
better.

So, for now, we are where we are. Gibraltar is not an economic island. We are not insulated
and protected from what happens in the wider world outside. Whether it is Brexit or COVID or the
new monkey pox virus, or even the war in Ukraine, everything, however distant it may seem, will
1305 have an impact here, and when we look at the Estimates of Revenue and Expenditure before the
House that is precisely what they reflect: the localised impact of international crises on our own
unique situation.

I close by thanking my personal staff at No. 6 Convent Place. I thank you, Mr Speaker, and the
staff of the Parliament for their assistance and support throughout the year.

1310 Thank you. *(Banging on desks)*

Chief Minister (Hon. F R Picardo): Mr Speaker, with great thanks to the Deputy Chief Minister,
with whom I work so closely, I wonder whether now might be a good opportunity to take
15 minutes before we return?

1315 **Mr Speaker:** The House will now recess for 15 minutes and return at twenty to six.

The House recessed at 5.25 p.m. and resumed at 5.44 p.m.

**Appropriation Bill 2022 –
Second Reading –
Debate continued**

Mr Speaker: The Hon. Prof. John Cortes.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, last year I started my Budget speech with the words ‘The world is in crisis.’ Little did we suspect then how the crisis would worsen and on so many fronts: COVID still with us, the cost-of-living conundrum, war in Europe. And yet, the crisis that the Earth’s climate continues to experience, and which some media and some decision makers seem to want to forget, is still, by far, the worst. Much reference will be made during this Budget debate to the economy and the tightness of our budgets – I will do so, too – but these issues will pale into insignificance as the world heats up by 2°, or more. Parts of the tropics will become uninhabitable by our species, there will be massive migration to the temperate regions with all the social, political and economic crises that will bring, with us on the front line of rising temperatures and desertification, severe storms and immigration. So we have to be careful, globally, that we do not allow short-term concerns to cloud our vision and we must guard against thinking that the danger to the planet will simply wait for us to get our act together.

1330 Many of the decisions being taken now by some countries to step back on low-carbon measures and reverse other environmental progress, to try to stave off those other crises, are short sighted and opportunistic, and the world will regret them sooner than they think. However, as we have seen this morning, despite all else, this Government is standing firm on its commitments. I also have to express disappointment that, due to the necessary investment in a robust COVID response, we have had to pull back on some of our plans, manifesto and otherwise, and will not be able to deliver all those wonderful – and, to my mind, necessary – things we planned, but we have to carry on, and carry on we will.

1335 Mr Speaker, 2021 saw the publication of the Climate Change Strategy, a plan which was due to have been published just before we entered the first COVID lockdown. Despite the delays, this document is an important step in the development of Gibraltar’s climate policy and further work on its implementation is already being undertaken across Government.

1340 We have formed a cross-governmental group, soon to be formally established in statute as the Net Zero Delivery Body, which will be responsible for establishing yearly programmes of work to ensure the targets set out in the Climate Change Act are reached. I am tremendously pleased that this body will be chaired by my hon. Friend the Deputy Chief Minister and includes the Minister for Transport and myself, as well as senior officials from across Government Departments, agencies and authorities. It will be supported by a Secretariat which will sit within the Department of the Environment and Climate Change. We have also appointed the independent Climate Change Committee, made up of individuals with expertise across various areas of climate policy who are already providing independent and impartial advice to the Government as we progress on the journey to net zero. The setting up of the Climate Action Fund will be significant as it will release resources for climate action and, as the Chief Minister has announced this morning, we are taking practical steps to populate this fund. Our first climate change and vulnerability risk assessment consultation has been carried out in collaboration with UK consultants Ricardo Energy and Environment and has helped to build a more complete picture of Gibraltar’s potential climate

hazards and impacts, identifying strengths and weaknesses, as well as solutions and areas for action.

1360 I was fortunate to attend the COP26 conference in Glasgow as part of the official UK delegation. I participated in a number of events at which I was able to highlight the important work being done in Gibraltar. I was also able to make our pledge at the Environment and Education event, in which we committed to ensuring that learning about the climate emergency becomes a fundamental principle of education policy, and to providing teachers with the training, support and resources they require in order to deliver this. We have already begun work on this in collaboration with the Department of Education and the University of Gibraltar.

1365 I would like to take a moment to commend the many private sector companies that are working on their environmental sustainability agendas. We have noticed a significant increase in their engagement with Environment from in-house training and awareness to setting their own net-zero targets within their own company goals. We are increasingly seeing how the business community is stepping up to the climate challenge. It makes economic sense, too. The most recent one to highlight is NatWest, who launched their new Green Mortgage product right here in Gibraltar just a couple of weeks ago.

1370 Mr Speaker, we live as though we have emerged from the scourge of COVID, although really we know that we have not. Public Health worked its guts out throughout the last year – more than the last few years. It is easy to forget that just three months ago we had a Contact Tracing Bureau working seven days a week, as well as a drive-in test centre and, recently, a dedicated lab at the University. I thank all those who worked directly in Public Health in COVID response; indeed, we had an award ceremony for them recently in recognition of this. It is important that we learn the lessons that the pandemic has taught us about the importance of all the functions of Public Health, not just in the monitoring of communicable diseases, but also in disease prevention, lifestyle improvement and health advice. I am working with the new Director of Public Health, Dr Helen Carter, in developing an assessment of Public Health strategic needs in order to ensure that in the future the Public Health team and function are well able to work for the good of the community and for its good health.

1385 Mr Speaker, leading on from my Budget speech last year, I am delighted to confirm that our programme to develop culture and its appreciation, both in Gibraltar and abroad, remains at the heart of my agenda, as is evident with the daily cultural activity and the increased cultural services that are provided by my team whilst sticking within our budget. My commitment to develop our arts at an international level is also a priority, and art programmes, residencies and exchanges have already been put in place for this forthcoming year by Gibraltar Cultural Services, working, as ever, on behalf of the Ministry of Culture as our executive and operational arm. We are achieving this, despite a tighter budget, thanks to hard work, sponsorship from philanthropists and the private sector, and through the support of volunteers. And so our cultural service is thriving in events, development, cultural facilities and premises, cultural education, promoting our art galleries, our public library and more, together with all the stakeholders. It is imperative that we continue to produce these programmes, as we need to make sure we invest in the cultural leaders of the future, who will promote Gibraltar outside our shores. What gives a community more celebrity status than a world-class actor, singer, musician, author or artist? That is just one reason why we must invest in culture. We have to develop and promote our own. Events with international artists are welcome and important for recreation and enjoyment, and inspire us, but it is much more important, significant and less expensive to promote the development of the arts within our community.

1395 Despite all the doom and gloom, life goes on and I will do all I can to ensure that we continue to live it to the full, enjoying all that this blessed community in which we have the privilege to reside has to offer. That is what culture does. To this end, there have, this past year, been myriad events organised, including the third Cultural Awards; an extraordinary and successful Literature Week, mainly dedicated to local authors but which saw the participation of renowned international authors Lord Jeffrey Archer and Christopher Lloyd. The Christmas Fair attractions

1410 returned at John Mackintosh Square. February 2022 saw the return of the ever-popular GibTalks.
The 2022 Youth Arts Jamboree, as part of our cultural development initiatives, was carried out
with projects in poetry and creative writing and musical composition workshops delivered by our
musician Gabriel Moreno. Live drawing sessions for young people were organised by the Fine Arts
Association and workshops were provided in collaboration with the Gibraltar Youth Service. The
programme also included the Gibraltar International Dance Festival, the Festival for Young
Musicians, the Drama Festival, the Young Art Competitive Exhibition and the ever-popular World
Book Day celebrations. The street art mural walk was a new addition which proved popular this
year, with fun and educational tours of the Mario Finlayson National Art Gallery, and City Hall and
the GEMA Gallery also part of the programme. The Young Shakespeare Company returned to the
Rock in May after a two-year gap. We supported three Gibraltarian artists to take part in the Rock
Retreat Residency in May 2022. This international initiative, spearheaded by artist and illustrator
Eleanor Dobbs, was aimed at aspiring writers and artists, with the focus on creating work for
children and young adults. There was a programme of events in celebration of the Platinum
Jubilee of Her Majesty the Queen, including the return of the popular local food festival, for this
year renamed 'Jubilita' and the completion of a John Lennon Street art mural at Landport tunnel.
Our video archive, culturetv.gi, continues to provide local entertainment to our community.

1425 In our continued efforts to promote the art galleries and local art and artists, school groups
continue to visit as part of tours to the City Hall through the Mayor's Office, the Heritage Trust
and other collaborators. A rededication of the National Art Gallery will be held in September to
coincide with the 150th anniversary of the birth of Gustavo Bacarisas. We have also opened one
of the vaults at GEMA to local artists and groups, with several successful exhibitions and other
events taking place in this cultural heritage space over the last year.

We continue to support the Ministry for Sport in its summer and mid-term sports and leisure
programmes, providing cultural initiatives.

1435 I am delighted to confirm that 2022 will see many events returning to our social and cultural
calendar. These include the Gibraltar Fair, National Day celebrations at Casemates Square, the
Christmas Festival of Lights and the Three Kings Cavalcade among others. We also had the usual
annual programme of events and festivals, this including the Autumn and Spring Festival
programme, New Year's celebrations online, art competitions, literary events and other events
throughout last year. GCS has absorbed other cultural programmes, events and administrative
duties that used to be co-ordinated by the Ministry. This includes the running of the Mayor's Office
and organising events on behalf of the Ministry. This avoids duplication and allows experts to
support the many groups and associations and better co-ordinate and develop cultural activities.

1440 The Cultural Organisations Register has been updated, keeping in line with child protection
policy as directed by the Child Protection Committee and policies, ensuring that new cultural
entity applications are properly vetted. In the last year we have ensured that most of the groups
and individuals required have completed the safeguarding children courses. We will shortly be
launching a Register of the Arts, which will contain data of individuals working within the cultural
world in Gibraltar. The Safety Advisory Group continues to bring together key agencies, to ensure
the safety of all events in our community. SAG provides support, guidance and advice to all event
organisers whilst ensuring that they maintain a high standard of safety when considering or
planning a specific event. I am currently engaged in a review of legislation appertaining to
entertainment and entertainment licences, as the current regime is confusing to users and
members of the public. The aim is to provide a new, more efficient process which will both
encourage musical and other entertainment and at the same time protect the well-being of
residents close to venues.

1450 Last year, on behalf of Government, GCS acquired 41 new artworks for the Government's art
collection. This included purchases at auction and from private collections. Some special
purchases that form part of Gibraltar's cultural heritage are a Gustavo Bacarisas portrait of his
brother Horacio Bacarisas, a collection of nine works by Mario Finlayson and a work called *The
Kiss* by Christian Hook.

The John Mackintosh Hall Library social media platform continues to generate and oversee content promoting related initiatives, storytelling sessions, school visits and literature. The Government has invested nearly £10,000 in the last year in the purchase of new books and the introduction of Borrowbox, a popular platform for the loaning of e-books and audiobooks. Storytelling sessions for young children at the John Mackintosh Hall Library continue, thanks to a group of volunteers who deliver these sessions. After tracking the use of the library by the public, we have introduced new opening hours, from 9 a.m. to 7 p.m., Monday to Friday. The reference room continues to be a popular resource for young professionals and students studying during term times in the afternoons. There is a great deal of collaboration, including exchange of books, with the Garrison Library and the Parasol Library of the University, as the three libraries work together to provide a better, more streamlined service overall, better providing for their own specific niches. The Mackintosh Hall Library makes it a point to have an extensive collection of books written by Gibraltarian authors, or books written on themes and subjects related to Gibraltar, to include military, history, social history, wildlife, flora and so on. This complete collection has been reviewed and catalogued to allow for ease of use.

The refurbishment and maintenance of all our current cultural facilities plays an important role in allowing us to support all cultural entities, groups and individuals, increasing their potential and striving towards the best possible standard of artistic practice. We continue with the refurbishment and maintenance programme for all our facilities to ensure we extend public participation in the arts. The Central Hall has been fully and extensively refurbished, restoring much of its heritage value, and fitted with a new stained-glass window. The Ince's Hall Theatre has had its air-conditioning upgraded, sewer system repaired and a lift installed. The John Mackintosh Hall has had its galleries upgraded, new equipment purchased, a hearing loop installed in a new area and general improvements made to a building that is now feeling its age. Works have also been carried out to the Gustavo Bacarisas Gallery and our historic City Hall, which I very happily share with His Worship the Mayor. These works have allowed us to display some of the original façades and ceilings which had been hidden for decades, while at the same time dealing with issues of water ingress and the like. We have also contributed towards lighting equipment for the Alameda Open-Air Theatre and a gallery hanging system at the secondary schools, which will allow them to exhibit works of art by students or visiting artists.

We must not forget the board and staff of the Retreat Centre, which has, over the past few years, been vital in our COVID response and is now looking after families seeking refuge from the war in Ukraine.

The Premises Unit continues, on behalf of the Ministry, to oversee cultural premises and estates. Works have been carried out in many of the estates, including the Retrenchment Block, Recreational Rooms, Wellington Front, Jumpers Bastion, Town Range and others. Many do not realise quite the extent of the work carried out by GCS on behalf of the very small team at the Ministry of Culture. Barely a day goes by without one, two or often more articles or stories in the media related to their vast amount of work, and much more goes unreported. I thank each and every one of them and was very proud to see their CEO, Seamus Byrne, receive a Governor's Award in recognition of his work and that of his team, especially during the pandemic, when they kept hard at work in keeping us entertained and ensuring that our rich and diverse cultural community continued to thrive.

In the coming year, the Budget will, of course, be tighter, and I am disappointed that I will not be able to fulfil all our plans, but we will not be stopped by this, and here I must once again acknowledge businesses, organisations and others who are making contributions to our culture through sponsorship or other means. Already planned for this year is a new international gourmet food festival that will provide a new and exciting event for Gibraltar. In September, as an addition to National Week celebrations, we will be holding a cultural event in London. This day will see a gathering of Gibraltarians who are placing our country on the map, working in the arts and the cultural scene in the UK. We will also, at the same time, be holding an art exhibition by Gibraltarian artists at the Bermondsey Project Space, organised jointly with the Lloyds Art Group in London.

1515 The JM Memorial Foundation, together with GCS, are overseeing the second part of a cultural exchange with Tangiers, with artists, musicians and performers from both cities taking part. These are superb opportunities to export our art and culture abroad. Much of this will be achieved through sponsorship, and once again I thank all those contributing.

1520 I cannot end my section on culture without paying tribute to our writers. Gibraltarian literature is an evolving reality. It is growing faster than ever and gaining ever more recognition on the international scene. Our poetry and short story competitions aim to support and encourage writers new and old, and this year will see new ways of encouraging and consolidating recognition of our literature, and not just through Literature Week.

1525 The Gibraltar Academy of Music and Performing Arts continues to develop and contribute to culture in Gibraltar, as do the many dance academies and schools, drama groups and musicians and their collectives, and we have the organisations such as the Fine Arts Association and Kitchen Studios in respect of the visual arts. Between them, hundreds of young and not so young are active in culture – thousands, if their families and friends are added. It is a huge lobby that deserves the support of this House, which brings me to what is, to me, the most exciting and most important project for Gibraltarian culture that we have seen for generations: the Gibraltar National Theatre and Cultural Hub at the John Mackintosh Hall. The way that culture has excelled in Gibraltar in recent decades, with internationally acclaimed artists and performers at the world’s best stages, the way that culture has captured the imagination of our young, makes it evident that they deserve a bigger and better performance space and a much bigger audience. Sadly, for the moment, and due to the COVID response, the Government will, itself, not be able to proceed with the project, but a group of supporters of the arts have formed the Gibraltar National Theatre Foundation, independent of Government, and with the support and participation of the John Mackintosh Educational Trust are working hard and successfully to make this a reality. Only last week, that great supporter of Gibraltar, Ruth Parasol, announced that the Parasol Foundation would contribute £1.5 million towards one of the four main elements of the project, the Gallery of Art. Kishin Alwani OBE of the Alwani Foundation has also contributed, and the very proactive Musicians’ Association of Gibraltar is actively fundraising for the project, too. The project will comprise a 1,000-seat theatre, a smaller 230-seat studio theatre, the Parasol Art Gallery and an expanded lending library, as well as the meeting rooms, cafeteria and other facilities that we have got used to at our beloved Mack Hall. It will be a revolution in culture and will be a centre for other activities as well, such as conferences, West End style productions, e-sports and even the much more mundane general election count and results. Most importantly, it will give our community the opportunity to perform in a real theatre such as we have not had in Gibraltar before. I want to thank His Excellency the Governor for his leadership in his work as patron of the Foundation, and the councillors and trustees of the John Mackintosh Educational Trust for their vision in being part of this landmark project. I wish it every success and look forward to opening night.

1550 Mr Speaker, if the year 2020 was the year when everything changed, 2021 and 2022 have been the years when humanity has been trying to understand what on earth is happening. I am not convinced that we have learnt the lessons that we should have learnt, and I fear that there are those in positions of influence elsewhere, as I said earlier, who are trying to use COVID and our reaction to it as a cover for their own agendas. Indeed, I referred earlier to some of the pressure elsewhere to reverse environmental progress. This, fortunately, is not happening in Gibraltar.

1560 The Department of Environment continues to be active in marine surveillance. In keeping with our policy of dynamic alignment with EU environmental directives, officers from the Department of the Environment continue to collect data on a wide range of marine descriptors. New monitoring programmes are also being developed, particularly in relation to micro-plastics, underwater noise and cetacean surveys using drones, to help better assess the state of the marine environment in British Gibraltar Territorial Waters. Further work into marine invasive species, such as the brown alga that is affecting our shores, will also be carried out, starting in July, as part of a UK Darwin Plus funded project aimed at enhancing, monitoring and prevention of invasive non-native species across UK Overseas Territories. Collaborative work being done by the

1565 Department of the Environment and the University of Gibraltar's Marine Science Masters
Programme will feed into our Marine Spatial Plan, which I intend to publish as a consultation
document later this year. Once again, the exceptional marine awareness and education work of
the Nautilus Project has to be recognised in this context, along with the yearly marine clean-up
1570 efforts co-ordinated by the Environmental Safety Group and monitoring of seabird migration by
GONHS. I thank the NGOs for their tremendous contribution overall.

Mr Speaker, as most of us are aware and the Deputy Chief Minister referred to earlier, this
year was a difficult one in terms of waste management. Changes to the export process, as a result
of the end of the Brexit transition period, caused transitional administrative delays that meant
Gibraltar was unable to export its municipal waste for a number of weeks. I would like to thank
1575 my team at the Department of the Environment, as well as those at the Environmental Agency
and Technical Services, who worked tirelessly for many weeks to ensure that we were able to
continue to collect and store our waste while they worked to resolve issues with their UK and
Spanish counterparts. They averted a crisis and the system is now working smoothly again. At a
different scale, we will be increasing provision of bin space for refuse and recycling in Town with
1580 a view to improving the state of these areas, and we are working with businesses, the Chamber,
the GFSB and the BID and with tenant bodies and others to improve the cleanliness of our urban
areas.

The issue of sewage treatment is one which should finally see resolution this year. I have clearly
stated the reasons outside our control for the delays, but I do understand that, justified as they
1585 are, there will be criticism. I can confirm that the legal process of closing the former sewage
treatment plant tender is now under way, a process which became necessary as a result of
Modern Water going into liquidation. Government is engaged in providing technical information
to a number of potential bidders and the competitive process for finding a new operator is about
to begin.

On air quality, the monitoring network recently experienced data losses due to ageing
instrumentation. This was due to inability of the UK providers to service the equipment during
COVID and the consequent backlog in their work. I am pleased to say that this is now virtually
resolved. New analysers will replace the existing ones, which have been operational for more than
17 years. Within this replacement programme Gibraltar will now report reference standard
1595 measurements for PM10 and PM2.5 at both Rosia Road and Bleak House. This represents an
increase in PM monitoring, providing data on both fine and coarse fractions of particulate matter
at both roadside and background locations for the first time. The new instruments are also capable
of near real-time data provision, which will enhance the public information service provided via
the Gibraltar air quality website. The monitor at Witham's Road will be moved to Devil's Tower
1600 Road and two additional air quality mesh pods have been procured, which will supplement the
three existing pods in providing indicative monitoring data at near real time. The North Mole
power station is now also reporting emissions online. Nitrogen-dioxide concentrations remained
consistent with the previous year. Annual means of 27 $\mu\text{g m}^{-3}$ at Rosia Road, 18 $\mu\text{g m}^{-3}$ at Bleak
House and 20 $\mu\text{g m}^{-3}$ at Witham's Road were all well below the European limit value of 40 $\mu\text{g m}^{-3}$.
1605 All other pollutants also met European directive limit values.

We finally achieved World Health Organization standards for particulates when new WHO
guidelines were published in 2021 with more stringent targets. These will be exceeded in the next
few years, as they will be across the world, and we have to continue to work hard to achieve them.
Continued effort elsewhere towards net-zero carbon emissions will have co-benefits for air quality
1610 also, particularly if these include measures on road traffic abatement and green shipping,
including the safeguards included in the new agreement with the future operators of GibDock.
We will also be seeing more progress on solar power, as both private initiatives and Government
projects progress.

The electrification of the vehicle fleet is an important part of the Climate Change Strategy and
the move to better air quality. We are already seeing an increase in the number of EVs being
1615 purchased and there is strong pressure from the industry, which is moving in this direction

globally. We are responding to this with an increase in the number of publicly available charging points. In December, the charge points on floor 6 in Midtown car park were replaced by Plug-N-Go, a Gibraltar-based company who own and operate the hardware and location under agreement with the Government. Next, the old charge points in the park and ride in Devil's Tower Road will be replaced and operational under the same platform, and both of these locations are future-proofed to match the growth of EV adoption in Gibraltar. In July, they will be adding charging points at Europa Point. They are also liaising with the Taxi Association and Government to start adding further charge points for taxi use, which in turn will assist the rollout of taxis to meet the EV-only taxi purchase requirement from January 2024. The usage of all these points will be monitored to ensure that we can continue to provide new locations to meet increasing demand. Other EV initiatives are also on the way.

Mr Speaker, the Environmental Agency continues to advise me in many areas and continues to operate a 24-hour on-call service, which saw environmental health officers engage in 229 callouts in 2021, and to date for 2022 there have been a total of 110 callouts.

The Department continues to work very closely with colleagues across Government under the direction of the Deputy Chief Minister on all issues related to Brexit, such as contingency planning on food imports, and exports of waste in the event of a no-deal scenario.

The Agency also continues to make a significant contribution to the Government's anti-dog fouling campaign. In 2021, 156 DNA samples were collected, with 16 fixed penalty notices issued to offenders. Thus far in 2022 they have collected 78 samples, with 12 FPNs being issued. Officers from the Agency and the Department also carry out patrols, during which they check that dogs being walked on the public highway are duly licensed and registered. During 2021, the Agency carried out 32 patrols and checked 95 dogs for registration. So far this year, the Agency has carried out 22 patrols, checked 66 dogs and issued 12 fines.

The Agency is also the competent authority for Control of Major Accident Hazards (COMAH). This year, the Agency will host the HSE inspector visit to carry out a mechanical integrity inspection as part of the bi-annual inspection regime of the North Mole power station.

The Environmental Agency continues to monitor the quality of our bathing waters, where standards have been improving over the past few years. Five of our bathing waters are now classed as excellent, with Western Beach improving and continuing to be classified as good rather than sufficient, which was the case in previous years. In the harbour we have, so far, not seen the problems of bacteria in the water that we had some years back. There are challenges in relation to turbidity from the Coaling Island site, and we are working hard to resolve these.

This year, the spring storms caused a great deal of damage throughout our beaches, considerably more than in previous years. This will become more regular, of course, as a result of climate change. Our beaches were ready for the summer, thanks to the great efforts of the pertinent sections of the Department of the Environment and Technical Services. After this year's storms, Camp Bay saw the removal of close to 250 tonnes of rocks and debris that had been washed ashore. Flotsam and detritus in large amounts had to be removed from Eastern Beach and Sandy Bay, while the entire car park and sections of the access road at Western Beach had to be cleared of accumulated seaweed. Most of this was carried out in record time, within a week, in time to have the beach available to the public for the Easter break.

Further to this, the storms caused structural damage to areas of flooring, railings, balustrades, concrete tables and bin pods at Camp Bay. Extensive remedial works involved structural works to affected areas of flooring, repairs to the boat-store garage doors, the replacing of damaged sections of railings and balustrades and the replacing of no fewer than 25 concrete tables. At Little Bay, the storms left a huge accumulation of rocks on the shoreline, requiring heavy machinery to re-profile the whole area and make it safe. Catalan Bay and Eastern and Western Beaches had their concrete walkways lifted by the wave action and shifted, leaving them in complete disarray and unsafe. These have been removed and re-laid once the beaches have been re-profiled. At Eastern Beach in particular, the re-profiling operation has been more laborious than ever before, with heavy plant involved in shifting hundreds of tonnes of accumulated excess sand from the

1670 southern half of the beach to the northern end, where the beach had been practically eradicated
by the storms. This exposed the wall foundations and the fenced perimeter of the Airport tunnel.
Emergency works also had to be carried out to partially remove an old airfield storm drain that
had been left exposed by the continuous loss of beach sand and posing a serious safety hazard.
General yearly preparatory works at our beaches have, obviously, also been carried out.
Improvements in the Lifeguard Service have been noticeable, thanks to a great deal of training
1675 and improved supervision.

The Cemetery Authority is undertaking a number of major initiatives aimed at improving the
management and use of the cemetery. Cremation has grown over recent years and is now the
preferred choice of three-quarters of the population. A columbarium for the interment of ashes
is therefore considered a necessity for our community, and one will be provided.

1680 I remain committed to planting trees and creating green, open spaces for the public. There
have been 185 trees planted since autumn 2020, and in fact the challenge has been finding
suitable new areas for new tree planting. Having said that, further new trees were planted at Red
Sands Road, and of course in the now completed Campion Park. New green areas have been
created at Europa Point and, with the added removal of alien invasive species, habitat for native
1685 plants has increased. We will continue to do our best to provide better green spaces that improve
our urban environment and increase the quality of life of our residents.

The Gibraltar Botanic Gardens continue to develop and excel in their objectives. Current
scientific projects include research on the cactus flora of the Caribbean and invasive species in
other UK Overseas Territories. The Alameda's collection in its nursery of plants from throughout
1690 the world, with an ever-growing emphasis on water-wise succulent plants, increasingly attracts
enthusiasts and experts from other parts of the world eager to see and study this well-
documented and curated collection. The Gardens are indeed considered a centre of excellence
for research on such plants, and Gardens staff continue to make discoveries and describe new
species. These exciting scientific discoveries are in lockstep with the annual improvements that
1695 are made to the Gardens' aesthetics – as regular users keep remarking, the Alameda looks better
with each passing year – even better than when I was in charge! Not least, this is due to the very
hard and enthusiastic work of the grounds staff. What is more, some of these same plants that
form the backbone of its research efforts are being used to develop planting beds afresh, and
these will soon be accompanied by new interpretation, as part of the Botanic Gardens' mission to
1700 educate. Pride of place in the Gardens' education activities goes to its extremely popular children's
education programme. Work on a bespoke education area will come to completion in the autumn
of 2022, thanks entirely to the contribution of a number of very generous donors. Finally, the
Gibraltar Botanic Gardens continue to propagate Gibraltar's special plants for conservation
purposes. This year, the stock of the Gibraltar Campion originating from the Alameda Gardens has
1705 been planted in the Nature Reserve as part of a long-term plan that began in the 1990s, when the
species, then thought extinct, was rediscovered and rescued from certain extinction when it was
propagated at the Alameda. The Gibraltar Campion, which is virtually extinct in the wild, can only
recover via a conservation programme such as this.

Mr Speaker, visitor numbers to the Upper Rock component of the Nature Reserve are once
1710 again on the rise following the hard times witnessed during the peak of the pandemic. In keeping
with our commitment to increase revenue, the entrance fee for non-residents to the Upper Rock
was increased earlier this year following a process of discussion with stakeholders. This was a
reasonable step to take given the recent investment carried out in the Upper Rock. The Skywalk,
Windsor Bridge and the Tovey Cottage Interpretation Centre, to name but some examples, are all
1715 helping attract and improve the visitor experience for locals and tourists alike. In parallel, work on
the day-to-day management of the Nature Reserve continues in earnest and new measures are
programmed to take place this year, such as the creation of open areas to favour biodiversity,
improved picnic areas, and signage. I opened a new Marine Interpretation Centre at Europa Point
just over a week ago, and plans are also in place for a new raptor reintroduction programme, as
1720 well as other exciting initiatives.

1725 The yellow-legged gull is perhaps the most recognisable species of bird in Gibraltar. It is an opportunistic species that does exceptionally well around humans. Unfortunately, this also means that it causes problems for us. The population of gulls in Gibraltar needs to be controlled because they have an ecological impact on habitats and other species, can be a public health problem and, most importantly, they constitute a risk for aircraft. I highlighted last year that the long-term trend of yellow-legged gulls in Gibraltar is one of decline. Further to this, the excellent work done by the Avian Control Unit ensures that these gulls will never again be as abundant as they were during the 1990s and early 2000s. Moreover, parent gulls are aggressive when they are nesting and can be a nuisance when nesting on or around people's homes in the urban environment. Again, the Avian Control Unit provides an excellent service removing this nuisance for people. I know of no other place in the world with such a service.

1730 The GONHS Bird of Prey Unit continues its excellent work in rescue, rehabilitation, release and tracking of injured and exhausted birds of prey. They do excellent conservation work and are also very involved in education on migrating birds and their preservation. Their wider conservation work includes the breeding and release of Barbary partridges in conjunction with the Department of the Environment. The fruits that this incredibly successful programme have borne are plain to see: Barbary partridges are more common in Gibraltar than at any other time in recent memory and members of the public frequently have very close encounters with them in the Nature Reserve. This surely serves as a model for conservation programmes in Gibraltar and beyond.

1740 This year, as the tourists returned, the Macaque Management Team has been having to deal with problems of old, with heavy concentrations of tourists resulting in negative changes in behaviour of the macaques. In order to help deal with this, we now have a full-time wildlife warden to help with issues of interaction between tour operators, tourists and macaques. Incursions of monkeys into urban areas remains controlled, albeit slightly higher since tourism started to increase and resulted in increased disturbance of the macaques. This is not due to population growth, as macaque numbers remain static thanks to extensive contraception carried out by the Gibraltar Veterinary Clinic. Blood testing of the macaques this year has shown that they do not carry any zoonotic diseases that can be transmitted to humans. However, this is always a possibility, as macaques can catch human diseases and then pass them back, so that the now legal provision to not touch the macaques remains as relevant as ever.

1750 Mr Speaker, I will now turn to heritage matters. The last year brought with it financial constraints, and the coming year will again see reduced funds available. Despite this, the Ministry for Heritage, together with all other heritage stakeholders, has continued and will continue to work diligently to protect and enhance our heritage.

1755 The Heritage and Antiquities Advisory Council continues to advise me on all matters relating to heritage and is proving to be an invaluable asset. Last year, a subcommittee of the Council was established in order to produce a heritage vision for Gibraltar. The draft vision is now almost complete and will be presented shortly. Parliamentary reports on the Council's activities will also be laid, soon, in this place. Heritage-sensitive private properties will soon be listed in the schedules.

1760 After 50 years of neglect, the 9.2-inch gun barrel, carriage and pedestal that was once at Levant Battery has been removed from the Metalrok Eco Park in Flint Road and transported to a holding and restoration area at Brewery Crusher for future display at Europa Point. The Ministry for Heritage also completed the restoration and transfer of the last two 25-pounder QF field guns in Gibraltar from the Gibraltar Regiment, which is now on display at the 100-Ton Gun visitor facility. While on this theme, the Ministry for Heritage, the Gibraltar Heritage Trust and Alabare – a UK-based charity – have been involved in the restoration of Lord Airey's Battery, an iconic asset located at the top of the Rock.

1770 I am also pleased to announce that the Ministry for Heritage website, which we launched last year, has proved very useful and successful due to the large amount of information available. Heritage enthusiasts and professionals locally and from heritage institutions abroad request information regularly. An entire new section, with guidance notes aimed at applicants who need

1775 to provide information with any planning applications and its implications for cultural heritage, has been added. The key message to all potential applicants is to seek advice at the earliest opportunity, as safeguarding our cultural heritage does not mean preventing development or sustainable change. It means managing that change in order to retain and protect significant heritage places, sites or objects which are important to our community.

1780 The Ministry for Heritage, in collaboration with the Upper Rock Team, have placed 11 new interpretation panels at the City Under Siege exhibition, which contains new content and design that will enhance the visitor experience. I would like to remind Members of the House that in another collaborative effort between the Ministry for Heritage, the Gibraltar National Museum, Technical Services and GJBS, we have started restoring the Convent façade. Works are progressing rapidly under the guidance of the Gibraltar National Museum Conservator. I am also happy to report that the restoration of Southport Gates, the Tower of Homage and the façade of the future
1785 St Mary's Lower Primary School will also commence in the foreseeable future. Phase I of the restoration of the Town Range bakery ovens has now been completed.

Another unseen but fundamental part of the work undertaken by the Ministry for Heritage is its archaeological supervision through watching briefs. All developments are regularly supervised by the Government Archaeologist. These include Orange Bastion, North Gorge and the former
1790 Casino development among many others. The former TOC-H site immediately adjacent to Southport Gates will also be supervised in this way. It is, therefore, important to note that expert advice on all heritage-sensitive matters relating to developments through the planning system continues, as well as educational outreach via schools and youth organisations. The close working relationship the Ministry for Heritage has with other heritage stakeholders such as the National
1795 Museum, the Heritage Trust and the Garrison Library, as well as with other departments such as Town Planning and Technical Services, ensures that heritage-sensitive work is undertaken to the highest standards.

The close working relationship specifically with the Gibraltar Heritage Trust continues and is, indeed, going from strength to strength. The mutual support that now exists between the Trust
1800 and the Ministry on day-to-day work allows projects to continue unimpeded. Rolling projects such as the tampion project, the Artillery Park, and other ad hoc repair and renewal projects are a few examples. The Witham's Cemetery was formally presented just a few weeks ago and proves the Trust's commitment to practical conservation, and the Fortress of Gibraltar Group continues to give support in the form of historical knowledge and resources for works related to Gibraltar's
1805 fortifications.

In the Gibraltar Garrison Library we have seen that the determination of the small library team has shone throughout. Not only did they keep their day to day going, through the establishment of online services, during lockdown, but have continued to do so, engaging with international
1810 research enquiries, those from Gibraltar and, indeed, direct footfall enquiries, which are increasing. The Garrison Library has continued to build capacity over this last year and I feel sure that part of this is due to the fact that they have a dynamic social media presence now reaching almost 11,000 people. By way of offering an example of how this has worked out, the Garrison Library team has been approached by CILIP, the library and information association in the UK, to present a virtual tour of the Library, which is the among the most popular offered by that
1815 organisation. (**A Member:** Hear, hear.) The reinvigorated board of the Library, which I have the honour to chair, has most certainly ensured that the Garrison Library more and more becomes an integral part of our community.

Mr Speaker, I am delighted to report that the activities at the Gibraltar National Museum are now back to normal. In fact, this May, we were all able to enjoy the Museum's open day, the first
1820 since 2019.

The Calpe Conference programme continues its natural process of recovery. This conference will be, once again, a truly international one. This one is going to be particularly significant for me personally, as it commemorates the work of one of the most inspirational characters of my own formative years. Reginald Moreau at Oxford University was the leading light in the study of bird

1825 migration between Europe and Africa and he wrote a seminal book on the subject 50 years ago.
So, Calpe is bringing together some of the world's leading specialists to discuss progress in this
field in the last 50 years. It is highly appropriate that this should happen in Gibraltar, where Europe
meets Africa, and I have to say that my inaugural speech at the event is something I am particularly
1830 looking forward to, as I will make reference to the importance of the work of Gibraltar-based
naturalists and scientists in the study of bird migration.

The work at Gorham's Cave also continues to return to normality. This year we will have two
visiting teams, from Leiden University in the Netherlands and Liverpool John Moores University in
the UK. Excavations have commenced and will continue until mid-August. One of the main targets
will be the exciting new chamber that was revealed in Vanguard Cave last year, a space that had
1835 been sealed for over 40,000 years.

I am pleased to report that last month I officially launched a new gallery dedicated to the Pillars
of Hercules, a wonderful display of our heritage from the classical period and a testament to the
richness of the material that we have from that period.

1840 Mr Speaker, I move, now, to education. Our children have emerged from the depths of the
pandemic affected but resilient and their teachers advise me that educationally they have, by and
large, made up for lost time, but clearly there will be residual effects. The isolating effect of the
lockdowns has had an impact on children's socialisation, in particular. This, together with the
trauma experienced by families, has had and continues to have long-lasting repercussions in the
lives of the children and young people in our community. Although children and young people are
1845 remarkably resilient, school staff have been extra mindful of all learners' needs as we continue to
emerge from the grasp of the pandemic, and all in our schools have been working hard to restore
normality in teaching and learning – whatever normality is.

One of the most important areas under my responsibility is, of course, that of special
educational needs and disabilities. I am pleased to say that one notable project that we have been
1850 able to complete is the new home for St Martin's School. After the delays caused by the difficulties
the construction industry faced during COVID, the start of this academic year saw St Martin's
pupils and staff move into their new school building. This fantastic purpose-built school has
enabled us to offer a wider range of learning experiences for our pupils. In addition to a larger and
more bespoke learning environment, the new school building has a greater range of therapeutic
1855 opportunities to support our pupils' skill development, including rebound therapy and
hydrotherapy. All staff at St Martin's have recently received training on manual handling. A
number of GHA therapists and key St Martin's School staff were also trained in hydrotherapy. This
provision will be up and running in the school very shortly, following extensive planning with other
agencies including the GHA and GSLA. Hydrotherapy utilises the properties of warm water to
1860 provide an effective mode of treatment and exercise for people with physical and sensory
disabilities. The children who use this facility will benefit from the many significant, evidence-
based benefits of this type of therapy.

The trend we have noticed over the past few years, of an increase in the number of pupils with
special educational needs, is continuing. In fact, the number of pupils in St Martin's School and in
1865 our learning support facilities (LSF) has increased significantly in comparison with previous years.
This current academic year, we had a greater number of pupils starting in our Early Birds nursery
than we had ever seen previously, and this coming September we will have a higher number of
pupils moving from Early Birds into reception at St Martin's School than we have ever had. We
will, of course, be ready to meet their needs. The outreach programme from St Martin's School
1870 into our LSFs continues across all sectors. We also have a small number of pupils who are on an
in-reach programme from our LSFs into St Martin's School. All these pupils benefit from
opportunities to further develop on their learning journey. By the end of this year, all schools will
have received dyslexia training following the Made By Dyslexia pledge signed by the Chief Minister
in September 2019. Moreover, electronic dyslexia screening for all our current year 3 pupils will
1875 have been completed. Our commitment to a larger complement of special needs learning support
assistants (SNLSA) will help our schools to support pupils with additional needs. Both SNLSAs and

teaching staff continue to show great levels of care, dedication and commitment to ensure the provision we offer our pupils is of the highest possible level.

1880 The Department of Education continues to focus on pupil well-being, a hugely important and core area of a child's educational journey. There is recognition of the importance of early intervention to prevent the escalation of mental health concerns and help build happy, healthy young people ready to learn, who can achieve their potential in all areas of their lives, not just the academic. The Department works closely with numerous other agencies, NGOs and charities to enhance this vital area. The School Counselling Service continues to support our learners with their emotional well-being. The team constitutes four people giving one-to-one support to learners in all sectors, primary through to secondary, including the College. The team also plays an important role in liaising with and supporting parents of their clients. Likewise, they advise the teachers, giving them tools to better support the children and young people in their care. Counsellors have also played an important role in staff training, including bereavement training.

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1890 Our manifesto commitment to increase the complement of counsellors and, indeed, educational psychologists, has been set back but remains a commitment which, as has been said in answers to questions here, we intend to fulfil during the lifetime of this Parliament. Schools have been proactive in continuing to develop children and young people's emotional well-being. They have engaged in a large number of initiatives which aim to develop a child's emotional well-being – resilience through sport, buddy benches and friendship corners, and well-being days, to name just a few. Continued professional development has also focused on training to develop skills and knowledge to continue enhancing children and young people's emotional well-being.

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There continues to be a growing number of children in our education system who have been impacted by trauma, children who have a high number of adverse childhood experiences. Some of these children are in residential care, some are still living at home, and others spend time in and out of prison. The school environment can be a challenging place for these children, causing high levels of anxiety in the pupils themselves, staff and other pupils as well. Education has endeavoured to address this in a number of ways. The TLC continues to provide additional support for our most vulnerable who are unable to engage in mainstream education. It also provides a base for a bereavement group and a youth group for children with additional needs. One-to-one support for young people in the prison system identifies pupils to help them re-engage with mainstream schooling. Approximately 400 members of staff across disciplines will have received safeguarding training this academic year alone. Over 1,100 members of staff have received training since September 2018. Education continues to work closely with the Care Agency, the RGP and the GHA to engage processes to support vulnerable pupils and families, as well as collaborative work to devise strategy and work towards improvement of services for our most vulnerable pupils. Numerous school-based projects initiated by teachers, and those involving NGOs, charities and outside agencies, have aimed to support our most vulnerable, to increase their focus, address self-esteem, motivation and emotional regulation.

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Educators need to be the best versions of themselves in order to support learners and work to their best ability, at times in very stressful circumstances, both personal and professional. School-led initiatives have taken place, sometimes with the engagement of NGOs. Education staff in schools and the advisory team continue to liaise with the Government Well-being Team to support staff well-being, so that they are able to deliver the best education possible to our children and young people.

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In keeping with my commitment at COP26, schools continue to promote sustainable practices in school and work towards encompassing all priority climate change objectives within the curriculum. They continue to employ educational initiatives in schools, to develop understanding and awareness around climate change. ClimACT Schools Gibraltar, an Education staff action group, works to promote and share good practice across all schools. We are confident that our children and young people will act as change agents within their own families and communities, encouraging more mindful choices which help reduce the impact of climate change.

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1930 Mr Speaker, scholarship numbers in the 2021-22 academic year were 804 mandatory
undergraduate scholarships, 176 postgraduate scholarships and 85 discretionary scholarships. We
currently have 1,065 students in higher education despite the challenges that the pandemic has
1935 thrown at our economy – something to make the community proud. We will, this year, continue
to provide for all the mandatory scholarships, which will likely mean we will have more students
in higher education than ever. We will need to continue to be selective in those under 18 and
others going through the discretionary route. This is, of course, no reflection on the students, and
I ask young people and families to be patient, to look at alternative sources of funds and
constructive ways of using the time available should they not be successful.

On learning with digital technologies, all our upper and lower primary schools have now
embarked on our digital teaching and learning initiative. The rollout to secondary schools which
began prior to the disruption caused by COVID has now also been completed. We are targeting
1940 the next academic year to bring the Gibraltar College into the initiative while continuing to support
our colleagues at St Martin's. This financial year we have rolled out an additional 700 devices in
support of this initiative. Each primary school now has access to a cart of iPads in each year group,
vastly increasing the usage of these devices to support learning and teaching in our schools.

The September 2021 Year 10 cohort was significant. It was the first one ever in Gibraltar to
1945 benefit from the equalisation of the Key Stage 4 curriculum. This was so overdue, and I am very
pleased that all our young people will now have equal opportunities at this stage. Our first mixed-
gender cohort in Bayside and Westside were both offered the same range of courses for their
GCSE/Level 2 journey, and our Year 10 learners commenced on the courses of their choice in
September of this academic year. September 2021 also saw the first cohort of learners
1950 undertaking a Level 3 BTEC in Music Performance. This course is being offered by the Gibraltar
College, in partnership with GAMPA, and is a model that we will be following in order to be able
to offer more vocational courses.

Our teaching and learning initiative continues to develop digital skills in young learners, and
some of the learning that is being demonstrated by our young learners is breathtaking. Other
1955 developments in this area will be announced soon. The Deputy Chief Minister has already
mentioned one, which in fact cuts across two of my areas of responsibility, heritage and
education: the Northern Defences and the Mount, two remarkable sites from a historical and
environmental point of view, but tantalising in their potential to engage our younger generations.
As the Deputy Chief Minister has said, from September we are aiming to create a whole new
1960 educational programme which unleashes the creativity and ability of our students. The
Department, together with the College School of Business, have been developing this concept
during the last year.

This academic year, the Government significantly increased the complement of teachers by 97
new members of staff and the complement of SNLSAs by 122, recognising the importance of
1965 investing in the education of our children and young people. The commitment to the increase in
staffing has been made further to recent developments in our educational system, such as the
opening of morning nursery placements, the provision of LSFs in two additional schools, the
introduction of new vocational pathways and the equalisation of curriculum opportunities in both
secondary schools further to the realignment of the key stages, not to mention co-education from
1970 Year 7, something which we now take so much for granted. The impact of these systemic
developments, together with larger pupil cohorts and the growth in the number of pupils overall
and in those with additional needs, were carefully considered and directly informed the
commitment to increasing the teacher and SNLSA staffing complements.

The Department of Education, including its senior staff in all schools, together with colleagues
1975 in other Departments, agencies and authorities, have worked hard over the course of this
academic year to establish a more robust and meaningful CPD programme for teachers. In
addition to a wide range of individual, school-specific INSET foci which have taken place
throughout the course of the year, the Department gathered together en masse on 29th April for
an Education-wide INSET day which saw over 750 staff from all Gibraltar Government Education

1980 establishments gathered at the Bayside-Westside complex for the first full interschool INSET
training day ever organised. The Department has a very large team of staff and I value the
1985 professional contributions of all of the roles within each school. It was a fantastic day which will
have planted many seeds to be developed further in the future and which benefited tremendously
from the wealth of knowledge, experience, insight and enthusiasm of all Education staff members,
and will be built on in the next academic year.

The Department of Education has reviewed and revised the catchment areas for Government
schools, with a view to ensuring that these are as geographically appropriate as possible. This
exercise has also been conducted to ensure that pupil distributions across schools provide the
1990 best possible pupil-staff ratios. A powerful and versatile geographic information system,
developed and managed by the Department of Environment, has been used to inform this process
for all nursery enrolments for September this year, and, moving forward, will allow the
Department to manage catchment areas in a more dynamic manner ahead of each new academic
year. Although the changes this year are not too extensive, the amendments made will have
1995 lasting significant impact. The move to more geographically appropriate catchment areas will help
to further define and distinguish each school's community in a manner that makes more sense
physically. This will help the children and young people from a social perspective as well as
facilitate closer links between each school's location and the catchment area. The changes will,
hopefully, also help make school drop-offs easier and encourage families to walk to school. This
2000 further supports the Government's move towards a more child-friendly city and reducing the use
of motor vehicles. Gibraltar has changed a great deal in the last decade and centres of population
are changing. We have been considering these changes for some years now, but the trauma that
we suffered through the pandemic delayed the process. The new catchment areas better reflect
the current situation and should also have benefits for our environmental agenda.

We continue to develop the Education website and online services via education.gov.gi. The
2005 Department has now fully digitised and streamlined the pupil enrolment and scholarship
processes in order to better serve the public. The website also includes information on accessing
the educational psychologists and other support mechanisms offered by the Department.

We are currently overseeing the construction of three new schools, with the bespoke buildings
for St Mary's, Governor's Meadow and Bishop Fitzgerald all due to be completed in time for
2010 opening in September 2023. Plans are proceeding also towards a new Gibraltar College and
Hebrew Primary School, with improvements planned for those schools which will stay at their
current sites, namely both St Joseph's schools and St Paul's, where we have recently opened a
new wing and forest zone. We are close to having achieved something that no one could have
imagined, the virtually complete renewal of almost the whole of our education real estate.

2015 There are many other plans aimed at diversifying and widening the opportunities available to
our young and ensuring that education helps make them fulfil their dreams, take their place in the
community here or in the wider world, and so I look forward to taking on more and more
challenges and working with all in Education to continue to progress on things that have needed
fixing for a long time, but more importantly to achieve new and better ways of helping our young
2020 people to be better than us.

And so to the University of Gibraltar. There is quite a lot to say this year, precisely because this
creation of this Government is doing so incredibly well. To date, the University has enrolled over
500 students during the academic year ending 31st July 2022 into a combination of academic
programmes, professional and continuing education courses, training certificates and language
2025 courses. The University's portfolio of academic programmes continues to grow. This past year saw
the University offering undergraduate degrees in business, nursing and maritime science,
complemented by a range of access courses and postgraduate degrees in research in education,
business and marine science. Students enrolled on these core academic programmes have
increased from 30 in the year 2018-19 and 134 in 2020-21 to 189 in 2021-22. The latter are from
2030 28 nationalities. There is now a diverse student community residing at the Europa Suites
accommodation. Graduates of the University are also increasing, with 21 graduating in December

2020, 38 in 2021 and an anticipated 78, including three local PhD students, graduating in December this year.

2035 Following extensive consultation with industry and completion of a rigorous UK validation process during this past year, the University will offer a further two new degrees from September 2022: a BSc (Hons) in Computing and Entrepreneurship, which is carried out through a collaborative arrangement with the Gibraltar Digital Skills Academy, itself doing excellent work; and a Masters in Education developed in consultation with the Department of Education. During the upcoming academic year, the University will be working with industry to develop a number of
2040 other new academic programmes, including an MSc in Advanced Health Practice, an MSc in Contemporary Healthcare, one in Environmental Science and Climate Change, a BSc Adult Nursing International Top-up and an MSc in Psychology.

In addition to its academic programmes, the University has provided a range of professional continuing education and short courses. In March 2022 the Professional Development
2045 department launched its Remote Gambling online course which replaced the Responsible Gambling online course. This was in response to industry feedback and relevant updates in the industry. In May this year, a Professional Diploma of Competence in Financial Services was launched. The first of its kind, this cross-sector qualification, which was developed in direct consultation with the Regulator and each industry sector, will serve as an industry standard.

2050 During the past year, the University Maritime Academy launched its first two technical courses, including one for Customs and another for Police, Environment and Customs. In May this year, the Academy, in spite of a post-COVID critical global shortage of maritime cadet sea placements, was able to source sea time placements for all the University's maritime cadets.

The Centre of Excellence in Responsible Gaming, a multidisciplinary and interdisciplinary
2055 research institute that aims to study the etiological factors of addictive disorders and contribute to their effective prevention and treatment, was officially opened in March by my hon. Friend Albert Isola and myself. In addition to publishing almost 40 academic research papers this past year, the Centre has also assisted with the redesign of the University Responsible Gaming course.

In November 2021, the University underwent an international quality review by the UK Quality
2060 Assurance Agency (QAA) and was subsequently found to have met all 10 higher education quality standards. As a result, the University was awarded global accreditation by the QAA. Achieving this milestone only six years after its creation through the work of the then Minister for Education, the Hon. Gilbert Licudi, is a testament to the sheer hard work and commitment shown by the entire University team, as well as the ongoing support of the University Board of Governors and the
2065 Academic Board and the Government.

The current University strategic plan ends on 31st July this year with the accompanying final progress report anticipated to be published shortly thereafter. Development of a new strategic plan for the academic years ending 2023-26 is under way.

In spite of extremely challenging targets and the constraints posed by the ability of
2070 international students to travel, the September 2021 recruitment campaign was successful, with tuition fee income increasing from £488,682 in the year ended 31st July 2019 to £1.3 million in the year ended July 2021. Moreover, tuition income is estimated to reach £1.8 million by July this year. This growth reflects the University's ability to recruit increasing numbers of local, regional and international students attracted by its quality student experience. As a result of increasing
2075 student numbers, the University continues to work towards a much greater degree of self-financing, with the proportion of income, excluding donations, provided by the Government subvention steadily decreasing from 86% in 2017 to a forecast 36% by the end of July this year. This positive progress towards much greater self-financing is expected to continue, with the current Government annual subvention again being significantly reduced by £250,000 to
2080 £1 million, representing a reduction of 20% compared with the previous year. The University has to be congratulated for its increasing financial stability.

The University is now also operating from its North Wing, the old St Christopher's School.

2085 In December last year, the University held the formal ceremony to celebrate the installation of the Chancellor, Sir Lindsay Hoyle, and the Vice-Chancellor, Prof. Catherine Bachleda, together with two ceremonies to celebrate graduates from the BBA, MBA, PGCE and MSc marine.

2090 With regard to my legislative agenda, I have on the Order Paper, to proceed later this year, a Bill for an Act to create the Gibraltar National Park and another to prohibit the fur trade. Work is proceeding so as to be able to commence the Medicinal Cannabis Act, as well as on subsidiary legislation to the Climate Change Act including the setting up of the Climate Action Fund and the Near Zero Delivery Body. The updated Education Act and the new Cultural Act and a revised Entertainment Act are in the final stages of stakeholder consultation. Improvements to the Heritage and Antiquities Act are being worked on and the Environmental Agency is advising me on the updating of the Food Hygiene Regulations, as well as the introduction of allergens legislation. An Environmental Governance Act, a revised Garrison Library Act and a number of Acts
2095 which subdivide and modernise the archaic and voluminous Public Health Act, including one on waste, are also in preparation.

As I conclude, Mr Speaker, I want to congratulate Mr Kishin Alwani, an outstanding contributor to the arts, for his OBE in the Queen's Birthday Honours, and also Lewis Stagnetto of the Nautilus Project for the award of the British Empire Medal in this year's New Year's Honours list for his
2100 environmental work, as well as Paulette Finlayson-Napoli for the Gibraltar Ward, and also, as mentioned earlier, Seamus Byrne for the Governor's Award, the latter two for their work in culture. I want to mention the retirement of Dr Terence Ocana as head teacher of St Joseph's Upper Primary School after many years' service to education; of Paul Origo – whom I have worked with very closely from well before I became a Minister – as Town Planner; as well as of Jessica
2105 Alecia, who retired this year after many years' service to successive Environment Ministers as PA; and Sue Davies of the World Heritage Office, who has been instrumental in the work related to our World Heritage Site.

Finally, Mr Speaker, as ever, I wish to express my thanks to my personal staff and, of course, to my heads of departments and CEOs and their staff for their hard work at all hours and every
2110 day, and for their continued support; to all the schools, who make me feel so welcome on all my visits; to all the staff in my Departments and the agencies and contractors that work to them, as well as to the GEA, LPS, GSLA and Technical Services, the many departments I work with day to day; to NASUWT, UNITE and GGCA for their constructive work; to all the NGOs, associations, schools and academies, environmental, cultural, educational, who are so committed to what they
2115 believe in, often working as volunteers, for being committed, honest and reasonable in pursuing their aims; to all those many citizens appointed to voluntary boards, working groups and committees for which I am responsible; and to those in other Departments with whom I have regular contact – such as the staff at No. 6, including the Offices of the Chief Minister, the Deputy Chief Minister, the Chief Secretary, the Financial Secretary, the Chief Technical Officer and Civil Contingencies, and at the Gibraltar Law Offices – for always being there when I need them. Thanks
2120 also to you, Mr Speaker, and your staff, and to the Chief Minister, Deputy Chief Minister and colleagues. And finally, to His Excellency the Governor, Sir David Steel, for the genuine interest he shows in the work of the different parts of my Ministry and for his constant encouragement.

2125 Mr Speaker, we live in a blessed community. We have so much to enjoy, so much to be grateful for. Let us never forget that, and continue to live proud of our homeland and able to withstand any difficulties that may come our way. In doing all of this, I, too, commend the Bill to the House.
(Banging on desks)

2130 **Mr Speaker:** The Hon. Steven Linares.

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, this is my 22nd Budget speech and my 10th as a Government Minister. I will start by giving a synopsis of what has been achieved over the last year and explain some of the things we intend to do this

coming year in relation to my areas of responsibility, these being industrial relations, housing, employment, youth and sport.

I would first like to address developments in what is my newest ministerial responsibility, that of industrial relations. On 4th April this year, following a reshuffle of ministerial duties, my hon. Friend the Chief Minister transferred to me the responsibility for industrial relations. I was humbled by that decision. We all know how critical smooth industrial relations are to the functioning of the public sector. We also know how central such co-operation with the unions remains to the values of this Government that I am so proud to represent. As such, I am grateful and privileged to discharge this new role on behalf of HM Government of Gibraltar.

My own background should serve me well. I refer to my experience in tackling industrial relations matters from a union perspective as a former president of the Teachers' Association and of the Gibraltar Trades Council. The latter comprised the three local unions at the time. To this end I have already expressed to the trade unions my desire to work in partnership with them to tackle issues that concern the public sector. At times we will totally agree, and on other occasions less so. However, all our conversations will be held in an air of cordiality and fairness. The goal will be better terms and conditions within the budgetary resources available. The well-being of our workforce will be uppermost in my mind.

Although I have just assumed responsibility for this role, hon. Members may have seen that a number of issues have already been dealt with. In relation to the Customs dispute, my office has been involved in addressing concerns that the GGCA and Unite the Union have had in relation to the incorporation of the Marine section into existing rotation agreements. I am happy to say that the GGCA, who have negotiating rights for this department, agreed to the proposals developed by the acting Collector of Customs. This happened in close collaboration with my Industrial Relations officials and with me. It led to the lifting of industrial action within HM Customs and the resumption of wearing their uniform when performing their relevant duties. It is an example of the way in which my office will conduct business. We will support the respective heads of department where grievances or issues of concern are raised, and empower them to deliver solutions through negotiated outcomes with the unions. In this vein, my office is currently tackling issues raised in other departments. The working methodology is based on the agenda priority set by the respective trade unions. The approach is a sensible one based on collaboration and co-operation. New issues are raised as other issues are resolved. This means that the system is not overwhelmed, as this can cause issues to stagnate, which is not in the interests of any of the parties concerned.

The Government is conscious that on an industrial relations related legislative front a number of matters need resolution. This includes the implementation of the Trade Union Recognition Act and amendments on matters pertaining to zero-hour contracts. Both these matters are at an advanced stage and further developments will materialise soon. I will provide public updates accordingly.

On policy, I am currently tackling two initiatives within this portfolio. The first is the introduction and implementation of a comprehensive set of health and safety policies to be implemented throughout the public sector. This has already happened. Through this policy, a baseline of health and safety practice and regulation will be established within all Government Departments, agencies, owned companies and authorities. The policy will complement existing Health and Safety practice within specialist areas and provide a foundation in those that do not have specific guidelines. All this means that there is now a minimum set of health and safety standards, no matter the Department or the circumstances.

The second policy initiative that I would like to draw attention to is the implementation of a Public Service Code that will replace Government General Orders. Hon. Members will know that Government General Orders have underpinned public sector practices for many decades. Although over the years multiple circulars have been issued that updated elements within those rules, Government General Orders have remained largely unchanged. It is, therefore, necessary that those elements of Government General Orders that work remain, and those that do not are

changed. Modern employment issues that were not a concern at the time when Government General Orders were written have now been taken on board. I know that significant progress has already materialised on this front and I have instructed those tasked with developing the Public Service Code to work towards implementation within this calendar year. To this end, I have convened a working group consisting of the Human Resources Department, the Industrial Relations Department and the Department of Employment to tackle the outstanding elements of this document. The unions will be fully consulted on its content once the substantive body of the document is available. It is the view of the Government that a smooth transition to a more modern and effective Public Service Code will be advantageous to the public sector itself and welcomed by the Gibraltarian community as a whole.

I would like to take this opportunity to thank all those individuals within the trade union movement whom I have had the pleasure to work with in this short period of time. Union officials have clearly been made aware that my office is open to all of them with a view to resolving matters in partnership, in a positive, quick and efficient manner. Needless to say, I look forward to continuing to develop this exciting portfolio in the months ahead.

Mr Speaker, I will now move on to housing. Only last week, the Housing Department moved to new premises at the ICC. The Department is next to the Housing Works Agency, thus facilitating even more the work that they do together. The new premises are now more accessible to the public, right in the centre of town. Their previous premises have now been taken over by the DSS. The Housing Department staff have actively assisted their DSS colleagues during this difficult period. I would like to take this opportunity to thank the staff and management of the Housing Department for the positive manner in which they have co-operated with the DSS. They have stepped up to the mark and gone out of their way to assist.

The Housing Department has adapted quickly to new working practices in order to continue to provide its services to both applicants and tenants. This has happened despite the fact that staff had been deployed to the Contact Tracing Bureau during the pandemic. As from 1st April, the deployed staff have returned and they are quickly and efficiently dealing with the backlog that the deployment created; not only that, but dealing also with the physical move mentioned above. It needs to be said that the Housing Department staff did not stop offering services to clients during the COVID-19 pandemic. In addition to this, they have actively assisted Public Health and the Government in all matters relevant to housing and beyond.

The Housing Department counters are now open to the general public via an appointment system. This will assist cash payers who, despite continued efforts, are reluctant to pay electronically, by standing order, by telephone banking or otherwise, or those who simply do not have a bank account, thus ensuring house rent revenues do not fall into arrears. The Housing Department has been working closely with the digitalisation team in order to have all application forms available online on the e-government platform. This will offer the facility to complete, attach and submit documents electronically to the Housing Department, thereby avoiding foot traffic at our counter.

The Housing Department comprises four main sections. The Accounts section deals exclusively with the receipt of rental payments. The Housing Department has numerous methods available for rental payments, which can be carried out without attending in person. These are deduction at source from wages/salaries or occupational pensions, standing order from the client's bank account, online via the e-gov portal, or telephone payments. The Accounts section strives for customers to subscribe to these methods. The Department is working closely with the Treasury Department and with private banks in order to be able to accept payments via direct debit. This would expand even further the payment options for the collection of rent. The Accounts section has worked very closely with the DSS in order to assess rent relief more efficiently. An MoU has been signed in order to facilitate the process. The Department's vote book is also managed by the Accounts section.

The second section is Enforcement and Compliance. On 1st July last year the Housing Department introduced this section. It is tasked with litigation processes, anti-social behaviour, the in-house complaints procedure, claims, Ombudsman queries and the recovery of arrears – an unenviable task, Mr Speaker. Systems are in place that alert the Department to any tenant who commences to default in their rent payments. This process enables them to contact the tenant quicker than ever before and engage with them before any debt begins to build up and become a burden. The Department continues to assist tenants to arrange a repayment plan or adjust an existing repayment plan. The objective remains to meet the needs of the tenant as well as the needs of the Department. Since 1st April 2021 to date – the date being 18th May – there have been a total of 465 appointments, from which 150 arrears agreements have been concluded to the value of some £680,000. Those meetings have proved very useful as they allow our staff to identify tenants who have genuine hardship and are unable to pay their rent. All situations are looked at on a case-by-case basis. Careful consideration is given to those who may have social and/or medical issues that prevent them from paying their rent. This helps the Department differentiate between those who genuinely cannot pay and those who simply do not want to.

Mr Speaker, the continuation of the concerted effort to have rent payments deducted at source continues to be the Department's top priority. As I have stated in this House before, it is this Government's policy that all civil and public servants who are Housing Department tenants have their rent payments deducted from their salaries or wages automatically, thus ensuring that none of them default or fall behind in payments. Despite all the initiatives that this section has rolled out, and as they continue to engage with all those in arrears, there are, regrettably, still tenants who can pay but do not want to. These tenants have no social or economic hardship which would qualify them for rent relief, and yet they continue to default. There is no other option for this category of tenant than to commence legal action to recover the debt. The Department, together with the Central Arrears Unit, has engaged lawyers to commence litigation in such cases. As can be seen, the Housing Department has taken a very proactive approach, which is designed to ensure, as much as possible, that none of its tenants fall behind in their rent payments. As at 30th April 2022, the total arrears figure stands at nearly £4.4 million. More than £½ million has been written off as unrecoverable due to circumstances such as death.

Since the creation of this section on 1st April 2021, it has logged a total of 109 complaints in relation to anti-social behaviour. I have, in the past, outlined the procedure that the Department follows in such cases. This procedure is being implemented and all agencies continue to work to minimise the unacceptable behaviour of a few that causes misery to their neighbours. To this end we will continue to engage at joint agency meetings with the RGP, Social Services, the Care Agency, tenants' associations and even schools, if need be.

Mr Speaker, the Allocation Unit is the third section of the Housing Department. A total of 158 allocations have been made since 1st April 2021 to date, the date being 25th May when this data was collected. The Housing Department is working closely with the ERS, GHA and others in order to recover the properties of those tenants who have passed away, been admitted to the ERS, are long-stay patients in hospital or have chosen to move to private accommodation. These flats are immediately identified for applicants on the waiting list. A total of 412 applications have been received by the Housing Department since 1st April 2021. A review of all tenancies is under way so that all records are updated into our system in order to provide a more efficient service.

As announced by Government, all citizens, under the Register of Occupation Act 2021, have to register their occupation of property in Gibraltar. A lot of work has been undertaken by our IT provider and staff in order to be able to validate records of those persons who reside in a Government tenancy.

The Housing Allocation Committee continues to meet on a monthly basis. They provide valuable advice to the Housing Authority. I would like to thank them for the unremunerated and invaluable work that they do.

The fourth and final section of the Department is Senior Management. The Senior Management section undertakes financial assessment computations and assists the Minister,

together with the Ministry for Housing itself. They undertake secretarial duties for established committees under the Housing Act and liaise with the RGP, HM Customs and other enforcement agencies on delicate matters, which include anti-social behaviour. The section provides secretarial duties to the Housing Allocation Committee. They also co-ordinate with other Departments such as the GHA, ERS and the Care Agency in order to reallocate flats to those on the waiting list.

This section also leads on the issue of legal cases. A total of 27 cases have been referred for legal action since 1st April 2021. A breakdown of the 27 cases is as follows: 24 cases have been commenced for repossession under section 8 of the Housing Act, two cases have been for unauthorised occupation under section 14 of the Housing Act, and one case for decanting.

It is important to understand that, apart from all the work that the different sections do, the Housing Department also works closely with many other Government Departments. This has led to more efficient working practices. All entities, for example, have a designated contact person, and this minimises the time taken to undertake tasks. The senior management of the Department also work closely and attend multi-agency forums with the Department of Equality, the DSS, CSRO, the RGP, Social Services, the GHA, the Prison Service, the ETB, the Drugs Rehabilitation Service, the Gibraltar Fire and Rescue Service, the Central Arrears Unit and Car Parks Ltd. This shows the high degree of commitment that the Department enjoys towards working with others.

One other important aspect to the work that the senior housing officials and the Housing Works Agency officials do is meeting with the tenants' association representatives. Those meetings are used to identify issues relevant to individual estates, many of which are then expedited as a result of the contact with the tenants. The Housing Department encourages tenants residing on housing estates to organise themselves into a representative committee. The ultimate aim is to benefit and enhance the living environment of the estate in collaboration with Housing Department officials. In those estates that already have a tenants' association, I urge tenants to approach their association if they believe that any action needs to be taken there, or if they have any suggestion that would improve the lives of residents on the estate. The general feedback that I have received from the tenants' associations is generally very positive. By working together, we have been able to enhance the service provided. The Housing Department and the Housing Works Agency staff will continue to support the tenants' associations on the day-to-day issues that may occur.

Mr Speaker, I am also happy to report that the review that we have embarked on of the Housing Act will be concluded by the end of the year. This includes a reassessment of the Housing Allocation Scheme, the tenancy agreements and a review of all housing policies. All are at an advanced stage. This is a comprehensive review which will give clarity to all. It will set out how things will be done. The outcome will also better inform tenants as to what the Housing Department expects from them and what they can expect from us. The Principal Housing Officer has been able to establish a very good working relationship with Action for Housing and, with my ministerial blessing, meets them on a monthly basis.

I move on now to the Housing Works Agency. This agency has moved into premises in the ICC and released its temporary premises in the old Rooke area. The Housing Works Agency has dealt with a total of 9,444 works orders which have been paid during the last financial year. Despite this, the Housing Works Agency has processed and managed, during this year, in excess of 15,000 works orders. The difference between one figure and the other is in relation to works that are contracted by other official service providers such as the GEA, the Environmental Agency and the Department of the Environment, which do not have a direct cost implication for the Housing Works Agency itself. The Housing Works Agency also manages all capital works to Government housing stock.

Mr Speaker, I will now move to my responsibilities for employment, where, indeed, as I am sure all hon. Members will agree, we have not been idle. Despite the many challenges and obstacles encountered throughout these last few years, the Department of Employment has ensured that there has been no detriment to the provision of their services and they continue to deliver as effectively and efficiently as ever. Given the unavoidable impact of the pandemic on

employment within Gibraltar, it has still remained largely stable. I am pleased to inform the House that despite the adverse situations faced in recent years, we continue to see record low unemployment. In 2021, when the pandemic critically hit employment throughout the globe, the yearly average for Gibraltarians registered unemployed was 27, which is, as we all heard from the Chief Minister, a staggering 94% reduction in unemployment since 2011. In 2022, we have continued to maintain low unemployment levels. In the first quarter of 2022, the average of registered unemployed stood at 41, a 92% reduction in unemployment since the first quarter of 2012. Hon. Members should not forget that when the GSD were in government their view was that 300 unemployed was the norm and an acceptable number, and we inherited unemployment of 522 that year. It is, therefore, obvious that this Government's systems work and continue to work.

The highly successful mechanism that we have in place has taken many individuals out of unemployment and given them worthwhile, meaningful jobs. This has allowed and delivered a stable equilibrium in respect of the number of persons being unemployed and employed year-round. This employment stability has been achieved by creating long-term close working relationships with our employers and with the business community via employment outreach programmes and education. The objective behind these programmes is to fully comprehend and cater for the needs of the business community, as well as understanding and empathising with the specific individual needs of those persons seeking gainful employment, whether they are unemployed or in pursuit of progression and career development. In relation to understanding and empathising with the specific individual needs, the Employment Department provides guidance on interview skills and competences. It works very closely with individuals in order to train and provide support as a means of increasing the quality of their curriculum vitae, interview outcome and the possibility of their success at any given job application. This specific service has proved to be extremely beneficial, resulting in many successful individuals achieving gainful employment.

It is also important to note that the success of the Government's BEAT measures have resulted in a reduction in the number of redundancies. This has assisted in keeping the level of unemployment very low. Additionally, by way of continued support to Gibraltar's business community as it slowly begins to recover and emerge from the financial drawbacks of the pandemic, the fees payable to the Department of Employment continue to be waived.

Mr Speaker, the reform of the Employment Tribunal in recent years has delivered an effective, modern tribunal system. The rules have been enhanced further with the introduction of a lead chairperson, who will be appointed shortly and will also be carrying out the functions of the President of Chairpersons, as well as the appointment of additional chairpersons who wish to preside on an ad hoc basis. As recognition of the hard work and dedication in administering justice in employment disputes in accordance with Gibraltar's employment laws, payments made to chairpersons per judgment delivered will also be increased. The fee to be paid per judgment will be decided by the Director of Employment on a case-by-case basis, taking into consideration the urgency, intricacies and complexities of the Employment Tribunal proceedings. It is important to note that the Employment Tribunal Rules have also been amended to introduce a robust complaints procedure as a means of ensuring adequate investigations and resolution of complaints against mediators and chairpersons. This reform will also ensure that all cases are heard in a timely and judicious manner.

The Labour Inspectorate is tasked with the regulation and enforcement of our employment laws. The Labour Inspectorate's strategy and programme of inspections across the various industries, which had been delayed during the pandemic, now continues to operate conscientiously and effectively. This demonstrates our continued commitment to the eradication of illegal labour by ensuring that businesses are compliant with the Employment Regulations. The inspectors work hard in the field to ensure that all employers comply with employment legislation and that, amongst other matters, vacancies are registered with the Employment Service. The Department of Employment works closely with all sectors of the business community to ensure

that a level playing field is maintained. The Labour Inspectorate remains, as always, available to provide information and guidance to both employers and employees on all employment-related matters.

This Government is committed to ensuring the well-being and protection of staff. We continue to work, together with the Health and Safety Advisory Council, to develop and review safe systems and safety procedures. It is our unrelenting commitment to protect the rights of workers' terms and conditions of employment. The Health and Safety Inspectorate continues to remain available to anyone who requires best practice guidance and advice in respect of health and safety issues at work. Gibraltar is pleased not to have seen a fatality at work for over 11 years now. Additionally, we have effectively introduced the health and safety policy, which I mentioned before, in all Government Departments, agencies and authorities. Heads of Departments and senior staff have already been asked to familiarise themselves with the policy, and the relevant arrangements are being conducted by the Human Resources Department to ensure all training requirements are identified and fulfilled.

The Employment Department has not rested and has, undoubtedly, stepped up to the demands and challenges placed on it. They will continue to work tirelessly towards the demands of the Brexit negotiations and related contingency preparations, specifically in the area of employment and workers' rights. This is inclusive of the continuous assistance we provide to the Ministry for Digital and Financial Services as they continue to develop digitalised interactive Government e-services for corporate and service users, as well as providing the high-quality employment-related support our community deserves. Finally, as this House knows, our commitment has always been, and will continue to be, to ever increase employment opportunities in Gibraltar, and at this we have been successful.

Mr Speaker, I move on, now, to the Youth Service. The Gibraltar Youth Service continues to open its doors and has further created and developed programmes that have reached more of our young people. It is pleasing to see how many youngsters turn up to participate in all sorts of activities which are educational and also fun at the same time. Membership across the youth clubs has grown, with an increase in attendance since they reopened after the lockdown. COVID-19 travel restrictions had an obvious impact. However, after the lifting of restrictions, the Youth Service has been working with other agencies towards creating new safe travel policies for young people to enjoy new experiences abroad.

The Mingle Project, which is now in its third year, continues to support young people from the ages of 18 to 30. It develops skills for people who have mild learning needs to be able to increase their friendship with others and build a support network. This is done by participating in activities such as cooking, baking and karaoke. Through targeted activities and workshops they are able to develop their independence, confidence and further their life skills.

The Youth Café is an open club environment for young people from the age of 15 onwards to relax and enjoy a safe space. The Youth Café opens twice a week, every Wednesday and Friday. They have engaged members in a variety of creative activities and recently, in a cooking competition, they have been able to practise their skills and develop their confidence.

The environment and climate change are at the heart of the work that the Youth Service does with young people. To this end they participate in Clean up the World, they support the Nautilus Project presentations and attend the Alameda Wildlife Conservation Park, amongst other activities. Getting involved with charity work is yet another aspect of the work that the Youth Service encourages. The group Rock Thrifters' upcycling fashion project looked at opportunities to showcase clothes from the Clubhouse charity shop. The Dolphin Youth Club has been focusing its efforts on a 'giving back' project to the community, learning about families and vulnerable people in our community. They have welcomed various charities to talk about the work that they do in the community. This Youth Club is now planning a community fundraiser to support charities. The Laguna Youth Club has been involved in team-building and offsite activities. This includes board paddling in Sandy Bay as well as Army outdoor activities. The Plater Youth Club has focused on projects that have centred on its immediate environment. This has developed their

understanding of green spaces, which led to the creation of their own urban garden where they built their own patio furniture. The Plater Youth Club also focused on giving its members learning opportunities and the ability to experience outdoor activities in Spain.

Apart from organising, preparing and delivering all the said programmes, the Youth Service is involved in other areas. It organises and delivers Understanding Youth Work training courses to potential volunteers, as well as first-aid refresher courses. It participates in many multi-agency forums, such as the Child Protection Committee. The Voice of Young People continue to meet with me and report on issues that affect their lives. Those discussions have included employment and mental health issues.

This year, the Youth Service has embarked on a new pilot project that specialises in providing engagement with young people under 25 who are currently in prison and at risk of reoffending on their release. The Youth Service will provide these young people with an opportunity to talk to full-time youth workers, who will offer an objective, positive role model and can provide them with a non-judgemental ear and offer support and guidance with their transition back into the community. I intend to follow this project closely, since I think it will go a long way in breaking the cycle of reoffending.

The Youth Service, as always, will continue to work with both comprehensives and the College to see how they assist in giving additional support with pupil's self-esteem, confidence building, communication skills and social development programmes. Working in groups, they try to identify issues which pupils are experiencing within the school environment. This includes exploring ways in which pupils can address and manage their anger, morals and emotions with a view to developing coping strategies.

Many people sometimes tend to undervalue the important work that the Youth Services does throughout the year. I would like to thank them for this work and for the positive impact they have had on so many of our youngsters.

I will now continue with my last but definitely not the least area of responsibility as Minister for Sport and Leisure. The House knows that in a sporting context, league seasons tend to overlap between financial years. The 2020-21 season for most sports was challenging, to say the least. Most competitions were disrupted at one point or another as a result of COVID-19. These were only completed, with very strict restrictions, when stringent protocols became the norm. It is because of this that I will take the opportunity to thank all the registered sports associations and their armies of volunteers who ploughed through these obstacles to keep their sports alive during that time.

Thankfully, the 2021-22 season that has recently come to its conclusion was held under near-normal conditions. Leagues and development programmes had to deal with few or no disruptions whatsoever. Unfortunately, the same cannot be said for international competitions away from Gibraltar. More critical COVID-19 scenarios in other countries resulted in many competitions being postponed or cancelled. Many associations also adopted an understandably cautious approach and decided not to travel. Those who have done so have received financial support under the Gibraltar Sports Advisory Council process.

Many sports development projects, including coach training and mentoring, were also supported. A total of £142,592.38 was allocated to international competition and sports development. This year, a marked increase in participation at international events is expected and Government will try to support this as best it can. Competing in these events is not only important as it provides exposure to a higher level of competition, but it also means that Gibraltar continues to stand on its own two feet as a full member or as an affiliate of 23 international governing bodies of sport.

Gibraltar's reputation as a top-class host has not been affected by the pandemic. Whilst many countries cancelled competitions, our response to COVID-19 meant that we were able to resume hosting such events sooner, rather than later. To this end, the first post-pandemic Europe Netball event was held locally during October 2021. The success of the competition opened the door for

others to follow suit, and this signalled a return to hosting. We continue to be the standard bearer for such initiatives.

Other events were also held locally. Whilst spectator numbers might have been low, it was felt that continuity was the key to maintain the momentum that had been created in terms of event-led tourism prior to the lockdowns. The main events this year have included chess, bowling, darts, pool, snooker, squash, cricket and netball. This financial year we are looking at cutting down on those events that have taken a toll on our finances. We are streamlining events so that our budget can stretch further and yet retain the same positive impact on events-led tourism. It is important to note at this point that these events equate to a total of just over 3,000 bed nights, meaning that there is a significant amount of economic activity that is generated as a result.

We have finally managed to host all these events with a marked reduction in disruption to our local sporting community. This would not have been possible without the investment made in new sports infrastructure over recent years. It is a pity that the Leader of the Opposition is not listening to this part when he said that the legacy of the three – (*Interjection*) No, there are hon. Members here who are not here, but I am directing it at him because he mentioned it before. The hon. Member, from a sedentary position, is saying that there are other Members missing; I am just saying that he is not here, and it is a pity that he is not here to listen because of the comments that he made. I must say that these new sporting facilities ... And he was completely wrong – and the Hon. Mr Reyes knows this as well – in saying that no sports are being played on these facilities. Many sports have been using these facilities. This would not have been possible without the investment made in new facilities infrastructure over recent years.

The use of the new facilities includes the sports halls at both secondary schools, which has not been mentioned either. It has meant that when either the Tercentenary Sports Hall or the Europa Sports Hall were used, all users were decanted to other facilities with minimal disruption to their programmes. In terms of the new facilities, the Europa Sports Park is in full use with the area a daily hive of activity. It has, for the first time, formed part of the community use scheme with badminton, rhythmic gymnastics and futsal, amongst others, benefitting from use of the hall. The Squash Association has had its first full season up at the new squash facility, with darts players from both the junior and senior categories competing in the aptly named George Federico Darts Hall. The indoor cricket nets have seen a resurgence of junior players with the facility serving as a springboard for Gibraltar cricket's first senior league in over four years. The Gibraltar Premier League, in its 20-overs format, comes on the back of the highly successful European Cricket Network T10 event held at Europa. Livestreaming figures peaked at 1.5 million during the week of the event, with a repeat event on a larger scale already planned for next season. The Gibraltar Rugby Football Union have also continued use of Europa with their local league and junior development programmes. They also host the now annual Royal Engineers visit, as well as several other tour groups. In the next few weeks we will have the management of this world-class venue complete. The Government envisages it will become a place where entities from abroad come to our shores to train and play with the ensuing benefit to our economy.

The Lathbury Sports Complex should be completed – I admit it has taken a long time – very early this summer. All the logistical issues with subcontractors have now been solved. Completion of the minor items that remain will allow many other members of Gibraltar's sporting fraternity to make use of these amazing facilities. Whilst the swimming pool is currently in its testing and commissioning phase, our swimmers have been able to continue training in the GSLA swimming pool complex. However, members of the Athletics Association have had their training and competitive seasons affected by what is now an old track at the Victoria Stadium. That track is now subject to extended periods of non-availability, as UEFA requirements when hosting matches mean that the Gibraltar Football Association have to render it out of bounds for longer periods. With all this in mind, I would like to go on record and thank the Gibraltar Amateur Athletics Association and all its members for their patience and understanding. They have conducted themselves admirably and have understood the issues to a very large degree. I share their frustration, but their attitude could have been very different and for that I am extremely grateful.

In relation to the Victoria Stadium, last February saw the complete handover of the area that was originally covered by a development licence over to the Gibraltar Football Association. The area that includes the main pitch, pitch 2, the running track and the Victoria sports hall now falls completely under the responsibility and management of the GFA, with GSLA staff no longer operationally involved. This move, which was inevitable in terms of moving forward, was not immune to delays incurred by COVID-19 and other matters but has provided both parties with the clarity that was required for a while now. The GSLA staff will move to manage the Lathbury Sports Complex as soon as this is completed. In fact, work has already started to make this transition as smooth as possible. However, until the national stadium is constructed, both the GFA and GSLA will continue to work together at various levels. I fully appreciate that the ambiguity caused by what was originally a short-term agreement has not been easy to manage on the ground, but I am very pleased to report that both parties have worked through the issues. I thank the GFA for their role, but I will take the liberty of placing on record my thanks also to the staff of the GSLA who have been receptive to all the changes that have come and are coming their way and approached these with a view to offering the best service possible.

On the subject of facilities, I remind the House that parks and playgrounds also fall under the remit of the GSLA. In the last financial year, we have been able to carry out a couple of major refurbishments. In addition to those, snagging issues were finally overcome at the new Laguna estate playground and this has been available to the general public for a while now. The crucial part of keeping these parks and playgrounds safe and in good running order is having a robust maintenance programme. In the last financial year, we spent a total of £116,487.84 on this. However, we have realised that the previous arrangements were found not to be adequate, with this leading to a review of the service. I am glad to report that, moving forward, the GSLA has engaged the services of GJBS, who now has a team fully dedicated to the maintenance and upkeep of the playgrounds. The increased monitoring of these amenities should result in savings in the long term. The improvements are already evident to see. These should become more noticeable as the months progress and as members of the public pack away their beach umbrellas and return to use these facilities.

The summer months used to be some of the quieter periods from a GSLA viewpoint. However, given that competitive sport has become a year-round reality, there is now no respite. The inclusion of the GSLA bathing pavilion and the Europa pool as amenities available to the general public has added to this. Last summer was extremely successful and the first since restrictions on gatherings had been lifted. The bathing pavilion and Europa pool returned to their pre-COVID-19 usage levels. The extensive use of both meant that maintenance was ramped up, but I am glad to report that there were no major issues. The overall cost of maintenance was as follows: the GSLA bathing pavilion £116,986.51, and the Europa pool £147,435.95. These figures account for chemicals, cleaning – including the services of divers – and other minor maintenance matters that are required before, during and after the summer season. Whilst the summer season lasts approximately 14 weeks, it is imperative to maintain these facilities all year round.

Mr Speaker, we cannot look back at any summer considering sport and leisure and not refer to the GSLA's Summer Sports and Stay and Play programmes. Whilst the Stay and Play programme was organised during the summer of 2020, the Summer Sports programme took an enforced hiatus. Thankfully, summer 2021 saw it return with a highly successful and well-attended eight weeks of activities. Absence makes the heart fonder and it was particularly warming to see our sports facilities buzzing every morning, ending with the now traditional water day, which is a fantastic end to the programme. Four hundred and thirty seven children, ranging from the ages of five to 13, registered and participated during the summer months. The importance of this cannot be underestimated, as unfortunately children are becoming increasingly sedentary and lured away from physical activity by electronic devices. The Summer Sports programme provides continuity of sorts whilst our registered sports associations and their volunteers take a well-deserved break.

Summer 2021 also saw an increase in the number of children registered and attending the Stay and Play programme. The programme, which deals with children with learning disabilities, catered for 35 children. The programme was, once again, a major success, offering an extremely varied range of sports and leisure activities at different venues around Gibraltar. This coming summer numbers are, once again, up with 43 registering already. All preparations have been done in order for this programme to commence on 11th and 13th July. Today, the leaders will be commencing their induction courses and I am happy to say that, this summer, the schemes will run for longer than ever, both ending on 25th and 26th August. As we all know, the value of having an induction course is that it will cover a whole range of items such as the delivery of generic and sport-specific sessions, leadership training and first aid, amongst others.

One very important aspect which has been introduced since we came into government is that of protecting our children. It is for this reason that all employees are required to undertake safeguarding training. They are also RGP vetted initially during the recruitment stage. This is in keeping with the requirements which are now imposed on any coach who is responsible for, or delivers sessions to children or young adults in any facilities managed directly or controlled by the GSLA. Since attendance at safeguarding workshops and adherence to relevant child protection protocols were changed from guidelines to registration criteria under the GSAC process, a total of 707 coaches have now undergone such training. Two hundred and thirty one of these became qualified during the last financial year. The numbers would have been much higher had the enforcement of COVID-19 restrictions not hindered the delivery of the sessions. However, the time was used profitably by the GSLA team, who have now developed protocols to not only be able to deal with the constant flow of new coaches but also address those requiring refreshers. Whilst updates are required bi-annually, an online refresher course will now be available so that face-to-face workshops are only required every four years. This will streamline the process for the volunteers involved and make it less onerous on staff, who will be able to deal with a greater number of new volunteers.

Mr Speaker, safeguarding has taken on a new level of importance in recent years, and rightly so. During the last financial year, the GSLA became a signatory to the Multi-Agency Public Protection Arrangements (MAPPA) process. This allows the GSLA to have access to confidential information, if and when required, in order to safeguard individuals who are using facilities under their management. Staff awareness training has been delivered given the importance of the role that each individual member of staff plays in ensuring that users are provided with a safe environment. GSLA facilities are, I dare say, the most utilised public facilities after our schools and health services, so it is imperative that all possible steps are taken to ensure the safety of all concerned, including staff.

Mr Speaker, I now move on to my part as Minister for Leisure and I will talk about the King's Bastion Leisure Centre. The King's Bastion Leisure Centre gradually got back on track after the lockdown with its doors opening for the new Rock Boulder Park on 1st July 2021. This replaced the ice-skating rink, which was very expensive to manage because of the high electricity costs and which had to be discontinued as the coolant gas to run it was no longer being produced. This facility boasts top specifications and will, no doubt, attract many more users to the Centre – that is the Rock Boulder Park. The cost of converting the ice rink to the boulder park was recovered from the savings on electricity, which meant that the Government did not have to provide any funds for this project. Other innovations included the purchase of 10 new training machines for the fitness gym to replace some of the old equipment which became worn out, and the addition of three of the latest game machines for the amusement arcade. LMS also invested in the purchase of the Santa's Sleigh Ride experience and a wall-mounted trio of singing reindeer, which were the star attraction at Santa's Grotto during the month of December. The ride will continue to be used as a jungle adventure throughout the year and as a Halloween special in October. Revenue since the start of 2022 is now on par with what it was in the first quarter of 2020, prior to the pandemic. It is expected that with the creation of new income streams from the Boulder Park and the Cannonball Store, which opened in July 2020, plus the other attractions, the total revenue for the

year will most likely be the highest to date since the centre opened. This will greatly assist in reducing the ongoing cost of running the facilities. The plans for the year ahead include the expansion of the Cannonball Store to cater for increased demands, including the sale of comics, and the purchase of at least six arcade machines aimed at toddlers and small children.

The King's Bastion Leisure Centre is always exploring ways of generating revenue and they are currently looking at some more new games and rides that will give children many enjoyable experiences. I must congratulate the management of the King's Bastion Leisure Centre for having great vision in not only finding ways of making the centre attractive to our young people but also for looking all the time at ways of making the Centre economically viable. The House should not forget the disaster area that the King's Bastion Leisure Centre was in 2011 and the economic black hole it represented. Just as a reminder, the King's Bastion Leisure Centre used to cost £2.6 million in expenditure whilst only bringing in approximately £50,000 in revenue. Now, the cost has been reduced to £1.4 million and it is reaching new heights of approximately £600,000 in revenue during COVID, but before that it was averaging £800,000.

Mr Speaker, in conclusion I would like to take this opportunity to thank all the staff who work under the different portfolios which I am responsible for. I would like to thank you and your staff here in Parliament for the help and assistance given to fulfil my parliamentary obligations.

I could not end my Budget speech without specifically mentioning my staff at the Ministry. Without them, I could not run the sometimes complex and difficult portfolios that I lead on and those that I have been honoured to hold in the past. They are the ones who guide me daily in all that I do and are also there whatever time of day. I am forever grateful, so a wholehearted thank you goes to them all.

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

Mr Speaker: The Hon. Edwin Reyes.

Hon. E J Reyes: Mr Speaker, the coming months of July and August will see, as every year, a change in daily routines for most families in Gibraltar. These two summer months are a longish period of time when children are not in schools, and therefore families make different plans, each catering for their own individual circumstances.

The Budget this year caters for a substantial expenditure of almost £63 million in respect of education-related expenses. This is made up of over £39 million in respect of payroll expenditure alone, and the remainder comes under the heading of other charges. The expenses on the payroll subheads estimated for 2022-23 actually have a predicted small saving when compared with the forecast outturn for 2021-22. The good news that as from September the number of teachers employed on a substantive basis will increase is welcome indeed, but subsequently the provision for temporary cover, from where supply teachers are normally paid, has been proportionally reduced.

Despite these justified adjusted estimated expenditures for 2022-23, I cannot understand how the Education Department estimates that only £1,000 will be required for maternity/paternity leave. We have a relatively high number of young teachers who are still within the child bearing ages, so I wonder what realistically the actual expenditure will be once the financial year 2022-23 is over. Likewise, temporary cover is also reduced to £1,000 despite the logical reality that the more teachers you have employed the higher the expenses for temporary cover will probably be, because these teachers need to stay home when contracting seasonal influenza or similar illnesses. Because of their close contact in classrooms with pupils, mostly in enclosed areas, it would be highly irresponsible for teachers to attend their respective workplaces if and when they unfortunately contract some virus or another.

There is a subhead provision in the Estimates, Head 16, subhead 2(34) which provides £8,000 for compulsory professional supervision. I believe the Minister for Education has not expanded upon this provision and I would therefore be grateful for an explanation in respect of what compulsory professional supervision is. Likewise, the provision of £78,000 catered for in

subhead 2(35) under 'Cyclical Maintenance – Primary Schools' seems, to me, to be a new item of expenditure and any light shone upon this would also be appreciated.

There is a huge increase of almost £400,000 in respect of facilities management, and I suppose this will be geared towards expenses in connection with improvement works within our school buildings. Again, further information would also be welcome, but improvements and repairs of facilities are mainly carried out during the eight weeks or so that schools are closed for pupils during the summer holiday break. I have heard from teachers that there is a certain discontent in respect of provisions and facilities made in some of our new schools. There is a difference between what contracted architects design, influenced by what they feel would look nice and pleasing to the eye in the new schools, and the reality of what teachers would really like as the most practical things for them in the delivery of their day-to-day lessons. I therefore urge that new-builds and improvement works in schools are planned and executed in close consultation with classroom teachers, who, after all, are the professionals entrusted with providing the best education possible for our pupils.

Details provided through the Estimates Book show an increase in the teacher complement from 370 to 471, therefore I make it 101 more teachers to be employed on a substantive basis. The Minister, in his speech, referred to an extra 97 teachers, so although it is a small discrepancy of only four teachers, perhaps these figures need to be checked out, in case we can actually employ four extra.

Welcome as the increase in teachers is, we are left now with the problem of around 90 to 100 teachers who, in the past, have been employed on supply contracts and are now left, technically, unemployed. These unfortunate – and I am told there are 94 – supply teachers have had employment opportunities in the past, for up to six years in some cases, but now they face an insecure future in respect of their employment opportunities and teaching careers. Concerns have been expressed by these teachers that there does not seem to be a clear criterion of how those lucky enough to now enjoy substantive contracts have been selected. Teachers who were unsuccessful in the recent selection process are disappointed at the lack of feedback as to why they did not get the teaching job they applied for. May I respectfully and strongly recommend that feedback is always offered to those who are unsuccessful in their applications, so that, in turn, they may improve their employment prospects and become better professionals?

During the second and third weeks in August we traditionally suffer a few days of nervousness and anxiety. This is because this is the time of year when our students officially receive their long-awaited A-Level and GCSE results. We all know from past experiences that examination results will have a great influence a youngster's future. I sincerely hope that this year's public examination results will see repetitions of past successes for all candidates. I equally hope that students will be wise in choosing their career paths for the future.

The Department of Education is strongly urged to develop a well-structured careers advice programme within our secondary schools system. As a teacher, I cannot recommend enough the value of pursuing higher education studies, possibly leading towards a degree, in an area where our students have the academic ability to achieve this. However, a strong influencing factor as to what subject areas should be followed at university should be encouraged by what our community's future professional skills requirements will be. There are already some professions which are well oversubscribed, whilst on the other hand there seems to be a continued need to import professional labour in other areas. Would it not be great if all Ministries provided the Education Authority with feedback as to their vision of Gibraltar's future professional skills needs? If this were to happen, then our students, who are Gibraltar's future workforce, would certainly be the winners.

Although we rightly invest heavily in scholarships, to the tune of some £17 million for this coming year, we owe a strong commitment to our pupils who are not necessarily of higher education calibre. There are provisions to invest £130,000 towards vocational courses – but, I ask, what qualifications do these vocational courses actually offer? Is there any provision for vocational

courses for those who are post compulsory school age who may be better suited to pursue this path?

A deep study should be undertaken in respect of courses offered and qualifications to be obtained through our training centres. There is a lot of construction taking place in Gibraltar, but is the labour market in this area employing from the local workforce? With an ever-increasing number of homes in Gibraltar, both within the public and private sectors, do we have adequately qualified craftsmen to ensure the best possible maintenance service is available for these homes from our local workforce? The Government's housing stock needs to be adequately maintained to ensure tenants enjoy homes of an acceptable standard. However, Government has an ever-decreasing workforce in respect of home maintenance teams at the Housing Works Agency. What, then, is the future for housing maintenance? The expenditure head at Appendix D, Housing Works Agency, subhead 26 actually has a decrease when compared with the 2021-22 estimate and forecast outturn. I have to ask: how can this be so, if our housing buildings are getting older and therefore might require higher maintenance? Would it not be a more efficient service if our own Housing Works Agency had an adequate team of suitably trained craftsmen to undertake maintenance tasks of our housing stock? Would this not be a sensible way to provide stable employment for our youngsters who have not undertaken degree courses but have attained qualified craftsman status at NVQ Level 2 and some even at Level 3, each of them specialising in different disciplines?

What I am saying is that in the same way we rejoice about the successes of our university students, are we not equally bound to invest in and subsequently eventually rejoice about the successes which are achievable by those who choose not to go to university? We must not forget the ultimate aim of providing education for our future generations. It is our duty to ensure all pupils always achieve their maximum potential. The school leaving age in the United Kingdom, upon which we also base our educational models, is set at 16, but it is set at age 16 if students embark upon an apprenticeship or training type of employment until at least attaining the age of 18. I believe it is high time we reviewed our own local school leaving age. For a pupil to leave schooling in Gibraltar at age 15 and not embark or have opportunities to embark upon an approved training programme is certainly not an investment in respect of the future employability prospects of that youngster. We are now in the third decade of the 21st century and decisive action is, therefore, long overdue.

Whilst desiring only all the very best in respect of whatever educational reforms may be introduced over the next few years, I cannot stress enough that the views of the professionals in this field must be heard and acted upon. There is no better formula for success than to cultivate a sense of ownership amongst all professionals tasked with the education of our children. Furthermore, the GSD believes that schoolteachers are a priority that is both needed and from which society will receive huge benefits. The job that they do benefits everyone. Teachers are not a group who are prone to industrial action or making a fuss. However, they are an essential and key contributory factor towards the success of our future adults and their aspirations in the adult world. To all those teachers who go the extra mile, I thank you on behalf of parents for assisting and, thus, enabling our youngsters to attain even greater successes than past generations have done.

Touching upon sports-related matters, Mr Speaker, the new facilities at Lathbury Barracks and Europa which were constructed in connection with the 2019 Island Games should have been completed three years ago now. Besides the need to meet the Games' requirements themselves, they are meant to enable Gibraltarian sports participants to continue to produce as best results as possible with an increase of facilities which develops their wide-ranging sporting talents and abilities. We have heard in this House a range of excuses as to why our new facilities are still not fully completed. The latest update in respect of the delays is that their completion is now imminent. Well, I sincerely hope so because it is embarrassing to be without facilities for so long despite this project being hailed as a sporting showcase of facilities. It is totally unacceptable that whilst the President of the Gibraltar Amateur Athletics Association holds the prestigious office of

President of the Athletics Association of Small States, he cannot go to meetings and boast about Gibraltar having any suitable venues across any of the wide range of track and/or field events in this traditional sport. This sporting example in respect of athletics is but only one, because it applies, unfortunately, to many other sports. The lack of approved sporting facilities has resulted in many associations not being able to take full advantage of recruiting new youngsters into their sports. It would have been an opportune moment for many local associations to welcome new participants – who were, at the time of the Island Games, enthusiastic to participate in certain sports thanks to the successes they witnessed from local athletes.

In the past we have quite often obtained results in numerous sporting disciplines which make our neighbours and sporting opponents in official competitions envious of our rather good and consistent performances. I sincerely hope that the new sports facilities, when eventually completed, will meet local requirements not only for today's needs but for generations to come. I am sure I speak for the whole House as we offer our collective best wishes to all forthcoming participants who, through their committed efforts, will hopefully, yet again, make Gibraltar proud of our sporting achievements in the season which is about to commence and those who, in just a few weeks' time, will be able to represent us at the forthcoming Commonwealth Games. May the best of Gibraltarian luck accompany all our representatives and may they, through their sporting efforts, prove their best results in the challenges that lie ahead.

Mr Speaker, once again, this year I wish to reaffirm my personal conviction that, through the collective celebration of social events, participating Gibraltarians contribute to reinforcing our identity, culture and history as a people and a community. Both the performing and fine arts fraternities have always proved themselves to be very proactive within their own specialised areas, and I take this opportunity to congratulate all the groups and individuals who have done Gibraltar extremely proud through their international participations and, in many cases, gaining awards. It is always a personal and collective pleasure to be able to say how proud we are of the international achievements of our fellow Gibraltarians.

This year's Estimates show a token provision of £1,000 under the Improvement and Development Fund expenditure set aside under Head 102 Other Projects, subhead 4 I (India) entitled 'Theatre'. Through public announcements a new project will be embarked upon which will see an enlarged theatre created within the John Mackintosh Hall complex. This theatre will be built with funds provided for by public subscriptions, and therefore it does not say much for Government's personal commitment to see through their original plans pertaining to theatrical facilities which they pledged were going to be provided and with the old Queen's Cinema site having been publicly announced as the preferred location. The new theatre will replace the existing John Mackintosh Hall facility, which currently has a little over 200-250 seating capacity and which is always in great demand for use by local schools and dance groups for their productions. It now leaves the question of where traditional users of the existing hall will be able to stage their shows during the works period. With the programmed refurbishment of the John Mackintosh Hall facilities we are actually not providing much-needed additional facilities; it boils down to an exchange of a small facility for a much larger one, which will not necessarily cater for our ever-increasing demands for theatre use. The new, larger theatre might be good news for some but it has also resulted in sad news for others, like local educational schools and dance groups for whom the size and seating capacity was just right. I wish the traditional users of the hereto existing Mackintosh Hall the best of luck in finding alternative venues which cater for their specific needs whilst we go through the transition period.

Government has, indeed, been very lucky in securing an extremely generous donation of £1.5 million towards making the new Mackintosh Hall theatre a reality. Given the ever-increasing cost of living, which seems to surpass any increase in income for the average working person, I feel that finding the additional funds for a new theatre from public contributions will be tough to achieve. I sincerely hope that our economy is handled prudently by this Government during the remaining tenure of their mandate, so that in the not-too-distant future the new theatre will actually see the light of day. Our local performers, entertainers and audiences are entitled to ask

for a theatre which is fit for purpose and available throughout the year without them having to exclusively raise the funds themselves.

Mr Speaker, I was first elected into this House in 2007, thus I have now tried to serve our electorate for 15 years. This House will soon enter into the final year of its mandate and, given that we live in a free and democratic country, nobody knows for sure what the future holds. Therefore, before I sit down, I must take this opportunity to once again thank you and all your staff at Parliament for the patient and professional manner in which you have all, both collectively and individually, dealt with us Members. I know that you personally have always strived to lead by example when dealing with Members on both sides of the House. I would like to assure you that you can give yourself full credit for the guidance and advice you have, so far, offered to our current Clerk at the table. I had the privilege of forming part of the Gibraltar Parliament delegation that attended the Regional Commonwealth Parliamentary Association meeting hosted by the Isle of Man in March this year, and I am certain the other Gibraltar delegates will also attest that our Parliament's Clerk proved to be equally as efficient as you personally proved yourself to be many years ago when I headed the Gibraltar delegation at the CPA regional meeting, also held in the Isle of Man. With these words, Mr Speaker, I wish you and all your members of staff at Parliament an enjoyable forthcoming summer recess. *(Banging on desks)*

Adjournment

Hon. Chief Minister: Mr Speaker, on that convivial note – and, in respect of the comments relating to the Clerk and yourself, I am sure with the support of the whole House – I invite that we now adjourn to tomorrow at 10 a.m.

2135 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Wednesday, 29th June at 10 a.m.

I now put the question, which is that this House do now adjourn to Wednesday, 29th June at 10 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Wednesday, 29th June at 10 a.m.

The House adjourned at 7.40 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 12.24 p.m.

Gibraltar, Wednesday, 29th June 2022

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The Gibraltar Parliament

The Parliament met at 10.00 a.m.

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

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

Appropriation Bill 2022 – Second Reading – Debate continued

Clerk: Meeting of Parliament – Wednesday, 29th June 2022.
We continue with the Appropriation Bill 2022.

5 **Mr Speaker:** The Hon. Albert Isola.

Hon. A J Isola: Mr Speaker, I would like to start by making a point of clarification in respect of one of the matters the Chief Minister detailed yesterday in respect of the COVID recovery charge. We have had representations overnight from the industry and we have agreed to engage with them on how we can address the COVID recovery charge in a way that does not harm their businesses. As Members of Parliament will know, this is a sector that supported us during COVID, took no money from us during COVID and worked with us during COVID to deliver business as usual, and for that we have expressed our thanks and appreciation over the past years. In the circumstances, what we are considering is limiting the charge to those companies that are actively trading in Gibraltar, but we will have the discussion with them. Members opposite should be aware that we will have those engagements with them to ensure that we are able to preserve what is an important part of our financial services sector and one that I look forward to engaging with, as we always have done, in talking through all the issues with them. They have always been supportive, not just in respect of the COVID period but in respect of all the directives that we had to implement whilst in the European Union. They have always been very responsive and helpful, and I look forward to continuing, with the Chief Minister, those discussions in the coming days.

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Mr Speaker, anybody listening to the intervention from Members opposite would believe that Brexit and COVID were two things that we had made up and that, in fact, they had had no impact on our economy and the numbers should be looked at in the cold light of day as if those events had never happened. These are not excuses, these are unprecedented events that have impacted the entire planet, and so for Members to come to this Parliament and tell us, ‘Your spending in the GHA last year was over budget’ ... Oh, my God! If there was one year when that should be looked at kindly by this House, it should be during the COVID pandemic because that is exactly what has happened to every single country on this planet. And so I would ask Members to think carefully about the responses they make, because although, yes, this is a political Chamber and, yes, we are all in politics, it has to come with some responsibility and I do not feel that to brush aside COVID, to brush aside Brexit – which, six years on, we are still working on – is realistic or responsible.

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Every single country is suffering from debt. The consequences of that debt and the monetary measures implemented to deal with that debt now give us inflation and the war in Ukraine. The world is upside down. In most countries around the world, unemployment is a problem. In other parts of the world, there is a problem with not having enough people to put into employment. In

Gibraltar, I think the Chief Minister told us yesterday, we have a level of unemployment of 35. That is remarkable: after COVID, after Brexit, 35 unemployed. So I think putting things in context is what this House should do when we talk to our people in what is, in effect, the one time in the year ... the State of the Union message. The Opposition would have you believe that Gibraltar is the only country that has been impacted negatively by COVID, we are the only country that has debt, we are the only country that has to take these draconian measures, which neither this Government nor especially the Chief Minister wanted to take. But being in government is about making tough decisions, ones that are going to be unpopular, and the sign of a good leader is one who does not shirk away from that responsibility. You take them because you have to.

Why would the Opposition have us believe that we are the only country in the world that has these issues because of COVID? Politics? Convenience? No, because last year the Opposition said specifically, in relation to the issue of COVID ... I will quote, from *Hansard*, the Hon. Roy Clinton, who, at the beginning of his intervention in respect of the Budget last year, said:

In hindsight I do not think this Parliament could or should have done anything materially different in the way the crisis was tackled from a financial standpoint. I welcome the way the COVID-19 Response Fund was created and indeed is properly reflected in the Estimates Book 2021/2022 and I wish to personally thank the Chief Minister and the Financial Secretary for listening to us and taking on board some of our suggestions as to how the COVID-19 Response Fund should be published on a quarterly basis and accounted for in the Estimates Book.

The hon. Member quite rightly acknowledge the work that had taken place between the Opposition and the Government in how we placed the response to COVID in the Estimates Book, but listening to the Leader of the Opposition yesterday, that did not seem to matter. It was just dropped in to the numbers as if COVID and the COVID Response Fund were not relevant. Surely the hon. Members are not suggesting to the people of Gibraltar that the last 12 months is where the problem has arisen – surely not, especially, since they themselves have accepted repeatedly ... In fact, the Hon. the Chief Minister quoted the words of my hon. Friend Mr Feetham that the problem has arisen since COVID. It does not take an economist and it does not take a banker – even a simple lawyer like me can understand that when your revenue is down taxes are down, Import Duty is down, business is down, productivity is down and your spending is up: more in the Health Service, furlough schemes, BEAT schemes. Paying almost the entire private sector salaries when they were not producing is going to have a pretty significant impact on your numbers. This has happened everywhere, not just Gibraltar, so let's deal with it and let's accept it, and let's not try to throw all these numbers into the air and hope they land in a position where you can say, 'It's their fault.' No, it is nobody's fault and we are all trying to fix it.

Let's just say that the Members opposite are right and let's just say that we are in financial ruin – we have problems, yes, but let's just say that we were in financial ruin. If we were, I would expect the Opposition to be the first people, if that is what they believe, to come to this Parliament and vote in favour of any measures that increase revenue. Surely you should be supporting any measure that increases money, because we are in financial ruin – but no, the Leader of the Opposition yesterday complained of the increase in the prescription charge from £2.50 to £5. For goodness' sake, it is £9.60 in the United Kingdom! It has not been touched in years – £2.50 to £5; we are in financial ruin but he complains. It is not credible. It is just not credible. He says we have no plan, we have no direction, we have no policy, that Mr Picardo has slipped his hands into their pockets. Ah, he has just joined us. (*Interjection*) Surely, if we were in the crisis that they described, they would welcome that we actually raise revenue, raise income and begin to deal with the problem that they believe we have. But no, they do not support that, which to me brings into question the veracity of the message they are delivering, which is that we are in financial difficulty. Yes, we are in debt, yes we need to raise money, yes we need to repay the COVID moneys; we know that. We have been telling the people of Gibraltar repeatedly that this was the position that we would end up in. It is predicted.

The Hon. the Leader of the Opposition then goes on to chastise us for what he calls our Brexit plan or lack of plan, and he refers to the 1,000-page treaty that the UK has – nothing in Gibraltar.

Well, my gosh! (*Interjection*) He said ‘a 1,000-page treaty for the UK, nothing for Gibraltar’. I wrote it down. (*Interjection*) ‘We have missed the boat’, ‘We have missed the boat’. What boat have we missed? The boat I want to be in is one that gives Gibraltar access to the UK financial services market, to the UK gambling market, where all our jobs are, and gives us mobility across the Frontier, which is the treaty that we are working to deliver – the best of both worlds. We have not missed any boat. We have made a boat for ourselves which is far better than the one that is contained in the 1,000-page treaty that the hon. Member refers to.

Mr Speaker, who remembers what the GSD policy was on Brexit? I do not think anybody does, because they have not got one. Who remembers what the GSD policy was on the treaty? I do not remember and nobody else will, because they have not got one.

95 **Chief Minister (Hon. F R Picardo):** Their policy is that they will have a policy.

Hon. A J Isola: They will come up with something at the appropriate time. God help us, because they are against the Tax Treaty, they are against a treaty with Spain, they are against the Brexit deal, they are against everything. But what the heck do they believe in? What do they propose as a solution for the people of Gibraltar? Nothing. They come here with nothing. This is an Opposition that has two primary roles: checks and balances, and an alternative to Government. The role of any opposition anywhere in the world is to provide a credible alternative to government. Where are their ideas? Where is their thinking? What do they propose? Who knows? I certainly do not and I do not think they know, themselves. (*Interjection by Hon. Chief Minister*)

105 He talks about the blue card holders’ difficulties crossing the Frontier. It is a testament to the negotiating ability of this Government and this Chief Minister and Deputy Chief Minister that Gibraltarians are the only British nationals who can cross into Schengen without having their passports stamped. Or hasn’t he noticed? But no, they focus on the blue card holders. Well, let’s get real: when the blue card holder lands in Malaga, or anywhere else in the European Union, it is exactly the same, and what this Government is working towards is delivering a treaty on mobility that will benefit the whole of Gibraltar, those who live here, those who reside here and those who work here. That is what the business industry is calling for. That is what the entire business community needs – mobility – because without it they cannot survive. I am staggered that the Hon. the Leader of the Opposition comes and tells this House that we have missed the boat. I wonder if he has read this fabulous 1,000-page treaty that the UK had with the EU. I have yet to come across a non-Cabinet politician who describes it as a good deal for the United Kingdom, yet the hon. Member suggests that we should have been a part of that deal. I, for one, am absolutely thrilled and delighted, and I know that the entire business community is also, that we are working on a mobility deal, that we have access to UK financial services and that we have access to the UK online gaming market, because that is what delivers business to Gibraltar and employment for Gibraltar. The UK treaty that the hon. Member says we missed the boat on does not give you access to the single market, does not give you any movement at all that we will have and does not give you movement of goods either. Our deal, when it is delivered by the Chief Minister – I am confident that he will – does exactly that. So, before we criticise and before we say no to anything and everything, I believe we have to accept the quite incredible progress we have made and the time period we have been able to do it.

120 He says that Brexit was x years ago. Again, does he not wake up in the morning and realise we have been through COVID? Two years of the entire system shut down? I just cannot understand how Members opposite are able to come to this House and describe things in the way they do, as if we were living on a different planet. We live in reality, we take the difficult decisions that we have to in this reality and we will come out of this at the other end in a much stronger position than we have gone in.

135 Mr Speaker, as I mentioned before, in my view the Opposition should support the revenue-raising measures if they honestly believe that we are in the position they tell us we are in. The truth of the matter is that whatever we do on this side of the House, whether we increase taxes

massively or whether we abolish taxes altogether, they are still going to vote against this Bill. That is incredible. That is incredible. We know before we start that they have all prepared speeches which say no before even listening to us, before even understanding the rationale or the reasoning. This is meant to be a debating Chamber – not come with your prepared text and
140 ‘Whatever the Chief Minister says, whatever announcements he makes, I am going to make the same speech’.

The decision to vote against the Appropriation Bill started in 2017 and I believe the Hon. Mr Clinton persuaded the Hon. then Leader, Mr Feetham, that they should vote against – a political stunt (*Interjection*) by which they are now hoisted by their own petard and have to follow every
145 year in order not to make that initial decision look as stupid as it was.

Hon. Chief Minister: And you are easily persuaded by anyone who suggests you might become a little bit more popular as a result, and obviously – (*Interjections*)

150 **Mr Speaker:** Let’s all pipe down and just listen to the speech.

Hon. A J Isola: Mr Speaker, why have they voted against the Budget? Well, again I go to *Hansard* because it is always quite a useful tool to understand why things happen, and I quote again from my friend Mr Clinton’s intervention last year:

We still have no visibility of the state of Government-owned companies, indirect debt is not recognised, we now have three years’ Supplementary Appropriation Bills outstanding, we have no proper Finance Bill – more of which I will say later, and the last report of the Principal Auditor was for financial year 2015-16. We have no Public Accounts Committee and the cumulative result is that this Parliament cannot exercise any effective financial scrutiny over the executive or the Government, and so I still cannot support a half-view Budget and will not vote for it, no matter what screams – and no doubt there will be screams – of the need for solidarity, the new word that we hear again and again, that will come from the Government benches.

155 The reason he votes against the Appropriation Bill is because the system of parliament that we have had since the year dot ... I go back to 1990-96 when the hon. Members were in power: they did exactly the same thing. We tell them every year; they do not listen. Every single year we demonstrate, and the Chief Minister took hours last year explaining to them why it was the same, but for no reason because they are saying the same message that they come with, with their
160 prepared text, before they come to this House. Since the year dot, this Appropriation Bill has been prepared. The Estimates Book has been prepared today with much more clarity, with much more information than ever before, but it is not enough, and because of that they are voting against: ‘No matter whether you abolish taxes or triple taxes, our position is going to be the same – we don’t like it, so we don’t want to play.’ I consider that to be irresponsible, Mr Speaker. Oppositions
165 from time immemorial have made their points about the Budget but supported it because of the impact of the Budget. (**A Member:** Why?) Why? Very simple: because we used to have sensible people in the Opposition and we don’t anymore. (*Laughter*)

Mr Speaker, last years was the Budget of beg, borrow or scrape. Well, I am delighted to tell the Hon. Mr Clinton that this year we have continued to beg, borrow and scrape, which will result in
170 significant savings to the taxpayer, including, as the Chief Minister mentioned yesterday, the undoing of that wonderful financing deal that the Members opposite entered into all those years ago in respect of the Hospital: £3 million of savings to the taxpayer. So the scraping is working and we continue to try to scrape as much as we possibly can.

The interesting thing again, going back to the principle that if things are as bad as they say they are, how should we be acting, I am going to point again to *Hansard* and again from my hon. Friend
175 Mr Clinton’s intervention last year, and I do so in the belief and on the basis that his intervention this year will be similar to what it was last year, because that is what it has always been since we started – (*Interjection*) Yes, consistent, indeed, unfortunately; we were hoping for change.

I was delighted to read the Government's press release on 22nd June this year announcing plans for the building of a National Theatre.

Again, Mr Speaker, I pause to remind people that this is against a financial crisis.

180 The performing arts, compared to sports, have long been overlooked by this Government despite its repeated manifesto promises. This delight was short lived because I then found out that the cost of this theatre was to be met by begging from the general public and generous private donors.

185 I will just pause there for a minute. I want to thank those sponsors, some of whom have been announced recently, who are supporting the endeavour – which delights the Hon. Mr Clinton – in delivering the National Theatre, and we *will* get there. We will get there because the community of Gibraltar supports good projects, but when we are in financial crisis, when we are with our backs against the wall, as Mr Clinton says we are, how could his delight be short lived when he realised that the Government is not going to pay for it? Surely, if the Government has no money, how could he possibly want us to spend money on a National Theatre? I just do not understand it. He goes on:

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Yes, Mr Speaker, begging. To announce the creation of a foundation to spearhead the fundraising campaign as some great event was truly Orwellian given the way this Government has spent on previous capital projects with no regard to affordability or balance.

195 I walked here, this morning, through the quite beautiful Commonwealth Park. The money that we spent we spent on things like the Commonwealth Park, our schools and our sports facilities. We have invested money which will be here forever for the people of Gibraltar and the community that lives here to enjoy. That is good investment, not spending like they would have done in digging a hole in the Theatre Royal or lending money to OEM to lose on houses that were never built. The contrast between telling Gibraltar that we are at death's door and then telling us that we should be spending more money on things like the National Theatre – which we do not believe we should, at this moment in time, do, and that is exactly what we are not doing, which is, I believe, prudent, responsible and appropriate ... The hon. Member goes on:

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It is worth quoting directly from the glossy project plan – a very nice, glossy prospectus which the Government has produced, no doubt to send to all those donors who will dish out the millions to produce the project that they said they were going to do. It is really quite remarkable.

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210 Well, it is not remarkable. If the hon. Member wants a National Theatre, he should not want the taxpayer to have to pay for it if others are willing to stomp up their hard-earned, taxed income to support Gibraltar in more of its projects, like they did with Campion Gardens. That should be welcomed. Surely the hon. shadow Member for Economy would welcome that, not be upset and angry and call it begging. I find it really quite remarkable.

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Mr Speaker, we increased electricity by 8%: that is 'terrible'. Does the hon. Member not realise the extent of the subvention that Government makes on electricity? What we are doing is continuing to subsidise electricity but less so, in the hope that we will catch up. The hon. Member opposite and his party, when in government, had a plan – or has he forgotten? – to increase electricity by 5% every year. In a time of what they call crisis we increase it by 8% and he says it is terrible. Flipping heck! What are we meant to do? Five per cent per year for 20 years, I think it was.

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Hon. Chief Minister: Yes. It would have been about 50% already.

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Hon. A J Isola: Mr Speaker, we have raised it by 8% and it is terrible. What would he have said to the people if he had been in government for five or six years and he had raised it by 30%? He

was going to do that and he committed to it whilst in government, and now he tells the people of Gibraltar that 8% is terrible. Come on!

225 What does it take to get the hon. Members to support an Appropriation Bill, which would pay the salaries of our frontline workers, our police and our firemen? It seems nothing. It seems that it is simply not possible. As a matter of political opportunism they will continue to vote no to the Budget whatever we do. I think it is unfortunate and it is sad, and I know that the people of Gibraltar will take that deeply into consideration when they listen to the presentations before this House.

230 Mr Speaker, in dealing with the first of the responsibilities that I have I would like to start by saying some words on the recent decision of the Financial Action Task Force (FATF) in respect of Moneyval. I have to thank the Hon. Mr Clinton for his responsible approach in dealing with this, unlike the spokesman for Together Gibraltar, who seems to think that I have the power to force the Police to arrest and confiscate and who seems to think I have the power to force our regulators to make fines and carry out regulatory sanctions at my whim. I suggest he reads up a little more before he ventures on to the television. But that contracts significantly with the position adopted by my friend Mr Clinton and I would start off, before I go through the statement, by saying that I would be very happy to engage with the hon. Member behind the Speaker's Chair and have 235 briefing sessions with him so that I can fill in some of the detail. Obviously we have been through a very (*Interjection*) confidential process, much of which we are not able to discuss, but I would be happy to give him a more detailed background in person as and when he pleases. So my thanks to him for that.

240 Moneyval is a permanent body of the Council of Europe entrusted with the task of assessing compliance with the principal international standards to counter money laundering and the financing of terrorism and the effectiveness of their implementation, as well as with the task of making recommendations to national authorities in respect of necessary improvements to their own systems. Moneyval's role is as one of the eight FATF-style regional bodies (FSRBs) and, as such, is autonomous and independent from the FATF but closely co-operates with it, as well as 245 with other FSRBs. The FATF is the global money laundering and terrorist financing watchdog. It has developed the recommendations which ensure a co-ordinated global response to prevent organised crime, corruption and terrorism. The FATF also monitors countries to ensure they implement the standards fully and effectively.

250 In 2015 the Council of Europe adopted a resolution which allowed Gibraltar to be evaluated by Moneyval for the first time. In April 2019, the first Mutual Evaluation Report (MER) process on Gibraltar commenced when an evaluation team of the Moneyval Secretariat and peer jurisdiction assessors came to Gibraltar and drafted a report. The MER was considered at the December 2019 plenary of Moneyval and subsequently published. The MER consists of two parts: the technical compliance against the 40 FATF recommendations and the effectiveness compliance. The 255 technical compliance element of the MER consists of ensuring that legislation, policies and procedures exist in a jurisdiction that would enable the application of preventative measures. The effectiveness compliance evaluation focuses on the attainment of the 11 so-called immediate outcomes. All MERs carried out on all jurisdictions are conducted using the same methodology of the FATF. All these recommendations that are marked as partially or non-compliant have to be 260 addressed by the jurisdiction in time for its first follow-up report. Note that this is only in respect of technical compliance issues.

265 The submission of evidence for the follow-up report was made by Gibraltar in time for the December 2021 plenary and the follow-up report was published in November 2021. In order to achieve the results that Gibraltar did, a substantial number of legislative changes were made, and this follow-up demonstrated a very material improvement in the technical compliance of our 270 jurisdiction. The hon. Members will be aware, because they have supported all of those measures that we have implemented in order to make Gibraltar technically compliant with the FATF requirements, and for that I am grateful. I should also say that our score on the technical compliance at the end of last year was almost 100%; it was extraordinarily good.

275 A subsequent review on effectiveness was not strictly necessary if the measure of broad money
in Gibraltar did not exceed the threshold of €5 billion. In late 2021, Gibraltar surpassed, after
COVID, the €5 billion mark and was, naturally, obliged to inform Moneyval of this, and we did. This
then led to a full review of Gibraltar's effectiveness in practice, with 10 of the 11 immediate
280 outcomes being assessed. The FATF's International Co-operation Review Group (ICRG) oversees
this process. The ICRG process submits a jurisdiction to scrutiny on how, since the MER was
published, it has made positive and tangible progress in attaining the recommended actions on
effectiveness. In May 2022, Gibraltar submitted its report on the progress made against all of the
recommended actions in the MER to the ICRG. This report was followed up by a face-to-face
meeting which was held in Paris and to which all stakeholder authorities of Gibraltar were present
285 to answer questions from the Joint Group (JG) of the ICRG. The end product of the Gibraltar
submission and the face-to-face meeting is the Post Observation Period Report, which is produced
by the JG to the ICRG committee. The ICRG committee then presents the findings of the JG to the
plenary for adoption. Gibraltar had a total of 78 recommended actions in the MER of 2019.

I would like just to pause there, Mr Speaker, to express my thanks to each of those stakeholders
290 who came with me to Paris. They were questioned by the working group for five hours. The detail
and the extent of the scrutiny was comprehensive, to put it mildly, and I have to tell this House
that I was immensely proud of each and every one of those stakeholders for the manner in which
they defended their respective organisations and the manner in which they put forward the
Gibraltar position in respect of the areas they are responsible for. It was quite incredible to see
295 the professionalism of each of them and the manner in which we dealt with the quite intrusive
questioning that we faced from the entire working group of the ICRG, so my thanks and
congratulations to David Parody, who led that team in respect of the whole of the money
laundering process, Jimmy Tipping and each of the stakeholders who was with us at that time and
has worked on this process for some years now.

300 On 17th June the FATF identified Gibraltar as a jurisdiction under increased monitoring in
respect of only two recommended actions relating to the pursuit of regulatory sanctions and the
pursuit of final confiscation judgments. A colossal amount of work by all the supervisory
authorities and others went into achieving the reduction to just two recommended actions in the
action plan. We were, naturally, disappointed but fully accept the action plan as identified by the
305 FATF and are committed at the highest political level to show full compliance within the timescale
given. Gibraltar's action plan is the shortest of any country or jurisdiction that has been identified
as under the increased monitoring process, informally known as 'grey listing'.

The FATF does not call for the application of enhanced due diligence, and this is an important
point because they themselves do not call for enhanced due diligence measures to be applied to
310 jurisdictions under increased monitoring but encourage their members and all jurisdictions to take
into account the information presented below in their risk analysis. In respect of Gibraltar, what
that would mean is the two singular points that are relevant on our action plan, not everything
else that we have been successful in dealing with. So, what the FATF is basically saying is focus on
the action plan and measure that against the risk-based approach that you have with that
315 particular jurisdiction. Some countries will require enhanced due diligence measures as regards
Gibraltar, but we would expect these to be proportionate to the brevity of the action plan.

Needless to say, the Government of Gibraltar has been in very close contact with HM Treasury
for a significant period of time on the subject of our review and they have been and continue to
be extremely supportive. Likewise, Government has been liaising closely with all the relevant
320 sectors in Gibraltar. I met, on the morning of the announcement, with representatives of the
Finance Sector Council and also with representatives of the GBGA, and we had other discussions
with different groups, and I have to say I was hugely impressed by their professionalism and can-
do approach. Many – for example, in the gaming sector – have had previous experience with their
licences in Malta, which has just come off the grey list, and so they have a good understanding of
325 what it means to work within the action plan and its implications.

The Government continues to work in partnership with the FATF and is proud of the relationship that it has with this international standard-setting body. Lastly, we look forward to being removed from the list of countries under increased monitoring in as short a timeframe as possible.

330 Mr Speaker, moving on to financial services, the financial services sector continues to grow, as does the wider business support community. Firms are busier than ever before and employment opportunities continue to outstrip those available in the market place, in both financial services and gaming.

335 The Gibraltar insurance market continues to grow. By far, the largest sector, as you will know, is motor insurance and we estimate that Gibraltar's share of the UK motor insurance market is close to 30%. As a jurisdiction, we have seen tremendous growth over the last years. In my time in Parliament since 2013, as an illustration, I have watched Gibraltar's share of the UK motor insurance market grow from some 12% to the 30% it is currently at. All this despite Brexit, despite COVID and the many other challenges we have faced and continue to face. It is a real testament to the professionalism and entrepreneurial skill of this sector. Today, we have over 40 insurance companies writing new business, and collectively the gross premiums of all of these insurance companies is well in excess of £5 billion.

340 In the DLT/blockchain space we continue to thrive and innovate. Presently, the regulator accounts for the following regulated entities in this space: 15 DLT permissions, 17 initial coin offerings registered under the Proceeds of Crime Act, three firms permissioned as virtual asset arrangement providers and one full bank permission.

345 There are a growing number of crypto hedge funds domiciled in Gibraltar. In 2020 the market was estimated as having US\$3.8 billion of assets under management with some 9% of these funds domiciled in Gibraltar. There is also a strong pipeline of new applicants at different stages of the regulatory process. I must thank Mr William Gracia, who deals with these and with this sector in particular at the FSC, as I know, despite the strains on staffing levels that I will refer to later, he is continuing to deliver a professional and timely service to our licensees. It goes without saying that all of the aforementioned create fees, employment, taxation and a general contribution to GDP, as well as a deserved reputation internationally for supporting innovation and leading-edge multinational technology firms.

350 We have continued to work closely with GFIA, the Association and the sector generally. They are professional, energetic and innovative and it has been a real pleasure to work with them this year, as it has been every other year. We meet regularly, and as a result of their work we have introduced significant new and exciting legislation for the industry, with more to come. My sincere thanks to Jay Gomez, James Lasry and Jonathan Garcia.

360 We continue to work with HM Treasury on the delivery of the GAR regime, which is on course to be implemented in Q1 of 2024. This will, as Parliament knows, confirm our market access to the United Kingdom financial services market, which is so critical to our community. I am grateful to the team at Treasury with whom we are working on this, as well as Jimmy Tipping and Julian Sacarello from the GFSC, who lead on this important work.

365 Mr Speaker, over the last financial year we have, in April, published new regulations setting the standard for market integrity in the virtual asset space. This 10th core principle is the first time that any jurisdiction in the world has established market integrity standards mirroring those in traditional markets. My thanks to the many individuals, both in Gibraltar and abroad, who have contributed to this working group alongside private sector firms, the regulator and Gibraltar Finance.

370 In December 2021, a working group was established to review the Central Securities Depository Regulations, which has now reported back to me with its recommendations. The working group included industry and legal experts in this field, together with the regulator and Gibraltar Finance.

375 In December we also announced that we will begin a process by which we will integrate blockchain technology to complement our e-government systems. The technology builds upon

and enhances the functionality provided by e-services, with the focus of the initial phase being to enable users to store Government-issued and certified credentials in a digital wallet. We are grateful to our partners, IOV Labs and Bitso. As Parliament knows, this is at zero cost to the taxpayer.

GANT, in Q3 of 2021, has established a working group which includes industry representatives and Gibraltar Finance, which will, in due course, provide guidance and recommendations on the decentralised space, DeFi, and how Gibraltar can safely engage further in this industry.

On 26th November 2021 we announced, after a rigorous review and consultation process with GFIA, the Limited Partnerships Act and the Protected Cell Limited Partnerships Act. This new framework keeps our legislation up to date, competitive and able to attract business globally. In March 2022, after a long but beneficial engagement with GFIA, we also announced new legislation to allow for a dual funds regime for experienced investor funds (EIFs). My thanks to GFIA, who were patient as we trawled through all the consequences to ensure there were no unintended consequences of the work that we did to enable them to have these EIFs opting out of the EU regime, which we still have on our books for accessing the UK market. They are now able to compete globally, as Cayman and other international jurisdictions do.

In June 2022 Gibraltar was recognised in the PwC Fourth Annual Global Crypto Hedge Fund Report as the third best jurisdiction in the world to set up your crypto hedge fund. That is an important report and I think it sends a signal on the credibility of the work that we have done and the success we have enjoyed. It is the second consecutive year we are ranked third in the world in respect of crypto hedge fund domiciliation. My congratulations to the sector.

The public/private sector partnership is critical to everything we do, and I must thank the Gibraltar Finance Centre Council for their work and support this past year, outgoing Chair and Vice-Chair Nick Cruz and Marc Ellul for their sterling work over the past 24 months, and incoming Chair and Vice-Chair Shaun Cawdery and Emma Lejeune – I look forward to working closely with them for the benefit of the industry. I must also thank the member associations with whom we have worked closely and who have proven themselves to be a valued and important part of our partnership with the private sector.

In April of this year, Government set up a working policy group on financial services to advise Government on all aspects of the sector, including our product range, new areas of business and how we can improve our offering more generally. The group has done a huge amount of work and has met with all areas of the industry and engaged in detailed discussion on all these areas. I am much looking forward to engaging with them and working to deliver their thinking. The members of the group are Reshma Bhambhwani, Charles Bottaro, Louise Cruz, Nigel Feetham QC, Jonathan Garcia and Jay Gomez.

The GFSC, under the leadership of Kerry Blight, its CEO, have emerged from the COVID period with a rapid return to business as usual. Their work on the GAR is worthy of particular mention, as is their work in managing their day-to-day business against significant staffing challenges. My thanks to Kerry and the senior management team, as well as the chair and members of the board of the GFSC for their continued good work.

I must also thank my team at Gibraltar Finance, including Jimmy Tipping, our CEO, and our senior executives Mike Ashton, Paul Astengo and Tim Haynes for their work this year. As we emerge from COVID they will be at the forefront of our efforts to once more bang the ‘Think Gibraltar’ drum.

The transition back to normality for the Gibraltar International Bank following the peak of the COVID pandemic has been seamless, and the bank is now servicing the needs of the local community once again. Economic activity has reverted to pre-COVID levels, with the bank continuing to perform well and maintaining a stable deposit base over the last 12 months, currently standing at £1.173 billion – a remarkable deposit figure. The bank currently has over 19,000 clients, who hold over 32,000 accounts. With regard to loans and mortgages, the book currently stands at some £321 million. The bank has forecasted a profit for this year to March 2022 – and I say forecasted – of £3.2 million.

430 The bank has worked hard this year to deal with a large number of attempted scams. The bank has responded well to this challenge, altering its policies to combat fraud and continuing to communicate with its clients on the risks of disclosing personal information to anyone.

Finally, Mr Speaker, I am grateful to the CEO, Mr Lawrence Podesta, who has, unfortunately, announced his intention to retire. Lawrence was there on day one of the creation of the bank and was the architect of everything we have done. The unquestionable success that this bank has been in no small measure due to his professionalism and expertise, for which I will always be grateful. I must also thank his excellent senior management team and staff, and indeed the board, who under the chair of Albert Langston continue to drive the bank forward. My sincere thanks to them all.

440 Interest in our jurisdiction as a place for people to operate internationally as a gambling business remains strong, albeit this creates pressure on the local employment market. The gambling sector in 2021-22 has remained vibrant with employee numbers remaining stable at around 3,500, reflected in stable PAYE revenues. Hon. Members will recall that in 2011, when this Government was elected, the number stood at around 2,000. I think despite Brexit, when all of these businesses restructured to provide for their EU business – out of Malta, primarily – that we have continued to hold strong, stable numbers is a testament to this jurisdiction, and I think that deserves to be mentioned.

445 Merger and acquisition in the sector was a strong feature before the downturn in financial markets, but this has not caused pressure on overall licence numbers. The Government introduced change of control fees in anticipation of the merger and acquisition activity, which has allowed cost recovery for the detailed due diligence work that is conducted on these companies.

450 From April 2021 to March 2022 there were three new B2C licences issued and one B2B. There is a pipeline of eight new licences in train – five of those are B2B and three of those are B2C – and we have seen two new licences granted to a company that has repatriated an element of its business to Gibraltar.

455 There has been some reduction this year in Corporation Tax receipts, but we expect the yield to recover by 2023. The overall sector contribution to Government revenues is well in excess of £65 million.

460 Because of well-known factors, there has been some delay to the introduction of the Gambling Bill. A Command Paper has now been drafted and we expect consultation with the industry and wider stakeholders to take place before and during the summer months with a view to the Bill coming before Parliament in the autumn. We have already started the process of one-to-one consultation with our stakeholders and will work through their comments and contributions to our work. The hon. Member opposite is welcome to engage with us in respect of the Bill and I would be very happy to arrange for him to meet with us and the regulator to deal with any questions he may have in respect of what we are proposing.

465 Additional but proportionate resources have been granted to the Gambling Division to enable it to cope with a new licensing regime, including the personal licensing of key individuals. There will be extensive consultation and an increased amount of policy work to embed this new framework. The framework aims to maintain high regulatory standards, including international best practice in social responsibility, whilst maintaining Gibraltar's attractiveness as a business hub.

470 I am also pleased to report the opening of the Centre for Excellence in Responsible Gaming. The Centre is now engaged in active research and cementing its international standing. I am grateful to the team at the University of Gibraltar, Catherine and Dean in particular, who have helped us put this together, and, of course, Prof. Zsolt, who has already commenced the work and is making fantastic progress. I must also thank our gaming firms who have agreed to participate with us in making a real contribution to better understanding responsible gambling and how best we can each work to identify, arrest and support problem gambling.

480 The Gambling Division have done extremely well this year under their quiet but eminently professional head, Andrew Lyman. They manage their significant business workload with no fuss,

delivering efficient licensing and regulatory oversight, and enjoy my full confidence. They have been instrumental in the preparation of the new Gambling Bill, together with the drafting team of the three Peters.

485 The Liaison department – and I talk about them as if they were some huge department: Lizanne Ochello and Tania Pereira – since its inception in 2013 has continued to be instrumental in providing support to the gaming and finance sectors. In November 2021, the Liaison department created a one-stop shop to offer support to persons referred by the Special Needs and Disability Unit. The department helps some of the most vulnerable people in our society access all
490 Government services. The department has also been given the responsibility to deliver and assist the public in accessing support from the Customer Services Hub at 323 Main Street, which will service anyone seeking assistance in any interaction with the Government.

Mr Speaker, moving on to GBC, the new Broadcasting House was inaugurated on Tuesday, 19th October 2021 by the Chief Minister. I am happy to say that the operation has resulted in a
495 seamless transition without interruption to service. That in itself is a phenomenal achievement. Production teams have worked hard to raise the quality of programmes during the last 12 months. A major effort has been made to improve studio-based television shows, all of which have benefitted from new sets and branding.

On Wednesday, 15th December the GBC Open Day was held, raising a record-breaking
500 £185,000 for local worthy causes. This will enable the Open Day Charitable Trust to support a variety of projects nominated by locally registered charities throughout this year.

On 8th May, Gerard Teuma, our CEO, retired after 38 years of service, the last 10 as CEO. During his tenure, Gerard oversaw the transition to digital technology in 2013 and many other changes –
505 too many to mention today, but perhaps his legacy will be the huge task in successfully relocating Broadcasting House to its new home. I thank Gerard and wish him a very healthy and long retirement. I would also like to congratulate Mr James Neish on his appointment as the new CEO of GBC. He will take up his appointment in October and I look forward to seeing his work as we now take GBC to its next level of development. The community expects, and I am sure James will deliver.

510 I must thank Pepe Caruana, the chair of the board and its members for their work throughout the year, and especially for having managed so successfully the selection process for the next CEO and for their work on developing a strategy for the future of GBC. My thanks to them all.

Mr Speaker, AquaGib continues to successfully service contracts in respect of potable, seawater and sewerage services in Gibraltar. As the Chief Minister has already announced, the
515 Government intends to acquire the shares in AquaGib currently held by our partners and take full ownership of the company. The negotiations have been driven by the Financial Secretary with my full support. We will, of course, continue to invest in capital projects as part of the asset replacement plan, including the replacement of potable and saltwater mains across all areas in Gibraltar and the new potable and seawater infrastructure for the Eastside development and OHL
520 tunnel project. Additionally, this year AquaGib will make a significant investment in additional production capability for the first time since 2011, to ensure that our potable water requirements are met for years to come. This will be an exciting time for AquaGib and I look forward to continuing to work with them.

With respect to the Gibraltar Electricity Authority, there has been significant progress in the
525 fine-tuning of the new North Mole power station. As one can imagine ... Mr Speaker, my apologies, my eyesight with this light is causing me a bit of an issue. The North Mole power station generated approximately 182 million units during the last financial year. Regarding emissions, this again saw a decrease in CO₂ emissions of about 4% from 123,000 tonnes to 119,000 tonnes in 2021.

530 Mr Speaker, may I have a five-minute break?

Mr Speaker: The House will recess for five minutes.

*The House recessed at 10.55 a.m.
and resumed at 10.58 a.m.*

**Appropriation Bill 2022 –
Second Reading –
Debate continued**

Hon. A J Isola: Mr Speaker, I am grateful. I have moved a bit to the right, with your leave, so I do not have this light running on top of this very white paper.

535 The North Mole power station generated approximately 182 million units during the last financial year, 2021-22. In respect of emissions, we saw a decrease of about 4%. It is expected that upon the release of the North Mole temporary rental plant there will be a further drop to under 90,000 tonnes per annum, which will be close to 50% of what our emissions were in 2016 when all power generation was derived from diesel. That is a significant reduction in a short period of time.

540 The GEA is actively pursuing the installation of a battery energy storage system. This will effectively make our power generation solution a hybrid one. This initiative will serve to mitigate any potential power outages and it will contribute to fewer emissions by minimising spinning reserve and enabling the more efficient use of the integrated renewable energy sources within our grid. I hope to have this tender published in the coming months. It could also result in a
545 significant financial saving.

Mr Speaker, turning to ITLD, as we move out of the global pandemic and return to the office environment the ITLD team has responded to these challenges by implementing measures to reduce working from home services and to further develop and enhance Government systems. It is clear that technological infrastructures are critical to Government operations. Data security and
550 privacy has become progressively more important, not just for the Government but also for our citizens. In order to keep up to date with these ever-evolving technological trends and patterns, the following initiatives are currently being worked on by the Department: migration to a hybrid Office 365 setup; the implementation of additional advanced email protection systems; preparation and planning for a full server technology refreshment and migration programme; the
555 continued development of application programming interfaces for application and system integration with e-services; continuation of the rolling out of email encryption services; co-ordinating departmental relocations in terms of IT infrastructure and provisioning network connectivity. I am grateful to Tyrone Manasco, the Director of ITLD, and his team for their work in these and many other areas. Human nature is quick to shout when systems are down, but not
560 when they are working perfectly – which is, thankfully, most of the time.

Mr Speaker, turning to digital services, the Government's ERP platform has now been operational for over a year. This combines procurement, purchasing and financial accounting to form one system. Centralised reporting will enable the Treasury and the Office of the Financial Secretary to interrogate live data and have access to corresponding reports. Variations of the
565 same will shortly be introduced to all Government Departments and organisations, and the work continues. Today, Government invoices are processed centrally by a team of four people and this can only be done with the use of automation. As an example, last financial year, the team processed 58,000 invoices. We expect this number to increase as we on-board more Government suppliers and service providers. The current list of e-services can be found on the Gibraltar
570 Government website. There are over 25,000 registered users and more than 100,000 applications have been processed online. Existing e-services have been enhanced and a number of new Departments will be on-boarded in the coming months. Those up and coming include Employment, the Property Register, the GHA, Tax, Housing and the Office of Fair Trading.

575 Moving on to the GHA and ERS, it will not go unmissed that health and care systems globally
have been most seriously impacted by the COVID-19 pandemic. Not only has this tested the
resilience and agility of the health and residential care system in a crisis, it has also diverted
attention from the day-to-day delivery of previously agreed strategic initiatives and priorities.
Furthermore, having to deal with cross-border logistics which were further complicated by Brexit
arrangements, while there were extreme challenges with supply chain issues due to the pandemic,
580 all combined to result in the GHA and ERS having to make decisions against a background of
extreme uncertainty to ensure that essential emergency health services and residential care
services continued to function to protect the most vulnerable in our community.

The combined impact of these factors has placed the GHA, ERS and Public Health staff who
supported these efforts under enormous pressure – indeed, like never before. However, it also
585 brought together those in Health and residential care across the public sector, the voluntary sector
and the wider community. There is no question that this coming together of all these services and
the community has undeniably lessened the impact of the pandemic on our people and
undoubtedly saved many lives from this deadly virus, but the real heroes have been our frontline
staff. They have put their lives on the line every day to protect the people of Gibraltar, day in, day
590 out during the course of this pandemic, something we must not forget, and I thank each and every
one of them for their total, unconditional commitment and professionalism.

As of 19th May, 18,000 individuals have tested positive since the beginning of the pandemic.
As well as being thankful for those we have protected and treated, we should never forget the
lives we have sadly lost, including health and care staff. It is testament to the tenacity and
595 commitment of the GHA and care staff across all disciplines and those who supported us through
the pandemic that the Authority has continued to deliver all that was required of it to help
Gibraltar survive this crisis. I do not apologise for listing just a few of these examples, which I
believe should be mentioned: rapidly and consistently securing a stock of vaccines for a highly
successful programme; quickly expanding local laboratory testing and genomic sequencing with
600 swift access to results, with performance that exceeded that of the UK at the peak of the
pandemic; increasingly strong containment of outbreaks and protection of vulnerable adults;
establishment of a 111 service to ensure that people had ongoing medical advice and support and
were signposted as we managed outbreaks; promptly adapting our residential services to ensure
protection of older people and managing their healthcare needs without the need for admission
605 to hospital; and getting Gibraltar on the green list for travel before most other destinations in
Europe. This House will know that healthcare systems have been fully tested around the globe
and many have not fared so well, or indeed been able to reopen and safely implement their exit
strategies at such an early stage as we have. It will take some time until we fully understand the
impact that COVID-19 has had on the people of Gibraltar, but we have learnt so much in respect
610 of promoting and protecting the health of the population. We will use these important lessons to
guide our thinking for the future.

In spite of those pressures, the GHA and ERS have continued to deliver their services across
our community. Some examples: supporting and treating the most vulnerable, including those
with cancer, where we have significantly reduced admissions to hospital; delivering all urgent
615 outpatient work with minimal disruption, even where there were enormous pressures and
diversion of resources to manage inpatients during the pandemic; strengthening local laboratory
capability beyond COVID-19 testing so we can provide a local service rather than outsourcing;
starting the process to digitise hospital records in a move towards creating a fully electronic
record; strengthening pathways of care across many specialties, including older people's services,
620 mental health, primary care and A&E services; continuing to progress development of a modern
ENT facility to be opened by the end of this summer; delivering several key milestones in the
National Mental Health Strategy; and planning the move of the chemotherapy unit to more
appropriate accommodation.

As we emerge from the pandemic, the GHA family of services is embarking on the
625 implementation of a Reset, Restart and Recover Strategy designed not only to help get us back on

course and address the impact of the pandemic but also to improve and modernise our services. The Authority is already beginning to work towards stabilising its workforce; implementing a programme of improvements to its facilities and to upgrade and replace key diagnostic equipment; to improve systems for booking services – we understand, accept and appreciate
630 people’s frustrations at the PCC booking system and will resolve this, it is not good enough but we will get there; strengthening patient safety and patient liaison arrangements; and strengthening local services so that people do not have to leave Gibraltar for treatment.

The GHA board, which is made up of executives and non-executives and is led by an independent chair, Prof. Ian Cumming, and the Director General, has met and approved an initial
635 set of objectives for the forthcoming year and details of these will be published by the GHA in the forthcoming months. I am grateful to them for all their continued work. In the months to come more details of these objectives will be made public. All are intended to improve the quality of the care we provide and deliver to our community value for money in the provision of these services.

I would like to end by thanking the GHA and care staff for the fabulous work they do in keeping
640 us safe and healthy and always putting the needs of our people first. There is no question that devotion and care save lives – easy to say, but difficult to do. I must specifically thank Mr Patrick Geoghegan, our Director General, and his senior management team at the GHA. In the short time I have worked with him I have been most impressed not only with his knowledge and expertise,
645 but more importantly with his calm energy and determination to address the challenges we face at the GHA and deliver his vision for a service we can all be proud of. It is a privilege to work with him and support him in all of these areas, and I am confident that his efforts will result in real and tangible change in the manner we provide healthcare in Gibraltar.

I now turn to my responsibilities in respect of the Care Agency. I am delighted to report that
650 Learning Disability Services were able to maintain people’s quality of life, despite the impact that COVID-19 has understandably had on everyone. In collaboration with Public Health, the service was still able to provide support to service users and families and was able to keep St Bernadette’s Resource Centre open throughout the year. Remarkably, staff sickness levels were down this year despite COVID-19. The Care Agency continues to recognise that one of its most important
655 resources is its staff. It is committed to the training, learning and development of its entire workforce so that they will gain the necessary skills and knowledge to reach their full potential and provide safe and informed care. Another noteworthy achievement is the creation of the Community Learning Disability Team, which supports service users and their families throughout their lifetime. It consists of a team of social workers and respite managers that aims to work in
660 collaboration with other professionals to ensure that the individual service users’ needs are met. The team hosts drop-in sessions where information and advice is provided to people with learning disabilities, their families, or carers.

Targeted investment has also helped to improve physical assets, including the acquisition of
665 three flats within the community, and therapeutic equipment such as sensory integration apparatus, interactive smart boards, education resources and materials for sessions in the therapeutic programmes offered to service users, to help them achieve their individual aims and objectives. Sporting and leisure activities have also been developed further, such as the partnership with the Gibraltar Football Association which has now been established. I am grateful to them also. The scheme effects bespoke coaching sessions delivered to service users.

The Bella Vista Day Centre had two periods of closure, between July and August 2021 and again
670 between December and February of this year. In order to ensure service users’ needs continued to be met, reviews and assessments were carried out and packages of care provided to ensure the well-being and safety of those remaining in their own homes during these times. Vulnerable individuals who were COVID positive were supported by a specific team to prevent hospital
675 admission and reduce the spread of the virus. In addition, Adult Services have been integral in organising the delivery of medical supplies, food and therapeutic activities. The Waterport Day Centre has remained open and continues to provide a service for our elderly community – some

of whom are socially isolated, having little or no family or community support – to socialise in a safe and stimulating environment.

680 The Care Agency’s Children’s Social Work team have continued to receive a high volume of referrals and have seen an increase in the number of referrals from previous years. The Social Work team are currently working with over 300 children and their families to support and safeguard them. The team continue to work tirelessly to ensure that children are safeguarded and a significant amount of advice, support and practical help is provided to families within our
685 community to ensure that children can, where appropriate, safely remain at home. The team at the Family Centre have increased their workload to cover for children and families in need early on, to ensure that families receive parenting support.

The Therapeutic team, under the Care Agency CEO, have taken on the management and clinical lead on Drugs Alcohol Rehabilitation Services to include both Bruce’s Farm residential services and
690 Drugs and Alcohol community services. The head of service and lead counsellor have led on this project and, together with the new homes manager, nurse and staff, have completely revised and restructured all three operational, residential and community-based programmes to include an established drugs and alcohol pathway plan with GHA Psychiatry, which focuses on the importance of an inter-agency approach.

695 I am pleased to report that the out-of-hours service provided by the social work team is now being streamlined via the 111 line.

I am also delighted that the Care Agency was awarded, this year, a staff well-being at work recognition award as well as the Mayor’s Award in 2021, a small but important recognition of the great work provided by the Agency to our community. Carlos Banderas and his team deliver a
700 quality of care and service to our users that is difficult to understand. They are totally committed and I am sincerely grateful to them for their dedication and sacrifice in caring for others, even at such difficult times as those we have endured in the past 24 months.

Mr Speaker, I must close by thanking the team in my office for looking after me this year and for their untiring work in supporting me as we strive to deliver our different objectives. They all
705 work in different areas but each is critical to our progress. Julian, Karon, Gareth, Karl and Natalie are all supporting my work in different areas of responsibility and I am sincerely grateful to each and every one of them for their total commitment. I must also thank my secretary, Lourdes, who retires in the coming weeks and I wish her a long and healthy retirement. My sincere thanks to each and all of them – and, indeed, Mr Speaker, to you and your staff in this Parliament for looking
710 after us all so well during the course of the year.

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

Mr Speaker: The Hon. Vijay Daryanani.

715 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, it is an absolute privilege to deliver my second Budget speech to this House as Minister for Business, Tourism and the Port. During the course of my contribution, I will report on the projects undertaken over the past financial year and I will set out my Ministry’s objectives for this financial year.

Let me start with tourism and by saying that the Government was delighted to announce the appointment of Mr Kevin Bossino as the new CEO of the Gibraltar Tourist Board. Mr Bossino will
720 take up his post on 1st September 2022. Mr Bossino has worked in the tourism industry internationally, having worked in nine different countries in Europe and Asia. He is currently Vice-President (Operations) for the global hotel chain Accor, overseeing the Singapore and South Malaysia regions, comprising 27 hotels. He commenced his career in Gibraltar at the Rock Hotel and subsequently moved overseas, kick-starting his international career in Europe, moving to
725 Venice, London and Spain, before setting his sights on Asia, where he spent most of his time in Hong Kong and Singapore whilst experiencing the Philippines, Vietnam and Indonesia. As I have already said publicly, I never expected that a Gibraltarian with exceptional tourism experience would be selected, having the right credentials and over 30 years of working abroad in this field.

730 Kevin has worked for some of the top hotel chains internationally and has huge experience in providing high-level customer care. I look forward to working with him in the ensuing months and years.

Mr Speaker, let me say that my aim for tourism during the last year and going forward is to continue making Gibraltar visible to tourists and the wider market. The Government has had a long-held view that its presence at different trade fairs to promote Gibraltar as a tourism destination is, in particular, subject to the criterion of value for money. This is all the more relevant in the context of the huge financial cost of the COVID-19 pandemic. It may change from year to year, depending on the circumstances of the moment. There are occasions when the important activity is not exhibiting at a trade fair as such, but rather the meetings with key decision-makers that are arranged around it. I have also met senior executives, when their diaries have permitted, on different occasions. A lot of work goes on behind the scenes and numerous conversations take place, but of course these are all commercial in-confidence.

In September I participated in a UK tourism conference by Travel Weekly. I addressed a high-level delegation of UK tourism leaders at a conference billed 'The Future of Tourism'. The conference also discussed topics such as sustainable growth for the future and facing a new reality after COVID. This was the first face-to-face travel-industry event in the UK of this kind since the pandemic. It offered the perfect opportunity to network with senior players in the tourism industry. At this event guest speakers included Gary Wilson, Chief Executive of easyJet Holidays; Steve Heapy, Chief Executive of Jet2; and executives from the cruising industry. Tourism is an extremely competitive industry and it is imperative that the Gibraltar brand is kept at the forefront of people's minds. It is extremely important for Gibraltar to be seen and share its experience through the pandemic, while also relaying to the trade how the destination is ready to build forward. The feedback that I get from the local shareholders is extremely positive. I am asked to continue marketing Gibraltar proactively and energetically, and this is what I intend to do.

In October, the Gibraltar Tourist Board exhibited at the Meetings Show in London. This was the first live edition of this international event in over two years. The meetings and event industry is one of the most lucrative sectors of tourism globally and, having been hard hit by the pandemic, is a key area for rebuild. The Gibraltar stand worked over 40 pre-scheduled meetings across two days. It is important for Gibraltar to show a physical presence at this show as the market re-emerges. Business relationships with meeting planners take time to establish and it is crucial that we are able to build business for the years ahead.

Also in October I attended the World Routes Conference in Milan. World Routes is the annual meeting place for airlines, airports, tourism authorities and other aviation stakeholders. It is where the world's airlines' network planners meet with tourism authorities and their airports in order to evaluate existing air services and explore the potential for new ones. At the event I participated in a tourism round-table discussion. Several points were discussed, like the importance of tourism in the economy, how destinations can help bring tourists' confidence back and how Gibraltar has coped during the pandemic, in particular how dedicated our people were in keeping the virus at bay and the excellent vaccine rollout. I also took the opportunity to host a dinner for the British Airways team attending the conference. The aviation industry has taken a battering, so they are even more careful with new business, but we need to showcase Gibraltar's case at every opportunity possible. This was an extremely important stage for Gibraltar, and it was imperative that we should be present. I held numerous meetings with prospective airlines wanting to fly to Gibraltar. It is not easy to attract new airlines and open up new routes, but we will always keep pursuing. Connectivity and growth go hand in hand. My aim continues to be putting Gibraltar on the map and making sure our brand name is at the forefront of people's minds. The event provided, in particular, a great opportunity to discuss Gibraltar and aviation in general with the top executives of the three most important low-cost airlines in Europe – easyJet, Ryanair and Wizz Air.

I will carry on engaging with all airlines that fly to Gibraltar and prospective airlines that one day might want to fly to Gibraltar. As we will have heard over the last few weeks, the airline

industry is going through a very difficult time with cancellations due to a shortage of staff and huge demand. Only last week in Kigali, where I was attending the Commonwealth Heads of Government meeting, I met the CEO of Heathrow Airport. He told me that the current times are extremely challenging and never experienced before. So it is important, more than ever, to continue working on our relationship with the airlines as regularly as possible.

In November I attended the World Travel Market in London. The World Travel Market is the leading global conference for the international travel industry and is an excellent opportunity for tourism representatives to meet and conduct business. Gibraltar had a stand, where it was able to showcase our tourism product and allowed us to host meetings with industry executives during the event. The conference gave me the opportunity to meet executives from the travel trade. Also, I was interviewed by the prestigious *Travel Weekly* magazine and by Mr Simon Calder, the leading travel journalist. I also had the opportunity to meet with David Dingle, Chairman of Carnival Cruises UK, and share the Government's vision on cruising with one of the most crucial companies in the sector. I was delighted that my UK counterpart, the Hon. Nigel Huddleston, Minister for Tourism, Heritage and Sport, visited our stand and I was able to brief him on Gibraltar, how it had fared over the last 18 months and my plans for the future. I also had the opportunity of meeting with the Minister for Tourism of Israel, Mr Yoel Razvozov, where joint initiatives were touched upon. Our participation at this event was extremely successful as we managed to keep on raising our profile in the UK, which is the main source market for overnight tourism in Gibraltar. We have made tremendous inroads in highlighting what our destination has to offer.

In February this year I attended the CONNECT Route Development Forum in Tampere, Finland. Once again, I held a series of meetings with airlines, airports and tourism officials. At the event, I formed part of a panel discussion titled 'Tourism Recovery Strategies', where I was questioned on the work that had been done during COVID, plans for the future, the EU treaty and specifically how the EU treaty would affect Gibraltar International Airport, if aviation formed part of it.

In March I hosted a working breakfast for some members of the travel press at Gibraltar House in London. Attending the briefing were travel writers from *Business Traveller*, *Conde Nast Traveller*, *BA Highlife*, and *Travel Bulletin*, amongst others. I was also interviewed by the editor of *Business Traveller*, Tom Otley. It is important to talk face to face with the UK travel press and keep them abreast of what is happening in Gibraltar. As I mentioned a few moments ago, the UK is our main source market for overnight tourism, and our hotels, hospitality and retail trade will benefit from this. I hope to host another, similar event with different journalists soon. The interest in Gibraltar is at an all-time high but we cannot be complacent. We need to keep at it, always making sure that the Gibraltar brand name is distinctly visible in the high echelons of the tourism industry. I also hosted a marketing event in Edinburgh with travel agents and the local Scottish press. The event created a lot of interest, with many travel agents now intending to push Gibraltar as a city break. We live in an extremely competitive market and these bespoke marketing events are the way forward.

Towards the end of April, I attended Seatrade Cruise Global in Miami. I was supposed to attend two years ago but this was postponed due to the pandemic. Seatrade Global is one of the world's largest annual cruise industry gatherings. The event is where the cruise industry's most influential leaders, from top cruise line executives to port leaders, have been coming together for over 20 years. I held numerous meetings with the largest cruise companies, with the discussions primarily focusing on increasing cruise calls in the short term. Other projects were also discussed; these being based on developing Gibraltar as the port of choice in the Mediterranean. I was also interviewed by various international cruise press. I was able to put across Gibraltar's ambition as we try to cement our position as the jewel of the Mediterranean. Out Port is considered one of the most important in the area; however, there is strong competition with other destinations. Our presence at these events is imperative if we really want to promote our Port as a premier cruise destination. Business does not come instantaneously, as some might naively fantasise; it takes time, and we will keep on working at full throttle to achieve this.

835 In February we announced that the Gibraltar Tourist Board had been confirmed as a new long-term associate partner of Cruise Line International Association (CLIA) UK and Ireland. CLIA is the world's largest cruise industry association, providing a unified voice and leading authority of the global cruise community. On behalf of its members, CLIA supports policies and practices that foster a secure, healthy and sustainable cruise ship environment, promoting positive travel experiences for more than 30 million passengers who have cruised annually. CLIA membership includes the world's most prestigious ocean, river and specialty cruise lines, a highly trained and certified travel agent community and widespread industry stakeholders including ports and destination, ship development, suppliers and business services. CLIA represents 95% of the world's ocean-going cruise capacity, as well as 54,000 travel agents and 15,000 of the largest travel agencies in the world. Therefore, the partnership with CLIA will enhance Gibraltar's brand awareness across the region, bringing them into CLIA's wider community of cruise lines, travel agents and stakeholders. As part of the agreement with CLIA, the Gibraltar Tourist Board sponsored CLIA's flagship main conference in Southampton at the end of May. This event received trade exposure via CLIA's website, newsletter and yearbook. There is no doubt that the cruise sector is extremely important to the Gibraltar economy, and I look forward to working with CLIA in fulfilling our goal to make Gibraltar the port of choice in the Mediterranean.

850 In December, Gibraltar will host the CAPA 2022 World Aviation Summit. The two-day summit will draw aviation and travel representatives from around the world, supported with a live stream of the event available to those unable to attend in person. This is an extremely prestigious event in the world's aviation calendar. It is expected that the top airline executives will be visiting Gibraltar. I look forward to welcoming delegates from all over the world and working with CAPA to make this summit a huge success. This will bring unprecedented exposure for Gibraltar in the aviation industry.

860 During the year I have met with the Moroccan Community Association. The Moroccan community is an integral part of the Gibraltarian family and, until recently, was having an extremely difficult time visiting Morocco during the pandemic, in particular due to the lack of sea and air links. Also, Morocco was on a prolonged lockdown. The Government has left no stone unturned in trying to achieve air and sea links with Morocco. In November last year I held a series of meetings with a number of airlines in Casablanca, but unfortunately the airlines had been forced, as a result of financial considerations due to the pandemic, to cancel a number of their less profitable routes. We will continue working on, albeit in a difficult situation. That said, we continued to work in trying to resume a sea link and, together with FRS, we were able to announce the resumption of the ferry service between Gibraltar and Tangier in April. This had only been possible after the opening of Morocco's sea borders and permission being granted by the Moroccan authorities. I am extremely pleased for our Moroccan community who are now able to visit family in Morocco, as they have suffered the most without the service. Links with Morocco are extremely important and I look forward to new opportunities after Brexit, especially those linked to tourism and business.

875 Mr Speaker, as hon. Members are no doubt aware, the cruising industry was hard hit due to the pandemic, with most cruises cancelled and ships returning to their home ports. Throughout the pandemic we were in constant communication with all operators. In August last year I was delighted to welcome the first official cruise call since the beginning of the pandemic. *Wind Surf*, from Windstar Cruises, arrived in Gibraltar on 13th August 2021. Gibraltar was included in its itinerary as part of their Mediterranean cruise. A limited number of passengers were allowed to disembark, due to COVID-19 protocols at the time. May I remind the House that, at the time, the Gibraltar Government did not have any restrictions for tourists to visit Gibraltar at large, as was detailed in our *Cruise Safe and Secure* booklet; it was cruise companies themselves that had their own procedures which restricted passengers going ashore unless they had a pre-booked tour. September saw the gradual return of cruise liners to Gibraltar. On 6th September the *Spirit of Discovery* arrived in Gibraltar with some 400 passengers disembarking to visit local tourist sites on pre-booked 'bubble' tours. Towards the end of September, we saw the return of cruise passengers

885 in Main Street with the arrival of the *Marella Explorer*. This was the first commercial cruise since
before the start of the pandemic that allowed passengers to disembark into the town centre
without restricting them to 'bubble' excursions. There is no doubt this was a welcome return for
traders, who had missed out on the cruise passenger clients during the previous 18 months. In
2021 Gibraltar received 44 cruise ships, of which five were inaugural calls.

890 The industry is now picking up, with 185 cruises scheduled for this year and 163 booked for
2023 as things stand at the moment. This year alone we will be welcoming 21 new cruise ships to
the Rock. January saw the arrival of *MS Iona*, the new flagship of P&O Cruises, a subsidiary of
Carnival Corporation PLC. It is one of the largest cruise ships, with a capacity of 5,200 passengers
and 1,800 crew, and also their first LNG-powered vessel. On this occasion the ship was carrying
895 2,484 passengers and 1,657 crew. On 12th April we welcomed two inaugural cruise calls to
Gibraltar on the same day. The *Le Bougainville* is the third ship of the Explorer class of cruise ships
operated by Ponant, and the *Costa Deliziosa* is owned by Carnival Corporation and operated by
Costa Crociere. More recently, in May, Gibraltar saw the arrival of the *Valiant Lady* on its first
inaugural call. This is a new ship from the new cruise company Virgin Voyages and will be calling
900 here five times this year. I am delighted to see the quick recovery we are making with cruise calls.
This shows the popularity of Gibraltar as a port of call, but it also demonstrates the results of the
hard work being done by the Government to get the cruise sector back on track. The Government
is committed to the cruising industry for Gibraltar and I will continue my efforts with itinerary
planners to make sure Gibraltar is included in future cruises. At the same time, I will keep on
905 working energetically, engaging with cruise executives worldwide, as I know how important
cruising is to our economy.

Event-led tourism will continue to be a priority and I hope to see more international events
return to the Rock. There are, at present, discussions being held, and I look forward to being able
to make some announcements during the course of the next 12 months.

910 Finally, I believe we are now turning the tide and Gibraltar's tourism market is now looking at
a brighter future after the effects of the pandemic over the last two years. Main Street is a lot
busier and business owners tell me that things are a lot better. May I take this opportunity to
thank the staff at the GTB for their support during the year.

I now move on to the Air Terminal. Mr Speaker, 2021 saw a gradual slow recovery in traffic.
915 The successful rollout of the vaccination programme resulted in Gibraltar being added to the
United Kingdom's list of green countries. We saw growth increasing from May through to
December, with this continuing into the first quarter of 2022, and by the end of 2021 passenger
figures totalled 262,522, an increase of 41% over 2020. The capacity for 2022 is expected to be
very close, if not the same as what it stood at in 2019 before the pandemic started. I am sure all
920 airports worldwide would be delighted with this outcome.

I would like to say a few words about the suspension of flights by Wizz Air and also by Eastern
Airways. I can only imagine the Opposition spokesman for tourism rubbing his hands together
with glee when this announcement was made, because deep down he does not wish the
Government to succeed. Let me remind the hon. Member that Wizz Air announced its decision to
925 suspend the Luton route. I quote:

As a result of the uncertain outlook for travel at the moment due to COVID restrictions, we have had to make a
number of adjustments to our schedule. This decision has not been made lightly. We are constantly reviewing our
schedule and would be keen on re-entering the Gibraltar market when it makes most business sense for us, at the
earliest opportunity.

We need to realise that we are facing unprecedented times as COVID is still lurking in the
background, and all this causes huge uncertainty. As a consequence, all airlines are constantly
looking at their route networks and trying their best to protect their finances. With respect to
Eastern Airways, the airline made a substantial loss on flying to Gibraltar last year. In our
930 discussions with them earlier this year they suggested that the only way they could make the

routes work was if the Government subsidised the operation. We took the prudent decision not to do so. We must respect their decision, as commercially it does not work for them at the moment. I look forward to engaging with them on this matter later on this year. Whilst it is disappointing, it is understandable that airlines need to protect their finances, like any other business. Surely the spokesman for tourism understands this, and that this certainly is not the time to gloat and play politics at the expense of Gibraltar's long-term ambitions.

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Gibraltar International Airport has seen continued growth in the area of non-scheduled services over the past four years. Non-scheduled services comprise the full spectrum of aircraft movements that do not form part of the regular scheduled services occupied by airlines and are as varied as light general aviation aircraft, business and corporate charters and medium to large private aircraft operated by their owners. Mr Speaker, 2019 saw 401 aircraft operate into Gibraltar Airport, a 5.2% increase over 2018, when 381 operated. Mr Speaker, 2020 proved to be an extremely difficult year for scheduled services and the aviation industry in general, with air travel practically grinding to a halt worldwide. This resulted in non-scheduled services only dropping 2.5% to 391 annual movements. The work done by the Government to recuperate our scheduled services in 2021 has clearly not affected this type of operation, with an even higher increase of 19.9% in 2021 in comparison with 2020 and an annual record of 469 non-scheduled aircraft using Gibraltar Airport during the year. A total of 3,821 passengers flew on these flights, and this also shows an increase of 4.4% over the 3,659 carried in 2020. The summer schedule for 2022 will, at its height, offer 39 weekly flights to five airports. As the whole of the aviation industry slowly emerges from two years of considerable disruption, decline and loss of business, load factors for the first quarter of 2022 were very positive as a direct result of the United Kingdom beginning to drop COVID-19 restrictions, which led to more persons starting to travel. Also, because of the Government's ongoing booster vaccination programme, combined with our marketing efforts, we were able to retain our core routes.

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A very important operational factor has come about as a result of the Government's position with regard to the role of the Air Terminal during the pandemic. The fact that no one involved in the operational aspects of the Air Terminal's day-to-day running was furloughed has meant that members of staff employed in these organisations have continued with their mandatory training, competency and skill qualifications, leading to the various compliance obligations being maintained and allowing a seamless transition to the return of normality. This has not been the case in other airports, and hon. Members will be familiar with the press reports recently, where some airports are still facing major organisational hurdles in both recruiting and training, leading to major delays and very negative passenger experiences. In addition to this, airlines are also struggling to recruit and retrain crews to cope with the expected surge, and this may result in some minor amendments to the published flying programme on the days when they are faced with resource issues linked to this. After Monarch's demise, services to Manchester dropped to four flights per week. I have been trying to convince easyJet to fly daily on this route and it was encouraging to see that they did so last year. I am pleased to announce that easyJet has continued with the same frequency for this summer, creating greater connectivity to the North West of the United Kingdom and bringing Gibraltar Airport back to the pre-pandemic levels of traffic to that area.

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Mr Speaker, I now move to the Port. A new Captain of the Port and CEO of the Gibraltar Port Authority was appointed in January this year. Mr John Ghio was appointed following the retirement of Mr Manuel Tirado from the post. May I take this opportunity, once again, to congratulate John on his promotion to Captain and to thank Manolo for his support and wish him an enjoyable and well-deserved retirement. I have no doubt that John will be an impressive Captain. We share the same level of ambition for our Port, and I look forward to working with him to make our Port even more successful.

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The Port of Gibraltar has continued operations throughout the ups and downs of the COVID-19 pandemic, in no small part because of the dedication of all parties involved to ensure that operations continued with as little interruption as possible, while always being mindful of the

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serious nature of the virus. This is borne out by the level of activity for 2021 and in the early part of 2022. While some aspects of the marine industry are only now starting to show recovery, other operations have remained steady or bounced back, and in some cases exceeded pre-pandemic levels. In fact, vessel calls into Gibraltar were up by 5.81% in 2021 against 2019 figures. Bunkering calls and volumes for 2021 against 2019 figures have also reflected a healthy bounce back despite the ongoing global impact of the pandemic on shipping in general, with increases of 6.54% and 5.43% respectively. LNG bunkering operations also took place during 2021 following Shell's granting of a licence, with five bunkering operations being undertaken. While demand is still on the low side, it is envisaged that we will start to see further increases in this activity, especially in light of the global energy crisis versus the demand for this type of fuel, and it is something which will also add to the Port's continued development in improving the environmental performance of shipping, with Gibraltar continuing to lead the way in supporting the changeover to this fuel.

The Government is committed to achieving a net-zero strategy for our Port. This is a complex situation but we will continue consulting and working towards concrete solutions.

We also saw the return of cruise calls in the latter part of 2021 and we are now anticipating that numbers for 2022 will almost match pre-pandemic levels. As I said earlier, the cruising sector has taken a battering, but we are now on our way to recovery. As I have previously mentioned, this year we have 185 calls booked, only slightly down on pre-pandemic levels in 2019. We have done a lot of hard work behind the scenes over the last two years, which is starting to bear fruit, as can be seen with the figures for 2022. Yacht calls also reverted to healthy growth and reflected that Gibraltar has remained a port of choice as well as necessity for the yachting community. This is borne out by an increase of over 15% in levels of activity for the first four months of 2022 against 2019 figures.

While bunkering remains the mainstay of activity at the Port, we are always looking for opportunities to increase the variety of services and business opportunities for the local maritime industry and I am pleased to report that potable water services are now available for vessels visiting Gibraltar Port, something which is very much welcomed by the maritime industry. This additional service adds further weight to the array of services already available at Gibraltar Port.

Mr Speaker, 2021 saw the return of London International Shipping Week. This was the first in-person event in the shipping calendar to take place since the start of the pandemic, and Gibraltar's presence was well received and offered the chance to re-engage with partners, stakeholders and potential clients. As part of our attendance at this event we hosted a reception for the industry at the UN International Maritime Organisation (IMO) headquarters, where I had the opportunity to meet the IMO secretary general. It is notable that even at this level the performance of our maritime industry is recognised internationally, as was reflected by the keen interest in and awareness that Mr Kitack Lim showed of our Port and contributions to the maritime industry.

London Shipping Week also kick-started HM Government of Gibraltar's maritime services marketing drive in 2021, which also saw the return of Maritime Week Gibraltar in November, the second event of its kind which showcased and promoted Gibraltar's thriving maritime sector. Some international visitors were able to visit Gibraltar despite COVID-19 restrictions still impacting on travel, with excellent feedback received from both local and international participants. The expectation is that this event will now form part of the shipping industry's calendar of events moving forward and will be an ideal platform to promote Gibraltar's maritime industry from a home stage as it continues to develop and evolve.

In February, representatives from Gibraltar's maritime industry attended the International Bunker Industry Association annual dinner in London. The Gibraltar delegation was led by John Ghio, the Captain of the Port. This event provided a fantastic opportunity to re-engage face to face with industry partners and meet with current and prospective clients in the margins of this event.

Earlier this month, the Gibraltar Port Authority, along with local stakeholders, attended Posidonia 2022 in Greece. This is the biggest shipping event in the international calendar and is a crucial forum at which we continued our engagement with the international shipping industry. I

1035 am delighted that we were joined by a number of sponsors from our local maritime community
under the banner of HM Government of Gibraltar Maritime Services and I am grateful for their
participation. This shows the commitment of our partners and stakeholders in working together
to promote Gibraltar Port. These events form part of the Government's strategy to directly engage
with partners, stakeholders and prospective clients. Arrangements to hold bespoke events abroad
1040 later in the year are in their early stages of planning, with invaluable support from our partners in
the local industry. I hope to make an announcement on this soon.

Mr Speaker, I now turn to the Port's finances and report that for the financial year 2021-22
revenue received was £7,269,581 against the original budgeted figure of £7,872,000. I am pleased
to report that expenditure for the same period amounted to £6,830,741 allocated against a
1045 budget of £7,149,000 for the full period. As for capital expenditure, the Authority spent a total of
£76,921 against an allocated figure of £365,000. It should be noted that some of the projects
planned were not realised due to the pandemic. However, we were able to improve some of the
Port's infrastructure with spending on the completion of the internal refurbishment at the North
Mole office. We also carried out feasibility and technical studies for both the North Mole fenders
1050 and Mid Harbour Marina project.

As reported in my last Budget speech, both the senior management team and the Ministry for
the Port continue to look at ways of further increasing activity in this sector and I am hopeful that
I will be able to make some announcements on some of those projects in the not-too-distant
future. However, I am very pleased to report that works will shortly commence on the
1055 refurbishment and repairs of the Watergardens marina, a project which had previously been put
on hold due to the pandemic. My team will be liaising with the users of the marina to manage the
works and I am sure that the improvements to the infrastructure will be welcomed by the users
of the marina.

Mr Speaker, 2021 also saw the UK being audited by the IMO under the IMO Member State
1060 Audit Scheme for compliance of the IMO Instruments Implementation Code (III Code). Gibraltar,
being part of the UK flag, was audited in all three areas of responsibility, i.e. flag state, port state
and coastal state. The very strong performance at this audit is a further measure of how proud we
can be of the work that the Port Authority and Maritime Administration continue to deliver.

The Port of Gibraltar has shown its true worth to the community and economy during the
1065 pandemic. The Port has also been able to adapt to some of the initial challenges arising from Brexit
and this has been, and will continue to be, down to the hard work, dedication and willingness to
do whatever it takes from the whole of the Port community in Gibraltar. We have all the right
ingredients to make Gibraltar the port of choice for doing business. During the next financial year,
I intend to continue with my ambitious marketing strategy for our Port as we focus on attracting
1070 new operations. Finally, I would like to take this opportunity to thank my excellent team at the
Port Authority for their continuing efforts to deliver. This makes my role as Minister for the Port a
lot easier.

I now move to the Gibraltar Maritime Administration. A new Maritime Administrator, Dylan
Cocklan, was appointed in October 2021. Mr Cocklan has been in the Department for 22 years and
1075 undertaken a number of different roles. May I take this opportunity to once again congratulate
Dylan on his appointment.

This past year has been another challenging year for the GMA, as the uncertainties of the
ongoing Brexit negotiations have continued to impact on our new ship registrations. However, the
Yacht Register remains largely unaffected by Brexit and the Small Ship Register also continues to
1080 grow as per the trend in recent years. The fleet size on 1st May 2022 was 165 ships, 883 yachts
and 317 small ships registered in Gibraltar. The total combined tonnage of the Gibraltar fleet was
1,206,130 gross tonnes.

Our registers continue to rank highly in the overall technical performance levels within the
major memorandum of understandings on port state control, and as quality registers by the
1085 United States Coastguard in their USCG Qualship 21 system. Gibraltar is one of the 23
administrations having met all the requirements for full participation in the Qualship 21

programme. The Gibraltar Ship Register has retained its white list status worldwide. This was reflected within the annual International Chamber of Shipping's Flag State Performance Table for 2022. Once again, the Gibraltar Ship and Yacht Registries rated in the table with positive performance indicators in every aspect reviewed by the ICS. The indicators include the performance of the Administration, ratification of international conventions, completed ILO reports, attendance at IMO meetings and participation in the UN International Maritime Organisation Instruments Implementation Code member audit system.

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Importantly, following on from last year's III Code audit by the Maritime Coastguard Agency on Gibraltar, the United Kingdom flag state, which includes the Red Ensign Group (REG), of which Gibraltar is a Category 1 register, was audited by the IMO in October 2021. The 11-day audit was carried out from 14th to 28th October 2021. It was the first time such an audit had been carried out remotely by the IMO, because of the ongoing challenges of COVID-19. The audit scrutinised how the UK and the REG administrations meet the flag, coastal and port state obligations. The GMA was audited on its flag state and port state obligations. I am pleased to announce that the audit culminated with no findings being raised against the GMA. In particular, the auditors assigned by the IMO praised the manner in which the UK/REG oversees and manages the delegation of statutory work to its recognised organisations.

In addition to the III Code, the GMA successfully retained its ISO 9001:2015 quality accreditation, having successfully completed three ISO external audits by SGS since July 2021. Maintaining ISO accreditation not only sends a message to stakeholders that the GMA operates robust quality management systems, but also reinforces the GMA's commitment to continuously improve and seek efficiencies in the work the Department undertakes. These achievements are testament to the hard work undertaken by the staff at the GMA.

The goals of the GMA are to reach pre-Brexit and pre-pandemic levels, in terms of fleet size and revenue levels, within the next five years. Through controlled growth, the GMA would still be able to operate a registry that is run with high standards, meet its duties and responsibilities, maintain the quality of its registered fleet and focus on maintaining its good reputation within the industry. The Department has identified areas in which it can generate savings and other areas where expenditure can be reduced.

The GMA continues to explore new avenues to diversify its fleet and increase registered tonnage. As part of this work, the GMA has recently undertaken a thorough review of its fees structure. The result has been the development of new products and incentives which will add to the Register's competitiveness and attractiveness in the global market. A consultation process was launched and completed in April, during which the GMA engaged openly with and sought views from its clients and stakeholders on the new fees and incentives. The fees and services restructure came into effect on 1st June 2022 and introduced an increase in fees across all services, an inflationary yearly increase to all existing fees charged by the Registry, a simplified new product pricing for Annual Tonnage Tax, discounts of up to 50% on Annual Tonnage Tax payable for multiple ships registered, introduction of Annual Tonnage Tax for large commercial yachts and discounts for 'green ships'. The principle behind the green ship discount scheme is to reward ship owners who voluntarily adopt ship designs that exceed environmental regulatory standards set by the IMO. Discounts are also offered for vessels employing green ship technologies and systems.

In line with the Government's policy on digitalisation, and as part of its commitment to client product developments, the GMA transitioned to electronic certification for its ships and seafarers on 4th April 2022. The Administration is now able to offer their clients statutory certificates that meet the requirements of the standards of the IMO's Guidelines for the Use of Electronic Certificates. The introduction of electronic certification will benefit the GMA's clients by providing improved traceability, enhanced security and a quicker means of dispatching documentation. The authenticity and validity of certificates can be obtained via a 24/7 online portal, using two-means verification embedded within the certificate. This move towards digitalisation will directly benefit the GMA's clients. The GMA is continuing to invest in systems and technology which will further enhance the quality of service provided by the GMA. This includes the provision of a cloud-based

1140 GMA/client interface portal for survey-related functions, and new, improved online services via improvements to its website. The aforementioned improvements are expected to be launched by the end of July 2022.

1145 As part of its marketing campaign, the GMA has exhibited at the Posidonia 2022 Shipping Exhibition in Athens and will be participating at the Monaco Boat Show in September. Posidonia offered the GMA direct access not only to Greek ship owners, the largest ship-owning nation, but also to international ship owners and industry leaders. In addition, the GMA visited existing and potential new clients, together with local representatives. Working closely with other local authorities and local stakeholders, the GMA is looking forward to marketing and promoting its new incentives and products at upcoming events and during planned visits to existing and potential clients in the next few months.

1150 During 2021, the Department attended the London International Shipping Week. The Maritime Administrator also attended the International Bunker Industry Association annual dinner in London hosted by the Gibraltar Port Authority. The GMA staff took advantage of these opportunities to engage face to face with existing and potential new clients, as well as other industry stakeholders. The GMA also participated in the very successful Maritime Week Gibraltar at the end of November 2021. During the event, the GMA staff delivered a presentation on the Department's ship/yacht registration, which was aimed at providing an insight to the Gibraltar Registries, local ship registration legislation and requirements, the registration process and the unique advantages Gibraltar has to offer.

1160 In addition to marketing visits, the GMA will also be taking part in the annual Red Ensign Group Conference, which will take place in July 2022 in the Isle of Man. The conference gives members the opportunity to have detailed face-to-face discussions on current matters that are of interest to the group, the chance to share best practice, look at ways of improving the performance of the British Register, both in terms of commercial success and also setting exemplary standards in meeting international obligations.

1165 Earlier during the year, the Maritime Administrator and Chief Surveyor joined other technical experts from the Red Ensign Group, in the Red Ensign Group Technical Forum in February 2022. In addition, the GMA also participated in the different REG technical working group meetings. The forum and associated working group meetings support the REG conference and look at how best to make sure there is consistent application of technical policy across the British fleet. The Technical Forum is responsible for developing new technical standards for the maritime industry.

1175 Despite the challenges brought about by the pandemic, the GMA has continued to undertake port state control inspections on foreign flagged ships visiting Gibraltar and inspections of vessels operating domestically. In addition, it has continued with its monitoring programme of recognised organisations and certifying authorities. This is an important aspect of the work done by the GMA, as it ensures that statutory survey and certification work delegated to the accepted recognised organisations and certifying authorities is conducted in compliance with agreed standards. Importantly, as from April and as a result of the improved situation in relation to the COVID-19 pandemic, GMA surveyors have resumed audits and surveys of clients abroad. This is important for ensuring effective jurisdiction and control over our fleet in terms of quality standards, but it is also essential for keeping a close relationship with our clients. The resumption of surveys abroad will also increase the Department's survey/certification fees revenue.

1180 The GMA Seafarer's Division continues to issue a significant amount of seafarer documentation. Since 1st July 2021 and until 30th April 2022, the GMA has issued a total of 1,097 certificates. This is a very important task, since the quality of the officers and crew determine to a very large extent the safety and marine environmental protection standards on board the Gibraltar fleet. As part of its work to become more competitive in relation to seafarers, the GMA has recently expanded its Recognised Countries' Standards of Training, Certification and Watch keeping list, meaning that the GMA now recognises certificates of competency from a wider range of countries. Twenty-three countries have recently been added, meaning certificates of competency from these countries are now eligible for a Gibraltar endorsement. The total number

of recognised countries now stands at 26, giving our clients greater flexibility in their crewing options.

1195 Within the upcoming year, the GMA once again is expected to host surveyors from other REG members for the purpose of providing them with training and sharing of expertise with regard to port state control. The GMA is regarded as a leader within the REG in relation to this field and during the past few years the GMA has provided training for surveyors from the Cayman Islands, Guernsey, Bermuda, the Isle of Man and the UK.

1200 Locally, the GMA continues to provide technical support to the Gibraltar Port Authority and Gibraltar enforcement authorities via a framework by way of survey and certification. Members of the GMA provided technical support and were part of the multi-agency team that brought about the successful prosecution case against the *AM Ghent* following the oil spill that took place in the Bay of Gibraltar in October 2021 during a bunkering operation.

1205 The GMA also continues to work closely with the Gibraltar Law Office in ensuring that Gibraltar is in a position to implement and enforce the provisions of new international instruments through appropriate Gibraltar merchant shipping legislation. Work is currently under way in relation to the Ballast Water Management Convention and the latest amendments to the Maritime Labour Convention.

1210 The GMA continues to have a crucial role within the Gibraltar maritime industry. Through its role as an international facilitator of trade, its highly rated and competitive registers and global trading fleet, the GMA provides Gibraltar with a significant advantage over many other maritime centres. The GMA's strategy over the next few years is to continue to maintain its high quality of service, increase the size and diversity of its fleet and continue to add significant expertise and skills to the wider Gibraltar maritime industry and its profile as an international centre of maritime excellence. Brexit has created a challenge, but I am keen on marketing the flag with its new products and incentives so we may be in a position to attract new clients to the Registry and will market the Registry more aggressively over the coming months. I would like to thank Dylan Cocklan and his staff at the GMA for their support over the last year.

1220 Mr Speaker, I turn to my responsibilities for the Royal Gibraltar Post Office. I would like to commence by saying that I am very pleased that despite the numerous logistical challenges in the past 12 to 24 months, the Post Office has managed to offer an uninterrupted service to all the 192 Universal Postal Union member countries throughout for parcels and letters. Furthermore, local delivery service continued six days per week, Monday to Saturday. Many business and residential consumers within Gibraltar rely on the RGPO as the universal postal service provider for their standard local and international letter and parcel post services. Therefore, to meet a sufficiently high standard service for users is of significant importance. At the height of the pandemic, staffing levels were affected by staff absences due to COVID sicknesses and self-isolations. Nevertheless, the RGPO delivered 87.69% of local mail within two working days. Towards the end of 2021, the RGPO saw steady improvements in its performance with the resumption of regular flights from the UK. Because of this, its international next-day-delivery performance reached 84.5% in December 2021, 88.3% in January 2022, 97.5% in February 2022 and 95.3% in March 2022.

1235 A clear direction has been established in order to build upon the work commenced during the RGPO review in 2019 and this has already led to noticeable performance improvements and financial savings. The RGPO saved £172,195 in its expenditure budget for the financial year 2021-22 and further savings are expected during the financial year 2022-23 thanks to the modernisation of the RGPO's systems and procedures that have created operational efficiencies. The electronic parcel notification system has gradually replaced the old and costly printed notification cards format, with over 9,800 residents registered to receive notifications via SMS and email. During the financial year 2021-22, 33,563 first notice electronic notifications were sent to recipients. This operational advantage of switching to electronic notifications has hugely reduced costs on paper, ink and deliveries and has, in turn, played an important role in improving the environment.

1240

1245 We continue to see a substantial volume of incoming parcels due to the continuous growth of e-commerce purchases, with 110,000 parcels registered in EPost since its launch over a year ago. All incoming and outgoing mail in Gibraltar is now processed electronically via the International Postal System, which provides the RGPO with accurate and comprehensive data on its mail movement, covering every point between origin and destination. The online EPost system offers a delivery option to recipients on payment of any applicable fees/duties to which our postal workers delivered 6,023 parcels in the past financial year. The Parcel Post Office Mail Centre collected a total of £224,086 revenue in fees and import duties during the financial year 2021-22.

1250 Although letter volumes have generally declined over the years, new residential developments have grown substantially in Gibraltar during the same period, thus increasing the number of individual addresses. In September 2021 the postal walks system, which had remained the same for the past 25 years, was modified, in consultation with the unions and RGPO staff, by increasing the standard 13 delivery walks to 17 delivery walks in order to accommodate the growth of new addresses. The RGPO delivers letters to any address in Gibraltar six days a week for the same rate, be it in Main Street or the top of the Rock.

1260 The Universal Postal Union announced new regulatory changes as from 1st January 2021. This meant that it is now a requirement to provide electronic pre-advice customs data on all parcel items containing goods or merchandise to international destinations. These changes also came into effect on 1st April 2021 for parcel items containing goods or merchandise sent to the United Kingdom. Letter mail formats containing letters, cards and/or documents were not affected by this new requirement. As a member of the Universal Postal Union, the RGPO was bound by the new regulations imposed upon all member countries and their postal authorities. This pre-advice data helps to automate and speed up manual processes, which enables a more efficient customer clearance process. The RGPO created a new app and provided a custom declaration option available on the website and at the Main Street Post Office to make the process of sending parcels as easy as possible for its customers.

1270 In March, the RGPO supported all Gibraltar residents with relatives and friends in Ukraine, including individuals, charities and schools, by waiving postage charges for mail addressed to Ukraine. Communicating with friends and families during difficult moments is crucial and the RGPO will do everything that it can to help. We continue to do everything possible to show our support and we are grateful to the Ukraine postal service for making a special mention of our charitable support on their website.

1275 In addition to the regular meetings that take place between the RGPO management and its Royal Mail counterparts, the Director of Postal Services took part in the Small Postal Administrations Forum held in Malta in May of this year. This was a unique event especially designed for CEOs and postal leaders in smaller jurisdictions to hear and share latest ideas, best practices and innovative approaches. It is an opportunity to learn from colleagues facing the same challenges and to discuss important topics such as the effects of COVID, terminal due revenues, bi-lateral agreements and direct postal service links. The conference gives members the opportunity to have detailed face-to-face discussions.

1285 Finally, I would like to highlight how pleased I am with the total replacement of all Royal Gibraltar Post Office vehicles to brand-new electric vehicles back in December 2020. This project was in line with the Government's manifesto commitment for a green Gibraltar. The all-electric postal vans now deliver mail across all areas of Gibraltar safely and efficiently in the most environmentally friendly way possible whilst reducing carbon emissions and noise. It gives me a lot of joy and satisfaction to see the red electric postal vehicles operating on deliveries around Gibraltar. As the Minister with responsibility for postal services, it is my obligation to ensure that efficient and reliable postal services are provided both within Gibraltar and between Gibraltar and the rest of the world. My thanks go to all the team at the RGPO ably lead by Glendon Martinez, HM Customs and our logistics partners for their continuous hard work during the course of this year.

1295 Mr Speaker, I turn now to the Office of Fair Trading. I was the Minister responsible for the OFT up to the recent reshuffle, in April, where responsibility was handed over to my colleague and friend Samantha Sacramento for the reason set out by the Chief Minister when he announced the reshuffle. I shall deal with each of its core responsibilities in turn, starting with business licensing.

1300 Over the course of the past financial year the Business Licensing team has seen a significant increase in the number of business licence applications it has received. A huge 935 business licence application notices have been published, representing a 31% increase compared with the financial year ending 2021. Applications processed per week by the team have, therefore, increased from 14 applications per week to 18 applications per week on average, with a maximum of 32 application received in a single week. During this past year, the office has issued 501 new licences, representing an approximate increase in licences of 25% based on renewal data for that same period – 2,335. This is a great indicator that Gibraltar business is flourishing despite significant COVID-19 and Brexit-related uncertainties and that the Gibraltarian entrepreneurial spirit continues to show resilience in adversity. Given the increase in workloads represented by these increases, the Government has invested in IT upgrades for the office to allow the OFT to modernise its internal processes and databases to create a modern and fit-for-purpose software package that will allow the team to provide a quicker and more efficient service to the business community.

1310 Turning to the OFT's consumer protection responsibilities, the Consumer Protection team has processed 374 complaints of reported harm to consumers in Gibraltar during the past financial year. Of these, 75 have led to investigations carried out by the team. This high number of complaints is largely a reflection of the success of the OFT's consumer awareness programme, which continues into 2022. The programme aims to educate local consumers about their consumer rights, and businesses to understand their rights and responsibilities. Awareness has been raised about wide-ranging subjects such as distance contracts, rental deposits, second hand cars and toy safety, with particular emphasis on the dangers to children of button cell batteries, magnets and flammable costumes.

1320 The team has also continually updated its awareness on travelling in the post-COVID 'new normal', to reflect ongoing changes that affect consumers. As a result, the team has extensively engaged with, and issued guidance to, businesses within the travel sector. The OFT also assisted a local consumer in pursuit of a successful claim through the Small Claims Track of the Supreme Court against a local travel agent arising from the cancellation of a package holiday due to COVID-related travel restrictions.

1330 This year, the OFT has also issued the new code of conduct for the retailers of goods, in March, which will serve as best practice guidance for businesses that retail goods to ordinary end consumers. The code provides clarity for both businesses and consumers should disputes arise from purchases, including expected redress and timeframes. As part of its ongoing inspections programme, the team has carried out 53 visits to local businesses, including follow-up visits to ensure compliance of identified shortcomings.

1335 I can confirm that the Government continues to work with the OFT on the Fair Trading Bill 2020 with the aim of producing a more appropriate and mature framework within which the OFT can operate. The Bill will make the establishment of new businesses easier and quicker by simplifying the business licensing process. It will, therefore, drastically improve the manner in which the OFT can provide its services to the public. At the same time, the new Bill will protect consumers in Gibraltar and allow the OFT to set trading standards for businesses operating in Gibraltar. As always, this process continues to be done in consultation with the Gibraltar Federation of Small Businesses and the Chamber of Commerce to ensure that it will support the business community in Gibraltar. The document is practically in final form, pending clarity on some important issues before it is ready to be presented to this House.

1340 Finally, I wish to thank Francis Muscat, Audisa Rodriguez and the rest of the team at the OFT for their support whilst I had ministerial responsibility for them.

1345 Moving on to other business-related matters, in December 2021 I introduced an all-women
Small Business Board, the aim of which is to assist and foster positive development of businesses
locally. The board consists of representatives of the Gibraltar Chamber of Commerce and the
Gibraltar Federation of Small Businesses, in addition to a cross-section of local businesswomen. I
am absolutely delighted with this; business is not only about businessmen. We have some
1350 excellent entrepreneurial women in Gibraltar, and this is proof of that. I wanted to show our
women the respect they deserve, (**A Member:** Hear, hear.) especially at this important juncture
of our economic development. This is the second business board that I have appointed and I look
forward to working with them for the good of our business community and Gibraltar as a whole.

1355 The Business Improvement Districts Act 2021 was passed by the Parliament in May 2021 and
brought into operation, together with the Business Improvement Districts Regulations 2021, on
8th July 2021. Hon. Members will recall that a business improvement district (BID) is a defined
area in which businesses are required to pay a levy to fund projects within the district's
boundaries. The Main Street and surrounding BID is managed by businesses for the businesses
and has the full support of the GFSB and the Chamber of Commerce, Hindu Community of
Gibraltar and Gibraltar Law Council, as well as numerous other interest groups and associations.
1360 In September last year, the voting process began for businesses to decide on whether they wanted
to form part of the BID scheme. On 1st October, the results of the ballot were announced. Of the
291 votes cast, 192 businesses voted in favour, which represented 66% of businesses backing the
scheme; consequently, the scheme was launched.

1365 The BID project will bring life to the town centre for tourists and locals alike. This is an exciting
time. The BID company, which will be managing the BID project, is a not-for-profit company,
limited by guarantee and governed by a board of directors who will be directly accountable to the
BID levy payers and responsible for delivering the BID projects and services and maintaining the
BID objectives. These objectives are to direct and deliver over £4 million of investment over the
1370 next five years; carry out exciting projects and events to drive footfall and spend in the town area,
raise its profile, help its continued recovery and develop its position as a vibrant destination for
local residents and visitors alike; give businesses the support they need to flourish, by driving
down business costs, providing business development opportunities, being a strong voice and
championing their interests; and finally, improve the trading environment, making our town area
a better place for everyone to do business, as well as a better place for locals and tourists to enjoy.

1375 We need to keep people in Main Street and the surrounds. This will bring optimism and
confidence to our small business sector and I am excited to be working with this energetic and
enthusiast task force team to help bring them the much needed success they deserve. I was
delighted to be part of the official launch last night.

1380 Mr Speaker, my Ministry is a strategic partner of the Commonwealth Enterprise and
Investment Council (CWEIC). As hon. Members are aware, a CWEIC Gibraltar office was opened
last year to assist strategic partners to establish, develop and sustain a network of productive
relationships across the Commonwealth's global business ecosystem in order to enable
sustainable business growth. In January, I formed part of a delegation, which included Members
of Parliament from the United Kingdom, on a trade mission to Bangladesh. Meetings were
1385 arranged with the Bangladesh government, including the foreign minister, the minister for the
environment and the minister for economic affairs. There were also separate meetings with
private sector investors, business leaders and industrialists. It is clear that there are opportunities
in many areas that are relevant to Gibraltar, like commerce and financial services, and I look
forward to further engagement with those I met to establish whether there is scope for them to
1390 do business with Gibraltar. I look forward to further collaboration with CWEIC and take this
opportunity to thank them, and in particular the previous CEO, Samantha Cohen, for including
Gibraltar as part of their delegation to Bangladesh.

1395 Mr Speaker, I continue to meet regularly with the Chamber of Commerce and Federation of
Small Businesses. My doors are always open to them and I look forward to working closely with
them over the next year.

1400 The Government announced, in March, additional financial support measures for the catering sector. The Government has consistently assisted and supported the Catering Association throughout the entire COVID-19 pandemic. The support package was aimed at mitigating some of the reduced business the catering sector experienced following Public Health guidelines issued on 18th November 2021. The support package included a rent moratorium, rates discounts and the waiver of all registration fees at the Employment Department.

1405 Mr Speaker, I beg your indulgence, but before finishing my contribution let me start by saying how very disappointed I am with the Opposition tourism spokesman, the Hon. Damon Bossino, (*Interjection*) who has, during the last year, played politics with tourism. In an attempt to grab headlines and make himself relevant, the hon. Member has been constantly nit-picking on almost everything the Government does. (*Interjection*) While the hon. Member is perfectly entitled to have a different opinion, it seems that he just criticises for the sake of criticising and has not been able to come to terms with the fact that he is not the Minister for Tourism. We have been elected to implement and develop our own policies and implement our programme for government in accordance with our own views and assessments, and not the policies of the Opposition. What is remarkable is the arrogance with which the hon. Member approaches his role as a Member of the Opposition, pretending to be able to make policy in the areas he shadows. I can go on and on, but I can assure this House and those listening to these proceedings that whilst the hon. Member plays politics, I will not be detracted from getting on with the serious business of Government, which is what I was elected for.

1415 Mr Speaker, I would like to thank my friends the Hon. the Chief Minister and the Hon. the Deputy Chief Minister. I could not do this job without their support. They have always been there for me. I will never forget that. Thank you. All my ministerial colleagues too, thank you. My Ministry team, of course, efficiently led by John Reyes, each and every one of them – they are an amazing team and I am lucky to have them working with me, hardworking, loyal, ready to do more and always ready to help me. Apologies to them for putting up with my demands at all hours, my WhatsApps, my emails etc. They know they do not need to reply at these hours but they do, because they care. They understand that I want everything done yesterday and they respect that. Last but not least, I want to thank Tracey Poggio for assisting me from the London Office in my tourism endeavours. A heartfelt thanks to all of you; you are a very special bunch.

1425 Finally, Mr Speaker, thank you and the Parliament staff for the dedication you put into this job and making life easy for us. Thank you very much, Mr Speaker. (*Banging on desks*)

Procedural –

Sir Joe Bossano’s Budget speech to be issued via press release

1430 **Chief Minister (Hon. F R Picardo):** Mr Speaker, thanking both of my ministerial colleagues for the interventions they have made so far, I have to share with the House the news that the Minister for Economic Development, the Father of the House, Joe Bossano, has just tested positive for COVID, which obviously puts a bit of a spanner in the works of many things, not least the order of speeches that we had agreed with Members opposite so that those who shadow ministerial responsibilities can speak after the Member shadowed.

1435 I am particularly saddened by the fact that Sir Joe has tested positive for COVID because this would have been his 50th Budget speech in this House.

1440 In an earlier discussion with you and with the Shadow Minister for the same areas of responsibility, Mr Clinton, I suggested that, as Sir Joe’s speech is now ready, one of the ways to ensure that it is reflected in the record of these proceedings is for me, just as I move the adjournment, to read the first sentence of what he would say and then share the speech with all hon. Members and with the general public through press releases and to have it reflected in the *Hansard* as delivered. So, now that the result of that test has come in, and I have Sir Joe’s speech –

which hon. Members will be comforted to know this year even brings its own index to it (*Laughter*) – I would, with your leave, Mr Speaker, read his first few words of introduction, where Sir Joe, the Hon. Father of the House, would say:

In analysing where we are and where we need to be in our public finances, we cannot ignore the global background against which we and every other government has operated. I will, therefore, share with Members my assessment of just how serious the state of health of the global economy is.

1445 Mr Speaker, without reading any more, I will now make arrangements for the speech to be shared with hon. Members and with the House, and I will propose, given that it is quite a lengthy intervention and the hon. Member opposite will want to be able to reply to it fully, that we return this afternoon at four o'clock for him to be able to start his reply.

1450 **Mr Speaker:** The House will now recess to four o'clock.

*The House adjourned at 1.03 p.m.
and resumed at 3.03 p.m.*



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.02 p.m. – 6.54 p.m.

Gibraltar, Wednesday, 29th June 2022

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The Gibraltar Parliament

The Parliament met at 4.02 p.m.

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

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

Appropriation Bill 2022 – Second Reading – Debate continued

Clerk: We continue with the Appropriation Bill 2022.

Mr Speaker: The Hon. Roy Clinton. (*Interjection by Hon. Chief Minister*)

5

Hon. R M Clinton: What you have all been waiting for. Thank you, Mr Speaker.

Before I commence my main submission on the debate on the Appropriation Bill, I would like, on behalf of my colleagues in the Opposition, to wish Sir Joe a speedy recovery from being afflicted with COVID. We hope to see him soon, back in this place, as he is obviously greatly missed at Budget time if he is not here. (*Banging on desks*) I have no doubt he is watching!

10 I thank Sir Joe for having given us a written copy of what would have been his submission in the debate – and no doubt those 48 pages will form part of the record, for posterity – which I understand is now available on the Government website and I would urge anybody who is interested in following these proceedings to read it for themselves.

15 Sir Joe, as we would expect, gives us a good overview of the challenges that we face, not just in Gibraltar but in the economy as it affects the world today and as things are likely to develop over the coming months and years. I will just highlight one or two phrases and words from his very long contribution. He warns us that inflation is likely to increase again by July. There are words which reoccur as a theme throughout his contribution: the words ‘unaffordable’, ‘unsustainable’ and of course his ‘golden rule’. In terms of our future economic plan, I think one of the key words he repeats is the idea of self-sufficiency. In the context of this debate I would just like to quote one section from his submission, on page 7, in which he says – and I think this is probably the key phrase, if I had to identify one in his contribution:

20

At no other time in our history has there been a greater need to make an all-out effort to restore the state of financial stability ...

25 I can only concur with that remark, but unfortunately the message does not seem to be getting across to his colleagues. It is an important message that they really cannot afford to ignore.

Mr Speaker, going on to my main contribution, yesterday the people of Gibraltar had their collective pockets picked by this Government in order to cover the mismanagement of the 2021-22 Budget, which has resulted in the need to borrow an extra £50 million. A 2% increase in PAYE, coupled with inflation raging at 8% and only likely to increase, as Sir Joe has warned, means that the average worker and their family will see a fall in real wages of probably at least 10% this year.

30

This Government has had its head buried in the sand for far too long with a capital spending programme which has been fuelled by debt, debt and more debt. It has forgotten the basics of

35 public finance, regardless of Sir Joe's golden rules. Its Budget measures this year do not bear
scrutiny, especially if, as stated, they are only meant to be for two years.

In this Appropriation Bill and Estimates Book I see we are now on a knife edge. We have
unsustainable spending and an unbalanced Budget with increased borrowing for the coming
40 financial year 2022-23. The headline deficit for 2021-22 was estimated to be some £50.7 million.
This was before the COVID-19 costs and with additional borrowing of £50 million, which will have
taken total gross direct borrowing to £747.7 million. This envisaged a total net cash spend through
the Consolidated Fund of £79 million if you take out the envisaged £50 million borrowing as per
the Estimates last year. The forecast outturn for 2021-22 is a headline deficit of £55.3 million,
45 which is before COVID-19 costs, with an additional borrowing of £100 million, which then takes
our total direct gross borrowing to £797.7 million. This is double the borrowing that was
envisaged. Instead of £50 million, they have had to borrow £100 million. The total net spend
through the Consolidated Fund was £103 million, which is what we would get if we excluded the
£100 million of borrowing, and this number gives a truer picture of our predicament than the
50 headline deficit number of £55.3 million, which does not take into account spending via the
COVID-19 Fund.

Indeed, if that was not bad enough, there can be no doubt that there has been a significant
overspend in relation to last year's Budget. Using the cashflow of the Consolidated Fund, it can be
seen that keeping revenue at its original budgeted level, which would increase the deficit by
£16 million, the overspend in cash terms was in the order of £40 million. Forty million pounds,
55 Mr Speaker! This is a number we have heard before. In fact, we have heard it in warnings from
Sir Joe Bossano. And yet yesterday the Chief Minister said:

Over the last few months there has been an attempt to suggest a division between comments made by the Father
of the House in an interview on GBC, where he projected a loss of in excess of £90 million, and some of the
statements I have made. The Hon. the Father of the House was guiding his projections for the overall loss based on
the level of borrowing, without classifying the distinction between business-as-usual losses of £55.3 million and the
additional over-expenditure incurred within the COVID Response Fund.

Mr Speaker, each pound of overspend, regardless of origin, necessarily results in an extra
pound of borrowing, so what Sir Joe was saying was entirely true but obviously not the way the
Chief Minister wanted it spun for public consumption. How realistic was last year's Budget when
60 we also heard from Sir Joe that some £75 million had been shaved off departmental budget
requests even before the Estimates Book reached this House?

The majority of the overspend appears to be in the GHA budget in a period when COVID-19
related expenses should not have been remotely similar to prior periods. The Leader of the
Opposition has highlighted it in his speech and my colleague Mr Phillips will examine this in more
65 detail in his contribution to the debate.

The headline deficit for next year, 2022-23, is estimated to be £45.2 million, which is a very
long way away from a breakeven position. In cashflow terms, the total net spend through the
Consolidated Fund will be £46 million, less than half compared with the year just gone by. It is
expected we will need to borrow yet another £50 million to take our total direct gross borrowing
70 to £847.7 million.

One significant difference from recent years is that there is no material contribution to the
Improvement and Development Fund from the Consolidated Fund. In 2021-22 it was
£19.5 million; next year, merely a notional £1,000. It would appear that the Improvement and
Development Fund is expecting over £100 million of income in order to fund some £67 million of
75 expenditure. I can only assume – and the Chief Minister can confirm it in his response – that the
£90 million premium for the Eastside project is included in these numbers, in which case the
funding of I&DF projects is entirely dependent on successful negotiation of the premium. Failing
that, the Consolidated Fund would have to pass money over to the I&DF Fund or the projects
would have to be cut.

80 Mr Speaker, talking about costs, we have yet to hear how the appointment of the new CEO of the Tourist Board at a salary of £140,000 is cost neutral, as was described by the Chief Minister on 17th March 2021, especially as the salary was disclosed as being £51,767 in the 2011-12 Estimates Book under the Gibraltar Development Corporation. I would love to hear how that is cost neutral.

85 Looking through the Book, I can give an example where decisions have been taken which, frankly, flatter the outturn numbers. The deficit could have been even higher. Specifically, Head 22, being Social Security, has, in 2021-22, given itself a contribution holiday of £7 million by simply not paying anything to the Statutory Benefits Fund. This £7 million payment has been reinstated in 2022-23. If that £7 million had been paid in the year gone by, then obviously our deficit would have been yet higher.

90 Given this analysis, it can be seen that we really are on a public finance knife edge, which is only being balanced by increased borrowing. As at 7th April 2022 the borrowing on the NatWest UK guaranteed facility was £350 million. The envisaged borrowing in 2022-23 will take us to £400 million of the £500 million facility, assuming, of course, that there are no overspends, which would have to be met from further borrowing. This entire facility was due for repayment on
95 3rd December 2023.

Yesterday the Chief Minister made, in my view, the most important statement in the history of our public finances, but he mentioned it almost casually. I think it is worth repeating in full, as follows:

Additionally, we will finalise, this year, our strategy for the repayment of the COVID debt, which will be long-term, war bond style debt. Our current discussions with HM Treasury sees us repaying the bulk of the outstanding over 25 to 26 years, with the benefit of the sovereign guarantee from the United Kingdom extending over that period for that ring-fenced, crystallised debt. We will be able to set that into legal-agreement stone only once the full extent of our COVID drawdown is, itself, crystallised.

100 If the Government can stick to its Budget and if the UK government has already given its commitment, then the £400 million that would fall due on 3rd December 2023 would be extended to at least 2048. That is a much more realistic timeframe in which to rebalance our economy. But the statement from the Chief Minister was light on details such as the type of loan and repayment schedule, and I really would like to hear more about that; indeed, repayment is something I intend to discuss later on. I think it is critical to understanding the future of our public finances.

105 Our recurrent revenue is not covering recurrent expenditure – I think a fact that we all in this House recognise – such that for the last year, ended 31st March 2022, our costs were 9% greater than revenue. The COVID-19 Response Fund has re-credited the Consolidated Fund with £107 million in respect of lost revenue, the main areas that have lost revenue being £65 million in Import Duty, £32 million in Company Tax and £2 million in Income Tax. For next year it is forecast
110 that the COVID-19 Response Fund will only require £40 million to make up lost revenue of £30 million in Import Duty and £10 million in Company Tax. The slow recovery in Import Duty is concerning, and if it does not return or recover to pre-pandemic levels then we are likely to have a continuing recurrent deficit problem, and if this Government does not take this year's Budget seriously, then I am afraid to say next year's Budget debate will be scripted by Stephen King: a
115 true horror. I would have thought that by now the Government would truly understand our financial situation and predicament, especially having appointed Sir Joe Bossano as Minister for Financial Stability.

120 The example has to be set from the top, and yet there is no leadership on the control of unnecessary costs. In answer to my Question 267/2022 last week, the Chief Minister confirmed that Ministers and Government officials had flown club class 40 times in the space of six months – yes, 40 times in six months – and they could not find any economy seats. Furthermore, having just doubled the cost of prescription charges under the Group Practice Medical Scheme, the Chief Minister then flew to see His Holiness the Pope, again in business class at the taxpayers' expense: a pilgrim's progress in regal style.

125 **Chief Minister (Hon. F R Picardo):** I went out in economy.

Hon. R M Clinton: This is not leadership by example.

Hon. Chief Minister: I went out in economy.

130

Hon. R M Clinton: This is the Chief Minister's champagne socialism at its worst (**A Member:** Hear, hear.): do as I say but not as I do. He likes his champagne. (**Hon. K Azopardi:** Pink champagne.) Is it pink?

135

Hon. K Azopardi: Absolutely. Off-red.

Hon. Chief Minister: All the colours of the rainbow, if you are trying to imply something [inaudible] a champion of Pride, not one of those who [inaudible]

140

Hon. E J Phillips: Socialist pink – that is the analogy.

Mr Speaker: Please continue with the speech.

Hon. R M Clinton: Yes, sorry, Mr Speaker.

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We also find that of the nine Government Ministers, the majority, namely six, are in private rented offices. This was disclosed in answer to my Question 269/2022. Indeed, despite the current financial crisis, the Government saw it appropriate to rent offices for the Minister for Housing and the Minister for Business at a combined annual cost of £215,000. This Government has completely mismanaged the use of the public office space it inherited upon coming into government. Instead of maintaining and renewing space it owned, it embarked on a piecemeal disposal and moved into expensive private sector accommodation. The Government sold the Haven to Gibtelecom in 2014 for £5.8 million, more or less what it cost to refurbish No. 6 to the Chief Minister's expensive tastes. The Haven, since then, has largely remained empty and is now up for sale by Gibtelecom to repay the £3.6 million mortgage which was used to buy it. Meanwhile, the DSS offices collapse into a state of disrepair, which then causes a move to New Harbours and the rental of more private sector space in the ICC for the vacating Housing Department, which will then cost us an annual £237,000. The least visited Departments of Government – not that I do not appreciate them – the Audit and Statistics Departments, have brand new offices in the World Trade Centre on 21-year leases at an annual cost of £194,000. The cost of rental of office space by the Treasury Department has rocketed from £2 million in 2011-12 to some £10.5 million in 2021-22. I would welcome an analysis and justification of this number by the Chief Minister. He says 10 years. This Government needs to make better use of its existing resources before splashing out on more lavish private sector rentals at the taxpayers' expense, which inevitably increases recurrent expenditure, of which Sir Joe is so terrified. I cannot see the Chief Minister leading on this. He simply does not seem to be able to control his spending.

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For the last number of years since I have been in this House – or, at least for the last three years – I have complained about the inability of the Principal Auditor to complete his reports on time, due to outstanding supplementary appropriations. Despite three Bills covering 2017, 2018 and 2019 being passed in a single day last year, on 26th July 2021, we still do not have any new reports in this House. The last report available to us is that for 31st March 2016. If this Government truly cared for transparency and accountability it would have shown some leadership in ensuring the required Bills were debated and passed in a timely manner. I really do not accept that COVID-19 was the reason for the delay in debating those Bills. Without any recent reports from the Principal Auditor this House cannot hold the Government to account on its spending, including areas such as value for money.

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The Government's record on filing its corporate accounts has barely improved, despite repeatedly being brought to their attention. As at 31st March 2022, 26 companies were overdue in their filings at Companies House and a further 12 have not even been audited since incorporation. This is an unsatisfactory situation and one that should have been resolved by now.

180 The reason why this is so important is that significant amounts of public money are being channelled into some of these companies. One in particular stands out above others, and that is Economic Development and Employment Company Ltd, a company I brought to the attention of this House back on 19th June 2019. You can check *Hansard*. This entity, which is owned by the Gibraltar Development Corporation, annually receives some £11.8 million from the GDC, which in
185 turn receives the money from the Consolidated Fund. In the six-year period from 2014-2015 to 2019-21 the amount contributed to this company was £82.5 million. This company has only filed one balance sheet since it was incorporated on 11th June 2012 by this Government. We know from answers to my Question 161/2022 that this company owns shares in a further nine companies, of which we know, again from answers to questions, six are behind on their filings at
190 Companies House. We do not know how that £82.5 million has been spent or, indeed, how much remains. I fail to understand how this House can continue to approve contributions in the order of £11 million to an entity that has failed to disclose how that public money is being used. The Government cannot expect the public to suffer the consequences of this financial crisis in silence while the Government does not disclose what it does with millions and millions of pounds of
195 taxpayers' money – again, a failure of leadership on transparency, which speaks volumes.

In his May Day message of 2021 the Chief Minister said the following:

I can guarantee you that we will ... stop all waste and abuse we detect in government spending.

Well, what has he managed to do over the past year, I ask myself. Business travel continues unabated and the report on GJBS only resulted in a 'series of changes in the structure of the management and operation of GJBS'. We are still deprived of the latest reviews from the Principal
200 Auditor, and despite repeated promises – and I will not hold my breath – of an Anti-Corruption Authority, this has still to materialise. There is still no appetite from this Government for a Public Accounts Committee which will follow up audit reports and other matters. Again, I remind the House that it is embarrassing that Gibraltar is the only UK Overseas Territory that has no such committee and this goes against what is deemed to be best practice in the oversight of public
205 finance. So, where is the leadership on eliminating waste and abuse that he pointed out in his May Day message?

Moving on to borrowing, our direct gross borrowing, as I set out earlier, is projected to reach £847.7 million by the end of the next financial year. The last information I have on the Sinking Fund is that it only has £25.4 million in it. This needs to be funded regularly from the Consolidated
210 Fund to ensure that we have a clear path to repayment. I have seen no indication, as yet, as to how the Sinking Fund is to be built up in future.

The analysis of the gross direct borrowing at 31st March 2022 is as follows: £372.7 million of Government debentures, which are, in fact, held by the Gibraltar Savings Bank; £150 million that was a one-year facility that we understand has now been repaid, on 7th April 2022; the £75 million
215 and £5 million facility with RBS NatWest; and, again as at 31st March, £200 million under the RBS NatWest UK guarantee. That would be £372.7 million of Government debentures held by the Savings Bank and some £425 million of bank borrowing, which would take us to the figure of £797.7 million of direct gross borrowing.

By 31st March 2023, i.e. next year, the guaranteed facility will be £400 million, given the
220 £150 million borrowed from the Gibraltar International Bank was, as the Chief Minister indicated to the House, repaid on 7th April 2022. Given the Chief Minister's expectation to convert this £400 million debt into a 25-year loan, it begs the question: how would we fund its repayment? If we assume a bullet repayment at the end of the term, we would have to set aside, into the Sinking Fund – excluding, of course, interest costs – £16 million every year for the next 25 years, and yet

225 I have heard nothing as yet on this important question, which again shows a lack of thinking or
planning. How are we going to repay £400 million in 25 years? I think it is a question on which we
deserve to hear what the Chief Minister thinks.

Then, of course, we need to go on to the perennial disagreement we have with the
Government in terms of the indirect gross borrowing, which I try to quantify each year. Again, I
230 do this on a best-efforts basis, and if I have any numbers wrong I will happily be corrected: Credit
Finance, £400 million; GCP Investments, £9 million; ES Ltd, which is the entity that has the power
station, from its last filed accounts, £ 95 million; Gibraltar Car Parks, another £21 million; Gibraltar
Capital Assets, another £300 million – that is the one that has the mortgages on the housing
estates, although I know the Chief Minister does not like the word ‘mortgage’ but it is,
235 nevertheless, secured on the housing estates; Eruca Investments, with its very complicated
structured financing, another £165 million. That adds to a gross amount of £990 million, which is
in addition to the official gross debt of £797.7 million as at 31st March 2022. That would bring us
to a total gross debt number, of direct and indirect debt, of effectively £1.8 billion as at 31st March
2022, as compared with £1.7 billion at 31st March 2021. Of this £1.8 billion only £350 million –
240 and again I am using numbers at 31st March 2022 – can be said to be attributable to the
COVID-19 response at best. This Government has truly buried Gibraltar in a mountain of debt and
it should be ashamed of itself.

Mr Speaker, turning to the Budget measures as announced yesterday, we on this side of the
House have long warned of the excessive spending by this Government and that ultimately it
245 would be the taxpayer who would foot the bill. Sadly, yesterday this warning came true. The Chief
Minister said that it was incumbent on him and his Government ‘to seek to find a way to lead this
community out of the deficit period, with the certainty that we can address the debt that has built
up during the COVID period and its aftermath’. And yet, without so much as a blush, he stated
that the much talked about rainy-day funds were once again healthy, even at this time. This is
250 insane. Before seeking to tax workers by 2% at a very difficult time, shouldn’t the rainy-day funds
be used first? I mentioned in last year’s debate that Sir Joe refuses to transfer the accumulated
profits of the Gibraltar Savings Bank to the Consolidated Fund. As at 31st March 2022 the
Estimates Book, on page 254, shows this has a Reserve Account with a balance of £56 million.
Should this not be used first, before taxing workers? This money belongs to the people, not to
255 Sir Joe Bossano. We have a rainy-day fund that we cannot touch, even today at the height of
monsoon season. What is the point of having that fund?

Other than the announced increase in water and electricity charges of 8%, which we now know
will continue to increase annually by inflation together with all other government fees – the only
way is up – there are two main revenue-raising measures that I would like to discuss and try to
260 quantify. These seem to be the two main planks of the Government’s revenue-raising attempts.

The first is the two-year company levy, which was announced as follows:

We propose that every company pay a COVID recovery charge of £25 per week over the next two years.

Mr Speaker, whenever the Chief Minister describes a cost as per day or per week, you can be
certain of one thing, and that is there is a bigger number that he is trying to hide. The charge
amounts to £1,300 per annum. I am reliably informed that the number of companies on our
265 register is in the region of 14,000. If all companies were to pay, then that would raise a large
number in the order of £18.2 million or £36.4 million over the two-year period. This measure can
be found in paragraphs 854-61 of the Chief Minister’s Budget address. But this measure takes no
account of the activities of the company, nor of the ability – or even, indeed, the willingness – to
pay. The Chief Minister has, perhaps inadvertently, strayed into the field of trust and companies
270 managers, and their clients may not feel so altruistic when there are plenty of other jurisdictions
to choose from. Indeed, this morning we have heard from the Minister for Financial Services, when
he rose to give his Budget address, that they had representations overnight from the industry
complaining that this would affect their business. And so the Government now, in what must be

275 the *Guinness Book of Records*' fastest U-turn on a budget measure in history – in less than
24 hours – is saying, 'No, forget what we said: we are only going to go after those trading in
Gibraltar.' But if the Chief Minister is trying to raise money to balance a future Budget, how much
has this torpedoed the revenue-raising measure? If they are only going to go after companies
trading in Gibraltar and, for the sake of argument, if we say there are two and a half thousand
registered employers in Gibraltar, multiplied by 1,300 that would bring you in £3.2 million. Well,
280 £3.2 million is, I think, about £15 million-odd short of what he originally could have tried to target
on this measure as announced. How will he make up the difference? What was the amount he
thought he could raise? Was this even a realistic Budget measure? Who came up with this idea?
And then, of course, you have the additional question: if we are just going to go for trading
companies, what about the small companies? Why should they pay the same as a large company?
285 What about the charitable companies? There are plenty of charities that are set up as companies.
And, indeed, what about all the estate-management companies, the ones that manage all the
estates around Gibraltar? Are they going to have to pay as well? It is so self-evidently an ill-
thought-out levy that you need not read very long on Facebook to see that this is a complete
nonsense of a measure. If it was intending to raise somewhere in the order of £18 million, well
290 then it has failed at the first hurdle.

And so we are now left with only one Budget measure that really could generate revenue in
any significant amount: the 2% increase in PAYE, which is, again, across the board regardless of
earnings. I will venture into some technical stuff here, Mr Speaker. Using the information on
page 56 of the recently tabled 2021 Employment Survey, which shows the distribution of average
295 earnings, I estimate that 2% on the earnings across the different bands could perhaps generate as
much as £16 million, although again this is a guesstimate and a best effort; I obviously do not have
access to the actual numbers. Of course, it would be helpful if, in his reply, the Chief Minister could
state how much he has been advised he would raise by this 2% PAYE increase, and also what he
thought he was going to raise on the company levy. Assuming my numbers are accurate, or at
300 least in the ball park, this means that the measures would raise around £34.2 million per annum,
but of course, given the Government's U-turn, it is probably going to be a lot less. Even if it was
£34.2 million, this is still significantly less than the so-called rainy-day reserves of the Savings
Bank – which we are not allowed to touch because it is not a rainy day yet. But who decides?

What is not clear from the measures announced is the use to which the money will be put. Is
305 this money going to be credited to the Sinking Fund, to start to help repay debt; or is it to reduce
annual deficits in recurrent expenditure in future, in the anticipation that perhaps in two years'
time revenues might recover to old levels? A two-year period certainly will not be enough to help
in addressing the debt levels. I would really appreciate some indication from the Chief Minister as
to what the thinking is and how much he thinks he will be able to raise with these measures in
310 two years.

The 2% PAYE increase also shows a complete lack of targeting of income bands. The burden,
you would have thought, should be fairly weighted in a way that higher earners would bear more
than those on lower incomes. This displays a complete lack of empathy by the Government with
those middle wage earners who will suffer. Is this the best they could come up with? How much
315 thought has gone into this?

It has to be asked, given that the property market seems to be generating, as the Chief Minister
said, higher than expected Stamp Duty receipts, why has this not been taxed further – an extra
per cent of Stamp Duty at the top end? Indeed, some may ask why not tax the profits from the
property developers? We certainly have no shortage of them and perhaps their profits should be
320 subject to closer scrutiny – perhaps they will do that – or perhaps they should suffer a windfall
COVID levy as well. The Government seems to have gone for the lowest-hanging fruit, the easiest
tax target, the ones least able to fight back, namely the workers who are already suffering
financially. Is this the best they could come up with?

Mr Speaker, I move on to AquaGib. I was surprised to hear that the Government was proposing
325 to nationalise AquaGib at precisely the lowest point in our public finances. The Government owns

one third of the shares in this joint venture, which – as per its latest accounts, of March 2020, which are available at Companies House – employs some 100 people. Based purely on a net asset value price, it would cost the Government at least £6 million, and, if on a multiple of earnings, maybe even more. I really would be interested to hear who is going to be paying for the shares, because the last time the Government made a big announcement, about buying Gibtelecom, it ended up being the Savings Bank that paid for it and became the ultimate owner, not the Government.

I was interested to hear that the Government had secured a secondment from Her Majesty's Treasury in the UK to assist in reviewing tax declarations. I am not sure if this is the first time this has happened but I would welcome further information from the Chief Minister, and indeed whether the loan restructuring for 25 years is in any way connected to Her Majesty's Treasury's interest in assisting the Tax Office?

Hon. Chief Minister: Absolutely not, and we would not have accepted it if it were.

Hon. R M Clinton: Well, I am asking.

Hon. Chief Minister: We requested it.

Hon. R M Clinton: I am asking.

Hon. Chief Minister: And I said we requested it.

A Member: Hear, hear.

Hon. R M Clinton: Mr Speaker, looking at inwards investment, TNG's major expected investment in the Eastside project of course is to be welcomed, if it materialises. It is, however, evident that the majority of the Improvement and Development Fund's expenditure appears to be entirely dependent on the receipt of the £90 million premium. As I said last year, we have also seen little in the way of the Government's post-Brexit economic plan. We have seen nothing in respect of the 150,000 m² reclamation project which was part of their central plan. We hear from the Deputy Chief Minister that the Rooke site is still being negotiated, and we have heard nothing of the Queen's Cinema and Queen's Hotel site, the most expensive car park in Gibraltar.

Mr Speaker, passing on to non-finance matters and FATF – and I do this wearing my hat of financial services and gaming – of course we were all disappointed, certainly on this side of the House, with Gibraltar's grey listing. I note what the Minister for Financial Services has now said to the House in his Budget address and I welcome it. It would, of course, in my view, have been more appropriate if he had made a ministerial statement to the House. That would have allowed us to ask questions of clarification, especially as he was prepared to give his analysis to a private seminar ahead of this place. He has already heard the official Opposition's views on the matter and we trust on this issue we can reach cross-party consensus that the priority for Gibraltar is to be removed from the list as soon as possible. I heard the Minister's offer and I certainly will accept his kind offer for briefings on this and, indeed, the new Gaming Act in due course.

Mr Speaker, in conclusion, we have seen that this Government cannot keep to its Budget. The people deserve better than to have their pockets picked because of the failures of this Government. We will not vote for a Budget that lacks leadership, transparency and accountability and contains measures which are a shambles and not thought through. It is a joke of a Budget. We see no leadership from this Chief Minister on curbing unnecessary spending. We see no leadership from this Chief Minister on transparency. We see no leadership from this Chief Minister on eliminating waste and abuse. We see no leadership from this Chief Minister on repaying borrowing. Indeed, we see no future for this Chief Minister, who lacks the financial skills to get Gibraltar through this crisis.

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

Hon. Chief Minister: Like being mauled by a sheep.

380 **Mr Speaker:** The Hon. Paul Balban. I welcome him back to this austere Chamber. (*Banging on desks*)

Minister for Transport (Hon. P J Balban): Mr Speaker, it is an honour to rise once again today, as Minister for Transport, to give my Budget address. I will start with my ministerial responsibilities for Technical Services.

385 This has been a difficult year for the Technical Services Department following the COVID-19 pandemic and the uncertainties raised by the ongoing Brexit negotiations. This has led to the Technical Services Department concentrating its efforts on operationally critical items in all areas under its responsibility. Notwithstanding these challenges, the Department has continued to provide technical support to Government Ministries and Departments on a wide range of construction and traffic-related matters, as well as meeting its defined responsibilities of maintaining public infrastructure.

390 Whilst the Department has shown prudence in its spending and concentrated its efforts on essential and critical items, the Department has nonetheless been able to meet its core objectives of maintenance. It has been involved in many projects covering a wide range of responsibilities which included cliff and slope stabilisation schemes within the Upper Rock and Little Bay, the repair of a number of retaining walls, highways resurfacing works and highways maintenance, as well as general sewer maintenance and improvement works. In addition, the Department has also provided support on the implementation of several projects related to the Sustainable Traffic, Transport and Parking Plan launched in March 2017.

400 With respect to cliff stabilisation and rock-fall prevention projects, during the last financial year the Department has been involved in numerous schemes which have included stabilisation works at Little Bay, Woodford Battery and Camp Bay.

405 With regard to highway maintenance, the works programme has once again been successful over the past year, with ongoing repairs to roads, footpaths and retaining walls. The Department's team of highways inspectors carries out regular inspections of all our roads and footpaths and reacts to reports received from the public.

410 This year will see the continuation of our very successful and comprehensive road resurfacing scheme. Over the last few years, a very significant number of our roads have been resurfaced or patch-repaired, and during the last financial year the Technical Services Department once again embarked on a significant road-resurfacing scheme which saw South Barracks Ramp, the north sections of South Barracks Parade, South Pavilion Road and Engineer Road and Corral Road totally resurfaced.

415 During the past year, the Technical Services Department was also involved with works to several retaining walls. These have included works at the old King George V Hospital, Bruce's Farm, Scud Hill, Mount Road, Upper Witham's Road, the American War Memorial, Naval Hospital Hill, Europa Road and Referendum Gates. The continuous monitoring and repair of existing retaining walls is critical, as many of these are old and border our public highways network. Technical Services will continue to monitor these walls and effect the necessary repairs as and when these are identified.

420 The replacement and enhancement of pelican crossing lights and equipment will continue during this year, working jointly with the Gibraltar Electricity Authority. Works are currently under way to replace the existing light-controlled crossings by Glacis Kiosk and the Department will continue to review all existing light-controlled crossings and provide further countdown timers in areas where these are required. The current programme envisages upgrades of our existing light-controlled crossings at Queensway Quay and Line Wall Road by the American Steps. The Government will continue to provide further countdown timers at all crossings and all new traffic light sets purchased to replace existing sets will have countdown timers installed as standard. It is regrettable that there has been an increase in the number of recent road traffic accidents, which

430 have seen several existing traffic lights being damaged. This unfortunately reduces our stock of
spare parts and impacts our ability to continue with our upgrade programme in a timely manner.
In addition to the introduction of countdown timers, the Department is currently working closely
with Ministry staff, the Special Needs Co-ordination and Liaison Officer at No. 6 Convent Place and
435 the Gibraltar Health Authority's Occupational Therapy team to study the possibility of introducing
disabled-user-friendly information templates at crossing points. This initiative is aimed at making
road crossings for people with disabilities.

With regard to coastal engineering works, the Department continues to monitor and carry out
maintenance and repair works as and when required. The Department also continues to provide
advice to developers and the DPC on all aspects of coastal engineering as and when necessary.
440 During this financial year, Technical Services will be reviewing the existing coastal defences at
Eastern Beach and Sandy Bay with a view to carrying out essential maintenance works.

Moving on to sewers, during the past year the Infrastructure section of the Department has
continued to maintain the public sewer network as part of Government's commitment in this area.
As part of the major desilting and relining works of our main sewer, which commenced several
445 years ago, the Department has been working on the preparation of the design and works
specification for the next phase of works. This phase will see the relining of the main sewer from
the area of Bomb House Lane to the entrance of Lover's Lane. These works are earmarked to be
completed during the coming financial year and will link up several previously successful relining
projects spanning the worst-affected areas within the Town area, covering some 560 m, equating
450 to approximately 60% of the main sewer line within the city walls. These works are considered
essential, given the age and condition of the sewer and the disruption that can be caused in the
event of a failure of the sewerage network. The Department continuously monitors the condition
of the main sewer in order to prioritise the continuation of this essential maintenance work. The
Department will, therefore, this year, as it has since 2012, continue its major desilting and
455 cleansing works of the sewer network and will be carrying out upgrade works where necessary.
Other works will include gully cleansing, manhole repairs and the general upkeep of the public
storm and sewerage networks.

Given the sharp rise in developments in Gibraltar, the Department also continues to provide
advice to both developers and the DPC on the impact that these various developments can have
460 on our existing sewerage network.

Finally, funding is once again being allocated for the purchase of equipment to allow the Sewer
Infrastructure section to continue to expand and provide an enhanced service in respect of its
inspections of our sewer network. This also applies to the Garage and Workshop, where funding
for new equipment is also being provided. They will continue to provide a service to maintain the
465 fleet of government vehicles, including the refuse collection vehicles.

This year, I would once again also like to take the opportunity to thank the Sewers and
Highways Infrastructure sections and the on-call officers of the Technical Services Department for
their hard work and commitment during those times in the past year where Gibraltar has suffered
from storms and very heavy rainfall. It is thanks to the very hard work and dedication of this team,
470 whilst most of us are at home, that the impact of these storms is not greater on our sewerage and
road networks.

Mr Speaker, the Technical Services Department is one of those Government Departments that
are rarely in the limelight but work tirelessly and silently behind the scenes to deliver their defined
responsibilities, maintaining public infrastructure and supporting and providing technical advice
475 to other Government Ministries and Departments. Not only does the Department meet its core
responsibilities but it is also actively involved in other key projects for the Government of
Gibraltar. During the past year they have been involved in the delivery of improvements of the
new container terminal at North Mole. Following the uncertainties of Brexit, the number of
shipping containers has shown a marked increase and a need for additional storage capacity,
480 including that for refrigerated containers, was identified. Technical Services has been working in
preparing the necessary infrastructure and upgrading the existing mole to increase the stacking

height for container storage. Additionally, Technical Services is also responsible, in conjunction with the Office of the Chief Technical Officer, for the delivery of the first phase of the reclamation works at Coaling Island. Technical Services is involved in many projects in order to deliver on the Government's extensive and comprehensive programmes.

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Mr Speaker, turning now to the traffic plan, the Sustainable Traffic, Transport and Parking Plan (STTPP) was always a document that set out the vision for the future. It was published in March 2017 and it spoke about Gibraltar's dependency on the car and the way we broke records as having one of the highest vehicle-ownership rates in the world. Although one can often be proud of breaking records, this is one record that we surely should not be proud of if we are serious about our need to look towards a greener and sustainable future for ourselves and our children. Emissions from vehicles contribute to poor health, especially bronchial and respiratory diseases. Furthermore, our dependency on the car means that we forego active and healthy lifestyles for inactivity and hence the diseases of affluence and lifestyle, including obesity, diabetes, heart disease and even certain cancers.

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The STTPP was the first real traffic plan for Gibraltar. The plan was brave, but so too was it always going to be contentious, as it centred around change. As we know, everything surrounding change can be extremely difficult to adapt to at first, and there have been very few projects that have been well received by all or indeed rejected by all. This is the nature of that beast called change, and acceptability of initiatives very much depends on whether a person is environmentally conscious or car centric.

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With regard to initiatives relating to the STTPP, the Ministry for Transport has carried out several projects during the past year. A charging point was delivered upon the request of the Gibraltar Senior Citizens Association to be used solely as an emergency electricity topping-up station for mobility scooters. The late Manolo Ruiz was a staunch supporter of the needs of the community at large, but especially the needs of the elderly and those with disabilities. This charging point was something that Mr Ruiz requested, and it was a pleasure to be able to deliver this worthwhile service to the community before his sad passing. He will be sorely missed.

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As part of the ongoing enhancements to the STTPP, a new mobile parking management tool has been launched that will use automatic number plate recognition technology to easily verify that cars have permission to park in certain zones and estates. This consists of two new and environmentally friendly fully electric vehicles that can process the number plates of parked cars by checking against a real-time parking permit database. They are programmed with geo-fencing technology, which recognises the different zones and which also receives up-to-date information from the MoT database. These types of vehicles are commonly used throughout the UK and other parts of Europe and have a proven track record when it comes to parking enforcement. When these vehicles drive past, they can quickly and effectively pick up cars which are illegally parked or have an expired MoT certificate. Photographic evidence of the infringement is captured digitally and this can later be used to assist with the processing of fixed penalty notices to the offenders.

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The Government has commenced its rollout of electrical vehicle charging infrastructure as part of the Government's shift towards decarbonising the transport sector and towards a more sustainable travel model for Gibraltar. This is the way the car industry is moving at present. It is clear that electric vehicles are becoming more widespread, even though there is much speculation as to whether they will exclusively be the future form of sustainable transport or simply just a part of it. Many experts firmly believe that electric vehicles may even just be a transition towards other forms of propulsion. In Gibraltar, logic suggests that it will be very difficult to provide a charging point for each and every one of the vehicles parked on the public highway. Indeed, with the different charging needs of each vehicle and the different charging adaptors available on the market, it would be reasonable to assume that the future is anything but clear in this regard at the moment. Biofuels and hydrogen technology are also starting to carve a path into the growing field of future means of propulsion.

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What one does, however, need to question is whether we will be able to defend our huge dependency on the car and continue to keep owning multiple cars per household with the

535 expectation of having these vehicles parked on the public highway and even charged on the public
highway. Today, it is more often argued that this space should be put to better, more sustainable
and recreational community use. Sharing is fast becoming the mainstream concept when it comes
to forging a path into a decarbonised future; of this I am also convinced. Shared use of resources,
vehicles, mobility devices, indeed street space, means an equitable use of resources. Our public
540 realm will need to be looked at very carefully over time if we are to achieve a sustainable future,
not only for Gibraltar but indeed throughout the whole world. If we simply swap our regular diesel
or petrol cars for electric vehicles, we will bring upon ourselves an ever-increasing need to mine
heavy metals, cobalt and lithium at a cost to the health of other communities around the world.
These practices have already been pointed out by the world's media to be especially polluting of
545 rivers where even child labour is used to mine these resources in order to provide the chemistry
required to produce electric vehicle batteries for the developed world. These processes destroy
the fragile ecosystems in developing countries, pushing pollution out of the cities through the
elimination of tail-pipe emissions but passing the environmental buck on to those producing
electricity or the batteries that store this energy via other less sustainable means elsewhere.
Indeed, research is showing that the environmental impact of the manufacture of electric cars
550 means that an electric car needs to be driven approximately 80,000 km before its carbon footprint
equals that of an internal combustion engine.

Currently, the focus in Gibraltar is on offering charging points within public car parks, but
charging points will soon also be available at certain on-street parking spaces, where possible.
Clearly, it will be logistically easier to provide charging infrastructure within private and rental
555 parking facilities than on the street. There will be many challenges to overcome, including the
need to consider solutions to hide and make safe unsightly cabling on streets to provide the
necessary power at given locations. Nevertheless, Gibraltar needs to be nimble footed to be able
to adapt to change. It may not be the end of fuel stations yet, as biofuel and hydrogen technology
continue advancing and even the concept of battery fuel stations may see a proliferation of a
560 different concept, where people purchase their car but lease the electric batteries. Shared car
schemes and shared micro-mobility is gaining popularity, saving the user the cost of insurance,
maintenance, depreciation and repairs while allowing the user a choice of different vehicles for
different needs.

The Ministry for Transport is pleased to announce that following an agreement between
565 Government and Plug-N-Go (Gibraltar) Ltd, Midtown car park now has available for use five
electric vehicle chargers. The chargers are located on level 6 and they are the most recent
generation of electric vehicle charging devices, including a direct charge fast charger. Access to
the chargers can be achieved by downloading the application Plug-N-Go, which is available for
both Apple and Android devices. Payment is on a pay-as-you-go basis. Further chargers have been
570 ordered for installation at Europa Point car park and at Devil's Tower Road car park. These
chargers are for public use. More areas are being identified as demand increases. Provision has
already been made for availability of electric vehicle chargers for Government rental stock
parking, with two chargers already installed at Harbour Views estate parking.

The Ministry for Transport installed a second new-style, car-shaped bicycle rack at Line Wall
575 Road, an area that has seen an increased demand in bicycle parking. This bicycle parking solution
sends a clear message for a more sustainable and environmentally friendly use of our public
highway by using the space normally occupied by one single motor vehicle – in this case, a car –
to park up to 10 bicycles. This adds to the growing stock of bicycle parking in Gibraltar and further
encourages alternative and sustainable modes of transport locally.

580 In January of this year the Government was pleased to announce the rollout of the next
Residential Parking Scheme, Zone 4. This new zone surrounds the West District from Marina Court
in the north to Ordinance Wharf in the south, bordering with the RPS Zone 2 in the east. Residents
with households within this zone boundary will be eligible to apply for a resident parking permit.
This follows the successful rollout of Zone 1 in July 2017, Zone 2 in March 2018 and Zone 3 in June
585 2018 respectively, and more importantly continues to form part of our commitment to roll out

recommendations contained within the STTPP. The Ministry will monitor this new zone as well as all other existing zones to ensure that parking take-up provides the most efficient use of the existing street space for the benefit of residents and all road users, regardless of how they move.

590 I am also pleased to announce changes to the existing parking arrangements within Grand Parade car park. The Ministry for Transport and Traffic, following an active consultation process with the main stakeholders in Zone 1, namely the Alameda Estate Tenants Association, and residents within Zone 2, enhanced the parking zones. Consultation and stakeholder engagement plays an important part in the recommendations contained within the STTPP and it pleases me to continue to gauge users so as to make these schemes successful.

595 The parking stock for permit holders within Zone 1 was increased in July 2020 from 127 to 211, which was well received by residents, increasing their chance to find on-street parking in that area. Since the release of Zone 2, parking stock within the Town Centre zone has been reduced due to ongoing works and construction, specifically in the southern part of this parking scheme. To mitigate the impact, the north-eastern section of Grand Parade car park was allocated to Zone 2 permit holders only, with line painting designating 'ZONE 2' on the ground and signs erected to effectively differentiate the parking arrangements within the car park. As with Zones 1, 2, 3 and the newly announced Zone 4, changes of this nature will continue to be monitored and reviewed, with their respective parking take-up continually evaluated with an aim to provide more efficient use to the existing parking stock within the car park and within zones.

600 The Ministry for Transport launched a new pay and display online payment function. The launch of this web-based payment portal currently captures all existing pay and display zones throughout Gibraltar; however, further enhancements to this service will be added in future to include the possibility of paying online fixed penalty notices and any Government monthly rental car parking spaces, including the launch of a Gibraltar parking mobile application. New users are encouraged to create an account, where they will be able to store their vehicle's data and personal details for regular use, or alternatively they can log in as a guest to pay for parking for single, one-time use. A reminder email and SMS message will inform the user when the parking session is due to expire and with the added option to top-up, hence extending the parking time without having to return to the machine to pay and without having to attach a ticket to the inside dashboard of the vehicle. This allows much more flexibility and makes the system much more user friendly. Parking management officers will have access to real-time data of all parking payments without the need for this physical ticket. This, in turn, increases efficiency to enforce more areas within a given working day. An FPN will be issued to any offending vehicles with no record of payment.

605 Mr Speaker, some weeks ago a new, safe, segregated pedestrian walkway was created along South Barrack Ramp with the aim of providing safe passage for pedestrians, especially school children, so that walking may be considered a viable option by residents in this area. This new walkway will improve pedestrian accessibility to and from the nearby schools, bus stops and residential properties. Works at South Barrack Ramp have recently been completed with the installation of planters and barriers as a temporary measure to protect the walkway. Traditionally, pedestrians would walk along a road without a pavement, seeking refuge between parked cars. Current thinking worldwide is moving towards ceding space to pedestrians and raising the importance of the pedestrian to the very top of the hierarchy of road users. Pedestrians are the most vulnerable of road users and walking is the best way to keep healthy and to help the environment, and walking drastically reduces our carbon footprint. It is our responsibility to make walking, for those who wish to walk, as comfortable and safe as possible, to keep encouraging them to do so, whilst at the same time supporting those who feel that walking is dangerous to be able to consider walking instead of using their car. With this initiative, pedestrians and children now have a safe passageway where previously this was non-existent.

620 As a continuation of the walking infrastructure improvements seen at South Barracks Ramp, the Ministry for Transport will be introducing walking infrastructure improvements all along Prince Edward's Road from Hargraves football pitch to Forty Steps. The western section of this road will be segregated to allow for the safe passage of pedestrians, an area where it is deemed necessary

640 to connect other existing footpaths in the Upper Town, as well as providing safe access to clubs
and out-of-school activities. The first phase of this project by Hargraves football pitch has already
been completed, with the remaining to be completed later, as soon as construction works at
73 Prince Edward's Road are complete. The introduction of this new demarcated footpath will
result in the removal of 11 Zone 2 parking spaces. However, these have been re-provided within
the ex-Queen's Cinema car park. The existing pay and display car park will therefore be removed,
645 given the fact that there is ample parking availability within Grand Parade and Ragged Staff car
parks nearby and usage was seen to be low.

The Ministry continues to convene monthly Traffic Commission meetings, where applications
from members of the public are submitted through this statutory forum with responsibility for
traffic and parking-related matters in Gibraltar. All requests of this nature are brought forward,
deliberated upon and either approved or rejected. The members of the Commission discuss these
650 applications objectively and collectively, and consciously deliberate on the merits of each
individual application.

Further to and in conjunction with the traffic plan, the Ministry for Transport is working at
developing improvements to mobility and accessibility and general sustainability in Gibraltar. The
aim is to modify and redesign our streetscape over time, encouraging and making use of other
655 forms of moving, such as walking and cycling, and making the use of public transport more
attractive with the aim of decarbonising our transport network in line with Government's
commitment to reduce greenhouse gas emissions by 42% by 2030, as set out in the Climate
Change Act. We are working closely with other Ministries to be able to improve the accessibility
of our footpaths, introduce safe, preferably segregated cycling infrastructure and provide road
660 calming measures on certain roads that have recently been the site of concerning traffic accidents.

The Ministry's Technical Department is working on developing a Cycling Strategy, which will
become a useful policy document in the future. This will provide Town Planning with a blueprint
for the introduction of the required cycle infrastructure specifications, modes of construction and
future locations for cycling lanes. We are fully committed to meeting the climate goals set out.
665 The Ministry for Transport is working with the Ministry for the Environment to provide ways of
achieving a more sustainable transport network. The Ministry for Transport fully understands the
perceived needs of the community for vans, lorries, cars and motorcycles on our roads, but also
notes the number of single-user car trips being made, the often unnecessary and extremely short
distances being travelled by car – with distances as short as 400 m to take children to school, for
670 example – instead of walking. Although all these journeys may still be financially possible for
families in an affluent society despite the huge increase in fuel costs, these come at a cost to the
environment and to our health.

I am approached by many people who wish to cycle for recreation, exercise and even as a way
of commuting, and I am also approached by cyclists who want better infrastructure so that they
675 can be safer on the road. Many are scared to cycle with their children. There is a certain irony in
the fact that most Gibraltarians will buy their children bicycles as a birthday or Christmas present,
they will struggle to fit these inside the boots of their car, they will drive them to the lighthouse
or find somewhere suitable where there is flat ground, they will teach their child how to balance
and ride, and then pack the bicycle back into the boot of their car and drive them back home.
680 After a few tedious and bothersome trips of this nature to use the bicycle during the weekend,
the bicycle will simply become a nuisance and will be left to gather dust on the external corridor
of the flat, unless one lives in an estate with some common space that permits cycling.
Unfortunately, many estates do not permit cycling. Almost as if a rite of passage, we seem to teach
our children the long-lasting gift of balance, which will be critical come their 17th birthday
685 motorbike gift, their first motorbike. Nevertheless, rarely will anyone have forgotten that day we
rode our bicycle for the first time unsupported and suddenly we extended the frontiers of our
neighbourhood. We were free. I do remember, but it was a different world back then, definitely
worse-kept roads then, yet they were safer and quieter with very few vehicles. Unfortunately, the
modern child simply cannot enjoy this basic pleasure, on roads loaded to the hilt with vehicles

690 chugging dangerous fumes, stuck in bumper-to-bumper traffic, and then, during the less
congested hours, having to face the noise of those turbos firing as cars and motorbikes speed
between speed cameras and traffic light junctions. The child on his bicycle in Gibraltar simply does
not stand a chance in the jungle that has become our road, and neither is there the space provided
today within our urban environment. Unfortunately, cycling is one of the most dangerous ways of
695 moving in Gibraltar, and this is something that we need to urgently address if we are to provide
true equality within our streetscape for all user needs.

Gibraltar boasts of a complete road network, widespread pavements, an Airport and a Port, it
has a free bus service and a taxi service, but the only infrastructure which is missing and which is
vital in a modern city with green and carbon-neutral aspirations is cycling infrastructure. In fact,
700 Gibraltar, like most other cities, over time has improved its offering to the very mode of transport
that is most responsible for a great part of the emissions locally: the car. The car's presence on
the road has grown so much that it has even led to cars creeping on to our walkways and
pavements to the detriment of our pedestrians as vehicles get larger and larger and the need for
wider parking spaces greater and greater. This has made the design and planning of bicycle
705 infrastructure extremely difficult and most challenging, to say the least. The Ministry's Technical
Department has risen to the challenge, and through determination and hard work we are
developing a proposed cycling network that will span from Bayside Road south to Waterport Road,
Bishop Caruana Road, Saluting Battery, Rosia Road, Little Bay, Keightley Way Tunnel and finally to
Europa Point. The scheme has set aims to achieve the introduction of bicycle routes via a phased
710 approach, using transitional pop-up bicycle lanes that can later be adjusted and improved on as
necessary to ensure that the final construction optimises the new infrastructure. Where space on
the road needs to be shared, a reduction in speed limit will be necessary to maintain safety for all
road users. The scheme also aims to create more accessible pedestrian areas and the uniformity
of road crossings to respect the needs of our community at large, including those with more
715 specific needs due to medical and mobility issues.

The scheme aims to create a modern 15-minute city in Gibraltar, where you can travel and
arrive at your primary destination quickly and safely within 15 minutes via a sustainable network
of travel. Many cities are striving to become these 15-minute cities and yet we are already a
15-minute city by definition, as most of us can, in fact, access our destinations within 15 minutes
720 in Gibraltar by walking – more so by cycling – yet we prefer to have a 30- or 40-minute city by
jumping into our cars and getting stuck in traffic, causing detriment to the air quality of our home.
Traffic is not something that exists of its own accord. Traffic is not another beast to contend with
on the road. We are traffic, as the Financial Secretary often likes to hear me say, bringing a cheeky
smile to his face. The team at the Ministry believes that the introduction of this bicycle
725 infrastructure will allow the public to experience this new mode of transport and help reduce the
use of the car in our city.

People will immediately associate me with bicycles. I am passionate about the bicycle as a
means to get to places, keep fit and discover new places, but above all I am passionate about
doing my bit to help the environment. Of course I like cars – in fact, I love cars – but I seldom drive
730 if I can avoid it, and I feel better and healthier for it. I firmly believe that the bicycle is our means
to a better, greener, healthier modern city. Lead researcher Dr Christian Brand for the University
of Oxford said:

We found that those who switch just one trip per day from car driving to cycling reduce their carbon footprint by
about 0.5 tonnes over a year.

This is a fact that we cannot consciously ignore. Leaving the car at home and walking or cycling
means better air quality and better health, and collectively we can leave behind a better place for
735 future generations. After all, this is what the climate emergency is about, and this is what the
Climate Change Strategy is aiming for. Without everyone doing their bit and educating ourselves,
our future cannot realistically be rosy. For the first time ever, in 2013 the death of a nine-year-old

740 girl in the UK thought to have asthma was attributed to air quality and her death certificate actually stated that air pollution was the cause of her death. This child lived near the South Circular Road near Lewisham in south east London. This is the severity of the situation most cities face, and Gibraltar is no different. Furthermore, we have to contend with a stuffy and humid microclimate that causes our air to linger and we are also in proximity of heavy industrial plants within the Bay which add greatly to our problem.

745 I now turn to the bicycle and the Ministry's initiatives in this respect. The bicycle, in one form or another, has been around since the early 1800s, but the development of the safety bicycle in the 1880s was arguably the most important change in the history of the bicycle. It shifted its use and public perception from being a dangerous toy for sporting young men to being an everyday transport tool for men and women of all ages. It was decades later that the first commercially manufactured car would make an appearance. At the time, the view was that the car would
750 eventually do away with the bicycle, but in fact the bicycle has remained very much unchanged, whereas the car has had to evolve to survive, changing its shape and appearance, its use and its means of propulsion. With the dawn of the car, roads and streets slowly had to be adapted to the vehicles that would eventually change the way the world moved. I am firmly of the view that the bicycle will outlive the car; but regardless of my personal opinion, it is important and right to
755 provide accessible streets for all to be able to choose their own means of travel, be it walking, cycling or whatever they choose.

Gibraltar clearly was never built for the car – the Upper Town and city within the walls is testament to that – yet 'new' Gibraltar, if I may call it that, has been planned around the car. Planning policy has traditionally sought to provide space for car parking in all but a few of the
760 newest developments, and unfortunately, creating the space for a harmonious co-existence for these different modes of transport never happened. Roads were built, yet no provision was ever made for bicycles in those days. Today, planning policy is very slowly changing and the Ministry for Transport actively seeks to ensure that all development applications take into consideration modern needs and apply the latest thinking with regard to urban planning. The design of street
765 space is critical if we are to move towards a greener future. No matter how much we enjoy our cars, it is easy to draw the conclusion that internal combustion engine vehicles – HGVs, cars and vans – all result in noise pollution, air quality deterioration, space challenges and the loss of potential and valuable recreational street space for people, families and children to enjoy.

770 Unfortunately, resistance to change is strong and the way ahead is potholed and with many obstacles, but this is certainly the direction we must try to travel if we believe that there is a climate emergency and that we need to be proactive against climate change. Otherwise, it makes little or no sense. Cycling is not for everyone, but neither are the bus or the car. The question here must be choice and to provide that choice, so that people may choose whether they drive, walk or cycle, but everyone must be allowed to do so safely and without fear. The problem is that
775 cyclists often fear, especially for their children, and many parents will not allow their children to cycle on the road. Pedestrians often fear, too, the speed of cars, delinquent drivers, the sound of noisy, blasting turbo exhausts deliberately made to fire by rapid acceleration. Even those who drive on a Sunday for recreation often fear cars and motorbikes overtaking them. The key is respect, and unfortunately much respect is being eroded together with road etiquette, and this is
780 fast becoming a big policing challenge across the board.

As part of our existing manifesto commitments, the Ministry is engaging with various stakeholders to allow Main Street businesses to make and receive deliveries all day by cargo bike and provide fiscal incentives for the use of cargo bikes for deliveries instead of via often old,
785 polluting diesel trucks. Many cities are embracing the cargo bicycle as a real and serious alternative to the internal combustion engine. E-cargo bicycles are, today, capable of carrying huge loads and are relatively inexpensive to run and maintain.

The existing bicycle sharing scheme and the concept of bicycle sharing is currently under review. Bicycle sharing technology is constantly advancing and, as a result the Redibikes scheme, came to the end of its usable lifespan. It is well accepted that bicycle shared schemes form a very

790 important part of any city's active shared mobility plan, together with other, more novel means
of personal mobility. Government will continue to explore ways of introducing shared personal
mobility solutions as and when the time is deemed right.

New bicycle racks are continuously being rolled out at strategic locations around Gibraltar, with
the latest additions being at Main Street South, Harbour Views Road, Casemates and John
795 Mackintosh Square. There are, as it stands, a total of 327 public cycle parking spaces throughout
Gibraltar.

The Ministry for Transport is happy to be re-launching Pedal Ready, in partnership with the
GSLA, during their summer sports programme this August. The aim of Pedal Ready is to prepare
children for cycling by using games to develop their cycle handling and awareness skills. Such a
800 scheme offers our future generation the awareness and skills needed to adopt more sustainable
travel options both now and in the future. Pedal Ready will also, over time, be offering short
courses for adults to teach them the basic skills of safe cycling on the road, including road
positioning and the new Highway Code. There will also be future opportunities to teach persons
who have never cycled before to master the basic skills of balance.

805 The Ministry for Transport, in conjunction with the Department of Education, will seek to trial
walking and cycling 'buses' once the Mobility, Sustainability and Accessibility Scheme has kicked
off. This scheme aims to encourage children to walk and cycle to school. This initiative would be
beneficial not only for the health of the nation at large, as studies have shown that exercise before
school improves concentration as well as providing known positive effects that exercise brings,
810 but will also help to reduce the number of cars on the road during peak school drop-off and pick-
up times, as children will be encouraged to walk in a supervised manner with their peers as a
sustainable and healthy means to travel to and from school. This will, hopefully, lead to fewer
school car trips.

Mr Speaker, the Department of the Environment, Heritage and Climate Change, in conjunction
815 with the Ministry for Transport, is currently drafting anti-idling legislation. Research shows that
an idling vehicle can emit up to 20 times more of certain pollutants than the same vehicle
travelling at 50 kmph. These microscopic pollutants can cause asthma and worsen chronic illness
such as bronchial disease, lung cancer and emphysema, and can be particularly damaging for
children. By introducing this legislation, we hope to raise public awareness about the damage that
820 can be caused to health by leaving vehicles idling unnecessarily. The powers under this legislation
will mean that anyone who leaves their engine running unnecessarily while not in use can be
issued with a fixed penalty notice if they do not turn off their engine when told to do so. The
introduction of this legislation is just one measure the Government is looking at to improve local
air quality. Clearly, this initiative is only possible when the whole population works together and
825 understands the importance of reducing emissions in this way. Most modern cars already prevent
unnecessary idling by cutting their engines out automatically when stopped, but this is a function
that can be overridden manually in some cars. Idling is an even worse problem in older vehicles,
especially when some drivers refuse to switch their engines off in order to keep their air
conditioning running and their cabins cool.

830 The Ministry for Transport, in partnership with the Department of the Environment, Heritage
and Climate Change, is currently investigating the possibility of introducing a low emission zone
in the heart of our town, Main Street, in a bid to improve air quality in an area which sees many
old diesel trucks delivering goods during the delivery times. Such a scheme could introduce a
permit fee to discourage the use of these highly polluting vehicles to drive through Main Street
835 and bring about a transition to newer and less polluting delivery vehicles such as electric vehicles
or plug-in hybrids. The Ministry has already met with the Chamber of Commerce to discuss the
introduction of a low emission zone along Main Street. The proposed policy of this low emission
zone is currently being drafted and we have engaged with various stakeholders to allow Main
Street businesses to make and receive deliveries all day long by cargo bikes. A fee would be
840 considered, by way of an access permit, which will be incrementally raised annually for delivery
vehicles within this low emission zone which are not environmentally friendly. The proposed

scheme has been well received in principle and we look forward to working closely with our local businesses to see how we may be able to make this a reality in partnership. Permit fees would depend on the emissions of each vehicle, and certain sustainable modes of transport would enjoy longer delivery times in Main Street.

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The purchase of two latest-technology handheld speed camera guns with photographic capabilities for the Royal Gibraltar Police was approved in Cabinet following a request by the Commissioner of Police in order to improve the policing of speeding offences. This system does not require a police officer to stop a vehicle, as the photographic evidence means that these handheld devices work similarly to a static pole-mounted speed camera.

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The Personal Light Electric Transporters Bill is now drafted and will be brought to Parliament very shortly. The legislation will provide these devices a sound legal framework which will allow these vehicles to operate legally and safely within Gibraltar. It will define the personal light electric transporters, or e-scooters, that fall within this special framework and will focus on safety, and, for example, make it a requirement that an operator of a transporter wears appropriate protective headgear, further setting a minimum age and speed limits. The Bill will also amend the Traffic Act to ensure, for example, that the offences which can be committed by cyclists are replicated for operators of personal light electric transporters. The amendments to the Act will allow amendment of existing subsidiary legislation to ensure that it is clear that operators of these personal devices are required to comply with the rules of road safety that apply to the users of other vehicles.

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The updated Gibraltar Highway Code is now completed and should be available online shortly. There will also be a printed version available to the general public. The new Gibraltar Highway Code, which follows the new UK Highway Code and standards, takes into account relevant changes made in the UK Highway Code. This new code reinforces new rules and, most significantly, provides increased priority to the most vulnerable – the pedestrian and the cyclist – within the modern streetscape. The Ministry has been working very closely with the Royal Gibraltar Police and the chief examiner at the Driving and Vehicle Licensing Department, who are the principal stakeholders in this document.

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In preparation for the introduction of cycle lanes in Gibraltar, the Government Law Officers are currently in the process of drafting regulations concerning the use of, as well as the exclusions on, the use of cycle lanes. This legislation will also include the introduction of an offence of dangerous overtaking of a cyclist.

The draft Bill for the implementation of a penalty points system is now complete and ready to go before Parliament. The software back-office solution is nearing its final stages and should be ready ahead of the Bill being brought before Parliament. All ancillary documentation and processes have now been prepared. We aim for the system to be up and running very shortly after the Bill is enacted.

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The Ministry is finalising plans for the introduction of advanced stop lines for cyclists at certain specific strategic locations. New legislation would need to be published for these new road improvements, so that they are enforceable and used as intended.

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Mr Speaker, I now turn my attention to the Driver and Vehicle Licensing Department. The DVLD has had an extremely challenging two years, due to all the necessary amendments to legislation and additional requirements when driving in Europe. This has proven challenging at times, with the DVLD team working closely with the Government Law Officers, DVLA (UK) and HM Government of Gibraltar Office in Brussels in order to meet the imposed deadlines.

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The Driver and Vehicle Licensing Department has embraced and used information technology as a tool to achieve a better and more efficient service to our customers. To date, it offers a total of 13 online services and applications via the e-government portal. The Department is in the process of providing further services in the coming months. The DVLD continues to see considerable demand from its service users and also offers its services through its public-facing counters, which includes a dedicated business counter. The Department has managed to maintain very reasonable waiting times and expedite tests for students and those requiring driving licences

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895 for work-related matters, despite the increased workload. The introduction of the express service is providing our local dealers with a next-day service for new vehicle registrations, duplicate certificates of registration, change of ownership and motor vehicle particulars. We are looking forward to introducing an express service for driving licences in the near future.

900 With regard to special driving licences, such as categories for buses and heavy goods vehicles, the Department arranged for a Driver Certificate of Professional Competence trainer from the UK to come to Gibraltar as soon as the COVID restrictions were lifted. This allowed all existing licence holders to undertake their respective refresher update courses and new applicants were able to meet the stringent requirements of these licence categories. The courses were delivered by an approved UK instructor.

905 The compulsory basic training (CBT) continues to be a huge success and continues to receive very good feedback, especially from parents. I am very proud to have introduced this for motorbikes back in 2013, which has improved road safety, mainly for teenagers driving on our busy roads. The Government of Gibraltar is pleased with the success of the compulsory motorcycle basic training course, almost 10 years after its introduction. This important course continues to ensure that every person demonstrates a minimum level of skill and competence before being permitted to drive on our roads. I cannot emphasise the importance of this training, which is delivered by qualified motorcycle instructors, and I am confident that this compulsory procedure will continue to help prevent serious injuries and accidents on the roads in Gibraltar.

910 I am proud to announce that following the successful MoT booking system developed by ITLD, the Department is now working to introduce a full online booking service for the CBT, to include theory and practical motorcycle riding test components that will allow service users to choose their own bookings online, providing a quicker and more efficient service to the public.

915 Continuing with road safety, the Government has invested in new brake rollers for the Certificate of Roadworthiness tests – otherwise known as MoT tests – within the Test Centre. These will help vehicle testers when examining vehicles. Continuous investment and improvements are the best way to ensure further road safety, and the Government is fully committed to this. Environmental matters are also of importance, and the Motor Vehicle Test Centre boasts the latest equipment to test vehicle emissions. The equipment fully complies with the EU testing legislation and is in line with the manifesto commitment for a greener Gibraltar. By conducting these tests, our vehicle testers can establish if any part of the emission system of a motor vehicle has been tampered with, removed or otherwise illegally modified.

920 The DVLD has come a long way in establishing a database link with other member states in accordance with EU directives. The DVLD shares vehicle information via the European Register of Road Transport Undertakings via the Driver and Vehicle Services Agency. The European Car and Driving Licence Information System is another example of the information exchange software system that the DVLD uses to provide the necessary framework to other countries in order to share their car and driving licence registration information.

930 Mr Speaker, after a brief stop due to the pandemic, the taxi city service has been fully restored and with the help of our transport inspectors the provision of the city service will continue to be monitored. The Government works closely with the Gibraltar Taxi Association to try to improve the service being provided. I am also pleased to announce that Gibraltar now has its first Electric Taxi within its fleet.

935 The Transport Commission meets on a regular basis to consider applications for a wide range of transport licences. The Commission also considers all transport-based complaints received from users of our public services. I must thank all members of the Commission who give up their time regularly to provide and deliver the statutory responsibilities of this forum to all.

940 The Transport Inspector team provides cover on the ground to police transport-related activities throughout Gibraltar. Their duties include the overseeing of our taxi and bus services and the inspection of the taxi provision service at the Airport. Furthermore, the transport inspectors oversee the provision of the taxi city service throughout the year and ensure that all

945 permits to access pedestrianised areas, particularly those accessed by commercial vehicles, are
adhered to.

With Brexit came the requirement to make changes to our present driving licence format,
which included the removal of the EU stars from our licence cards. As from 3rd May, Gibraltar has
950 been printing and issuing the latest model of driving licence as currently used in the UK, with our
Gibraltar issuing authority label. These cards have been printed within our Test Centre's newly
refurbished facilities, reducing the costs of production. A new MoU has been signed with the UK,
reducing further the cost of our blank cards.

955 Finally, I would like to take this opportunity to thank the entire team at the DVLD for their hard
work. They have managed to ensure a continuity of service and introduce substantial
improvements throughout the entire Department during somewhat challenging and uncertain
times.

Mr Speaker, Gibraltar's buses are a key and very critical part of transport within the STTPP.
Encouraging modal change also requires an efficient and reliable bus service, and the Gibraltar
Bus Company provides exactly this. There is little reason not to consider the bus offering in
960 Gibraltar, which is predominantly free for locals except for the night bus services. The Bus Tracker
app has been revolutionary, putting the bus service right into the hands of the user. The request
stops at certain bus stops have greatly improved the service timing and made the ride more
comfortable for both the user and the bus driver. Nevertheless, we would like to see greater take-
up of the bus service throughout the whole community. At present, the bus service is used
965 predominantly by school children and the over-60s group. This results in a massive take-up during
the morning and at school times and very low usage during the day and weekends. The school bus
routes, operating every weekday during school term, continue to be a success. This service tackles
the issues brought to our attention by users who were concerned that route buses were full at
school peak times. The Bus Company shares a hopper ticket with Calypso Transport. The hopper
970 ticket – or hop-on, hop-off – enables visitors to Gibraltar to make the most of Gibraltar's
attractions within the city centre and other areas located within the lower reaches of the Rock at
their own pace throughout the whole day. The bus hopper ticket can be used on all of Gibraltar's
public buses. We will continue to explore ways to improve the current service.

I would like to thank all those down at the Gibraltar Bus Company, the bus manager, his
975 management team and all the bus drivers, who work long hours, day, night and into the early
mornings on the weekend night buses. They provide a service so that we may go out and enjoy
the nightlife safely and sustainably.

Parking enforcement continues to be a massive challenge in a town with one of the largest
vehicle ownership rates in the world. The sheer volume of cars means that there is a constant and
980 daily battle to find a place to park these cars. Often, cars park illegally on pavements and abuse
the zone parking rules. This provides a massive challenge to provide all-year-round enforcement.
To this end, parking enforcement has had to evolve to rise to the challenge. During lockdown, with
very quiet streets, GPMSL took the opportunity to install all the required smart parking sensors
within the pay and display areas. This technology would prove essential with the development of
985 other projects which followed, and 2022 saw the soft launch of a mobile phone app and website
branded simply Gibraltar Parking. This is our local implementation of SmartParking technology.
Using a sensor placed under each parking space, the online map shows drivers which bays are
available for use. Before the introduction of this system, drivers would need to drive around
looking for a parking space, but this new technology directs users to the empty spaces in the area,
990 helping to reduce the need for driving aimlessly and speculatively, and therefore provides an
environmental benefit.

Further investment has been made in the operator control room. Operating around the clock,
the control room team watches live CCTV feeds from all of our car parks and other relevant sites.
Through secure website portals, the controller and his assistants can see the status of the pay and
995 display machines, the SmartParking sensors and other systems, including the bollards at
Casemates Square. These open and close automatically on a daily basis for cleaning and deliveries.

They are also programmed in advance of special events such as the recent visit of Prince Edward and the Countess of Wessex, where maximum security is achieved whilst allowing remote opening from the control room in the event of an emergency.

1000 The pandemic saw a move from people willing to queue in public areas and wait in line to be attended to in the traditional counter environment to opting for smarter, online services. Gibraltar Car Parks did not have a website before the pandemic. As local restrictions were imposed, a website was developed in house. Important documents were converted from paper format to online, tested and then made available to the public. All forms which were previously only
1005 available in paper format at the public counter were added to the website and can now be accessed online.

Post COVID and with the introduction of alternatives to cash payment systems at pay and display machines, we have seen a reduction in cash payments generally, and these are seen to continue to drop over time. Over the past three months, cash payments have dropped further to
1010 35%, from 46%. This makes for a more effective service, as via the app paying for parking can be done remotely if a person needs to extend their parking time within the limits set within each parking area. It is the hope and aim to be moving to cashless systems in the near future.

Mr Speaker, in conclusion, I would like, again, to thank all those working within my respective Departments, most of whom I have got to know personally throughout the years and with whom
1015 I enjoy and share an invaluable professional relationship. I would like to thank all management, technical and administrative staff at Technical Services, the Sewer section, Highways division, the Garage and Workshop personnel, the Gibraltar Bus Company staff, its drivers and mechanical staff, and those involved with parking management and enforcement. I would also like to thank management and all the staff down at the DVLD. Finally, I would like to thank my Ministry and
1020 technical team for their efforts throughout the past year. I also wish to thank all parliamentary staff for their hard work and assistance.

This has been the toughest Budget speech, ever, for me to prepare. When one's body and mind was elsewhere for weeks on end and at a time when I needed the most support, much welcomed support came from an unexpected source. I would like to give my heartfelt thanks to someone, a
1025 public servant whom I got to know very well over the years I have been in Government, a person I have worked closely with and travelled with on Government business in the past and who kindly offered to assist me during the latter stages of the preparation of my speech, giving up his family time after working hours and during two weekends, even while overseeing the children at the pool. You know who you are, and I am most grateful.

1030 This one is for you, Dad.

Thank you. *(Banging on desks)*

Hon. Chief Minister: Mr Speaker, I wonder whether this might be a convenient moment before the next sonoric contribution from Mr Bossino, to take a 15-minute break.

1035

Mr Speaker: The House will now recess to 10 past six.

The House recessed at 5.52 p.m. and resumed at 6.13 p.m.

**Appropriation Bill 2022 –
Second Reading –
Debate continued**

Mr Speaker: The Hon. Damon Bossino.

1040 **Hon. D J Bossino:** Thank you, Mr Speaker.

I rise to set out the GSD Opposition's contribution in the areas of tourism, housing, heritage, planning and lands.

1045 On the tourism statistics, the general point to make is that they have not been as assiduously updated online of late. I am not clear why that is the case. The cruise liner statistics are the exception, with the last updates online from June this year. This is particularly helpful when one considers that the Tourism Survey Report was only laid before the House yesterday, the very day the debate on the Appropriation Bill started. By comparison, the figures for Upper Rock visitor numbers end in July 2021. When asked for updated figures in respect of the various tables which comprise the Tourist, Air Traffic and Hotel Occupancy Survey Reports, the Minister, rather
1050 unhelpfully, declined to provide the answer, telling me to await the formal issue of the reports. It is not clear what the reason is for the delay or refusal to provide the answer in response to a parliamentary question. Is it that the Minister is less than keen to provide updated information in a transparent manner? Or is there a more innocent explanation, that administratively it has not been possible? I do not propose to make a value or political judgement at this stage, other than
1055 to say that, whatever the reason, the Opposition, but more importantly the public, are having a disservice visited upon them and I urge the Government to rectify this.

For an analysis of the statistics which were available at the time of preparing for this contribution, one would need to focus on the cruise liner figures. What these show is that there is clearly a much welcomed improvement in a post-lockdown world. I use those words advisedly,
1060 because it would be inaccurate and clearly overly optimistic, in light of increased infections – and we have one of our own currently undergoing the condition – to describe the current scenario as 'post-COVID'. There is a significant jump in the number of passengers from March 2022 to April, of 11,867, an increase of almost 60%. Although slightly down from April, this May's figures are looking promising at 20,479. If that statistic is compared with the immediate post-lockdown
1065 monthly average from July 2021 to March 2022 of 3,740, it represents a further sign of recovery in this sector. This is to be welcomed and we do so from this side of the House. We are not, however, quite there yet. This statement is backed up by the comparison which can be made with the same months, i.e. April and May, in 2019 when the number of people arriving via cruise liners stood at 32,000 and 36,000 respectively, compared with 20,500 and 20,400, again respectively,
1070 for this year.

We hope that we can regain the share of the market that we once had. This requires energy and focus and should, quite properly, be private sector led. As someone who has been described as being on the centre-right of the political spectrum, the view that the private sector should take a lead and incur the expense of marketing and business development in order to bring more
1075 business here has an inherent ideological sense to it. This is not to say that the Government should not play its part.

From a very macro level, Gibraltar faces stiff competition. Gibraltar Port is having to contend with an increased dominance of the Cadiz and Malaga ports. Indeed, there has been talk for some years of La Linea itself also operating a cruise liner port. It will not be lost on Members that this is
1080 competition which has the potential of becoming even more acute should we accede to the Schengen space in the event of the much sought-after deal with the EU becoming a reality. Coach tours to Gibraltar will be able to be sold, say from Malaga, as is done from the Roman port of Civitavecchia to the Eternal City, which entails a two-hour drive, not dissimilar to what it would take from Malaga to here. If La Linea did ever become a reality in terms of cruise liner provision,
1085 the effect would be obvious.

In other statistics which are more contemporaneously available – coach passenger arrivals – we also see a similar picture of improvement, albeit not to the same pre-pandemic levels. The figures for January 2022 stood at 731, and as at May they stood at 14,320. The comparative figures for 2019, however, were 7,246 and 27,100 respectively.

1090 The information we were given yesterday with the laying on the table of the Tourist Survey, Hotel Occupancy and Air Traffic Survey Reports for 2021, shows that the overall tourist expenditure has risen from £97.51 million in 2020, which in itself represented a vertiginous drop from £307.57 million in 2019 ... is now starting to creep up, albeit slowly, to £128.19 million in 2021.

1095 The hotel occupancy figure is still comparatively low at 59.6% in 2021, although increased from 46.6% in 2020. We see a similar story with air arrivals, where there is a slow pick up in numbers but certainly not the high numbers that anyone listening to the Minister would think were arriving each time he announces a new airline coming to Gibraltar, which, as we all know too well, never materialises in anything serious or long-lasting.

1100 Dwelling on some of the measures announced yesterday – the Sustainable Tourism Tax of £3 per person per night of hotel stay and the £1 per cruise liner passenger – we on this side of the House have initial doubts as to whether this revenue-raising measure now, at this precise moment when we are in the throes of a recovery of a severely and badly hit sector, is the best decision. Historically, Governments and Oppositions have argued over how one party or another has fared in bringing more visitors here, but I think we need to spend much more political time and energy in analysing what it is that we offer those visitors once they arrive. I am told, for example, that there is a particular challenge to get passengers off the liners. Here, we face competition with the liners themselves, given the full array of amenities and comforts which they offer on board, such that passengers need to be persuaded to come onshore. Liners, as will be expected, will go to where it is more profitable for them, and shore excursions are where they get a lot of their income and revenue. It is not yet known, in those circumstances, what the effect of the £1 surcharge will be on things. This is where the competition is tough. This is where everything that we can do to improve the much-needed footfall on our streets must be done, from effective marketing on board liners to providing a Rolls-Royce, fully integrated transport service, to the cleanliness of our streets, to high-quality customer care, to improving on our prices. A tall order, I know; a tall order which I think has eluded us for far too long. I say so in the least partisan of ways. As Gibraltar, we cannot afford to rest on our laurels. We have to accept the huge blow which the pandemic has brought in its wake, particularly in the tourism sector and the consequential impact on our economy.

1110 In figures – and to put this in context, the figures bear repetition – the Tourist Survey Report of 2019 clocked tourist expenditure at £308 million. That dropped to £98 million, a whopping £210 million, as a result of the pandemic. We, all of us, need to ensure that we do our bit to improve what we have to offer, and I am confident that it can be done. We, on this side of the House, are excited to offer the electorate, at the next election, our ideas in this sphere. Our view is that fundamental to that offering is that there is proper strategic thinking to be done – an opportunity which we thought the Government lost during the lockdown period, as I put to the Minister in the televised debate we had in January.

1125 We are fully conscious and aware of the amount of activity that this small area of the world has to put up with in order to provide what is, on any objective view, at least currently, a high standard of living. We have an Airport, a Port, a dockyard, a financial services industry, a vibrant construction industry etc. All of these features have an impact, for example, on how clean our streets can be kept or how pristine our buildings can be maintained, or, indeed, how busy with traffic our roads are. This is why we need to take stock, do a bit of naval gazing and honestly and truly ask ourselves what destination do we want to be. Should we be a day visitor destination, or do we want tourists to stay in our hotels? What type of hotels should we offer, if so? Once we answer fundamental questions like these, we will be able to inform the decisions that we take, in full partnership with the operators within the industry, in driving policy in this area. Our further

1140 view, in terms of basic themes which should drive policy in this area, is that there has to be much
more joined-up thinking. The Tourism Department needs to talk to Culture and Sport – indeed
even Education – under one umbrella and co-ordinate approaches in a formal way. Culture and
1145 Sport bring people here, and that must be harnessed as part of our tourism and visitor experience
potential, and educators must be brought in to encourage people to pursue career paths in the
hospitality sector.

I must say we are concerned at the answers we received when we asked detailed questions in
1145 connection with the Minister for Tourism's extensive travels. There is one currently on the Order
Paper still to be addressed, in relation to his trip to Bangladesh during the same period that he
could have been at the Madrid Travel Fair in FITUR, which he failed to attend. There appears to
be no focused strategy, other than the clocking up of air miles and an almost obsessive desire to
get a picture taken with the latest political or business celebrity in order to then publish it in the
1150 press with a standard quote saying how good and beneficial the particular trip or meeting was.
(*Banging on desks*) It may do wonders for his scrapbook, but what does it do for Gibraltar? He
runs the risk of becoming identified as a stalker and security risk (*Laughter*) by the security details
of famous personalities if he carries on this way. Where is the analysis as to why it is more
productive to go to one event over another? What SWOT analysis is made as to what is likely to
1155 come of a trip? What business has been generated, and, indeed, is it worthwhile attending again?
Was the money, which is increasingly in short supply, well spent? We got absolutely no sense of
that – with the greatest of respect to him – which, sadly, is not surprising but is, nevertheless,
highly concerning. Simply to flag that, at this stage, as regards the money, the information we
have now indicates that the Minister himself – i.e. excluding his delegation, only him – has cost
1160 the taxpayer, in travel alone – for him, I repeat, not his delegation – £28,527.45 in just one year.

Chief Minister (Hon. F R Picardo): Money well spent.

1165 **Hon. D J Bossino:** The appointment of the new CEO of the GTB has the potential of providing
that new impetus and strategic leadership, and we wish the individual well.

Hon. Chief Minister: It's your brother!

1170 **Hon. D J Bossino:** As the House will know, our main quarrel with the Government was the
location from which he would conduct operations. It became the subject of heated debate. They
insisted it should be London on the grounds that it was our main source market – although
arguably, we would say, this is Spain – whilst we said he should be here, at the destination he will
be wanting to sell. In this connection, we had a rather vague smoke-and-mirrors response from
the Government, which is their wont, in a recent question and answer session here. That half-
1175 response spoke more to a childish avoiding of an admission that there has been, we suspect, a
change of policy and thereby avoid the 'I told you so' reaction from this side than anything else.
Eventually, the truth will come out.

I fear, however, that the Minister will continue to want to feature heavily when, say, we have
an inaugural cruise liner arrival with picture and plaque in tow, or showcase his last visit to some
1180 conference or other, all in a misguided attempt to improve his ratings. He has, after all, been
associated more with flops and failures – Volotea, Eastern Airways, Wizz Air and, I dare say, Line
Wall Road very quickly come to mind (*Interjections*) – but I would urge him to give the new
appointee wings. I say this not because of the filial connection, as I would be urging him to do so
whoever the CEO may have been, but so that the significant salary is properly put to good use.
1185 The Minister's career may not have taken off, but that does not mean that he should bring others
down with him. Finally under this head, I need to highlight to the House the concerns that have
been expressed in the context of the employment situation within the Gibraltar Tourist Board,
with recent complaints expressed publicly about employees being transferred unwillingly or

1190 employees leaving because of the Minister's despotic manner. This is borne out by the reduction of four in the overall staff complement in this Department, from 24 last year to 20 this year.

Our housing needs continue to be an issue. The waiting list figures available online as at April still show a total of 763 waiting to be housed, with the greatest demand being placed on the 1RKB category, standing at 532. There is also a rather persistent figure of 200 applicants on the pre-list as at April 2021, which are the latest figures online despite the table having been last updated in 1195 May 2022. It is welcome to note a decrease from February to March, from 1,183 to the 763 figure that I have just mentioned from the general waiting list, i.e., excluding the pre-list. The anecdotal evidence that we receive as an Opposition, however, continues to be that housing remains a persisting social issue of concern, with many of the approaches we deal with relating to housing.

The Public Services Ombudsman in his report confirms this when he states:

Complaints against the Housing Authority continue to remain top of the list of departments attracting the highest number of complaints.

1200 I also quote my friend, the former Opposition spokesman for housing Mr Reyes, when last year, in this very debate, he said:

the reality today is that there is a need for housing and it is the most vulnerable in Gibraltar who are suffering the worst. Most of the meetings I hold with constituents are about housing matters ...

I can confirm that that is my own experience since I was given this responsibility recently. We hear of families in nine-square-meter accommodation who have been waiting to be housed for 1205 years on end, some for seven to eight years, or other cases where there is an inexplicable failure to rehouse tenants while they continue to live in squalid conditions. The physical and psychological effects that these individuals have to endure are almost too much to bear, but bear it they do with resigned patience.

The inevitable conclusion that one comes to is that the system is simply not working. The Housing Allocation Scheme is still under review and we eagerly await the soon to be published 1210 new rules. As matters stand, however, there is a need for a radical shake-up. Firstly, our policy to create separate lists to buy and rent would be expected to both reduce the list and identify who is in real need of social housing. Secondly, this policy, coupled with our further policy in government to grab the bull by the horns and introduce means testing would help us to further 1215 target those in real need. The Minister's reply on this was, in some ways, and with respect to him, underwhelming. In essence, it boiled down to a supposed administrative challenge which he claimed results in PAYE earners suffering unfairness when compared with the self-employed. Are we really not pursuing what surely we can all agree, on all sides of the House, is a fair system because something, somewhere is failing administratively?

1220 We need to move away from the concept that there is an entitlement to a fully funded, state-provided home irrespective of your wealth to a system which acknowledges that there are people who are in genuine need of social housing, with the state focusing assistance on these individuals and not others. We make absolutely no bones of our view that housing of this nature should be targeted at those individuals. Persons on low income or with specific medical or other special 1225 needs should be helped, and not others. How many of us hear stories of luxury cars leaving government estate parking lots, for example? This needs to end. There should also be much better monitoring of those who claim that they live in government rented accommodation but in fact live almost permanently in Spain. This is an abusive practice at various levels, as they hog much sought-after social housing subsidised by the taxpayer and benefit from other state-funded help 1230 in education or free parking. In respect of supported housing for the elderly, here too we need to see a fairer system in place, in which homeowners who have sacrificed life's luxuries to fund a mortgage and own their own home ... should be treated less fairly and are indeed discriminated against when compared with other individuals who may have done very well for themselves, may

1235 be in receipt of a healthy government occupational pension, lived on a government estate and
therefore paid very low rent during their working life and also, to boot then been granted assisted
living. This is unfair and should also be stopped. On rental arrears, the figure remains stubbornly
and depressingly high, at £4,486,558.25 as at April 2022. I will not stand here and point the finger
at the Government. This is a problem which I am sure is complex to resolve, but more thinking
1240 must be done to bring that figure down. Gibraltar's public purse simply cannot afford to see this
type of abuse as a permanent, long-lasting, perennial feature. Something more needs to be done.

We are still waiting for progress on the new Housing Act. Here we need to see the introduction
of a fairer system, where private landlords are able to make a profit on their property and thereby
allow them to properly refurbish and improve the housing stock they own while at the same time
prevent abusive action being meted out to tenants. The balancing act here is to prevent abuse in
1245 both directions, from tenant to landlord and from landlord to tenant. We eagerly await the arrival
of the new legislation to see if that balancing act has indeed been achieved.

On affordable homes, the long-suffering applicants have experienced woeful delay in respect
of, without exception, all developments, whether it is Hassan Centenary, Bob Peliza Mews or
Chatham Counterguard. The current dates that we are looking at, according to the latest replies
1250 we have had from the Minister, range from July 2023 in respect of Hassan Centenary to anything
around the 2024-25 mark, depending on site clearance issues in respect of the other two. All of
this clearly creates financial burdens for some who are making payments towards the financing of
their new flats while in some cases paying for their current accommodation. The delays are also
having an effect on those young people who are having to put their lives on hold until the flats are
1255 built; all of this in the context that the originally promised completion dates were, in at least one
of the cases, pre-COVID. Indeed, their press release boasted at the time – this is in 2017 – of
'hundreds of new homes as from August 2019'. When Chatham was announced in July 2019 the
envisaged commencement date for construction was the last quarter of 2019, months before
COVID hit us. As matters stand, not one brick has yet been laid in respect of this development and
1260 Bob Peliza Mews. Indeed, not that many bricks were laid before COVID struck, so on this occasion
the pandemic cannot be reasonably used as a cause of the delay, and it will not be lost on anyone
that the announcements of the construction of these estates benefitted them electorally in 2019,
yet they have failed to deliver.

We need to pause and make further plans for the future. We need to ask ourselves what are
1265 our housing needs for the next five, 10 even 15 years. We now hear of cases of individuals who
would have been in their late teens when the first announcements were made in September 2017,
who do not now have access to affordable housing and there is no prospect whatsoever in sight
of them receiving a flat any time soon. The current Eastside project only caters for 100 flats. We
are staring at a missed and forgotten generation who must be catered for.

1270 It is also important to plan for the housing needs of people with disabilities. We need to ensure
that there is provision of appropriate housing, including specialist and supported housing. This is
crucial if we are to help them live safe and independent lives. Unsuitable or unadapted housing
can have a negative impact on disabled people and their carers. It can lead to mobility problems
inside and outside the home, poorer mental health and even impact on their employment
1275 prospects. Without accessible and adaptable housing, disabled people risk facing discrimination
and disadvantage in this area. We need to recognise the diverse range of needs that exist.
Disabilities can include people with ambulatory difficulties, blindness, learning difficulties, even
autism and mental health issues that will generate a range of housing requirements which may
themselves change over time. I understand that it is an administratively difficult issue to grapple
1280 with, but to enable disabled people to live more safely and independently the Ministry for Housing
needs to engage much more in ensuring that any future planning considers the variety of needs.
It makes sense from our perspective to build accessible housing from the outset rather than have
to make fundamental adaptations at a later stage. Such an approach is bound to make financial
savings into the future. Appropriately built flats should be included in all new developments,

1285 where possible. We hope to make future announcements as to our plans for government in this connection at the appropriate time.

On a separate note, arising from the figures, I would simply point out that the Housing Works Agency – I think this was mentioned by my friend Mr Reyes – is expected to receive £1.9 million less from the Improvement and Development Fund than the forecast outturn for 2021-22, as that
1290 is the amount by which the expenditure on works and repairs is going to suffer this coming year, and we will need to analyse that during the course of the next few months.

On planning, we see the same lack of overall strategic thinking we referred to in the context of tourism. It is acknowledged and appreciated on this side of the House that in a place so small – and I make a similar point I made earlier – over which so many demands are placed, it is very
1295 difficult to strike what are often very challenging balances. Nevertheless, more needs to be done, both strategically and innovatively, to counter the obvious failing of the current Government.

Let's take the question of addressing our housing needs. The Chief Minister has spoken of the only way being up, due to the shortage of land mass. Others from a heritage or well-being perspective would focus on the negative impact that tall buildings have not just on the aesthetics but also on the effect that the changing face of Gibraltar will have on its beauty, history and, critically, on community cohesion between the entitled and deprived. In the context of the recent application for the Caleta hotel development, we saw those tensions at play. We have, on the one
1300 hand, an entrepreneur who, let's face it, wants to invest to make a profit, and there is nothing wrong with that, but in the process we are creating an eyesore of a building which will gravely impact the Catalan Bay area, an area which is already the subject of building pressure on both its southern and northern ends. We raised the serious bulking concerns that we had at the time, but they have been ignored.

We firmly believe that development needs to be tempered by moderation and the right to build by the right design. Too often we are building nondescript monoliths that mar Gibraltar. Surely it is a sad indictment of Gibraltar's modern builds that the last major development inspired
1310 by our British colonial Mediterranean heritage – and it was done during their last period in office – is the Queensway Quay in the 1990s. Big does not need to be ugly. We are fast ending up with both.

In respect of the developments around Catalan Bay, it is worth quoting the words of one of the objectors, who described its 'excessive massing' and talked of the design being 'overall incompatible with Gibraltar's urban character, which is a key aspect of Gibraltar's tourist appeal' with the further, very valid question 'What is the point of economic development if we lose our cultural identity in doing so?' I quote him further because I think this encapsulates in a very nice
1315 way what we referred to last year during this debate:

1320 Buildings should be designed to fit in and not stand out. Our future should not be condemned to live in a cluttered smorgasbord of anonymous towers to a mere facsimile of Benidorm or Dubai, totally cultureless and devoid of charm having sacrificed any sense of its own history and cultural identity in the name of progress and profit.

A Member: Hear, hear.

Hon. D J Bossino: In the event, the project received outline planning permission, with the
1325 Ministers sitting on the DPC board predictably voting in favour. Unfortunately, in a DPC packed with civil servants it is not hard to believe that where Ministers lead others are likely to follow. Open DPC board meetings does not make them less susceptible to often-heard accusations of ministerial interference at worst and cajoling at best. The volume and massing of the Catalan Bay hotel have been accepted by DPC, the design is set to change, yet given existing evidence we are
1330 sure that the end result will still be a singular blot on the Bay's Italianate heritage, to the detriment of Gibraltar PLC. On the Eastside project, too, we see the same tension playing out in a highly significant way, where we have the pressing economic and social needs of this housing, should the development proceed, offset against the deep concerns of the Catalan Bay residents and

1335 others along this area about the wholly negative effect the marina will have on the environment there. Any destruction of the sea, beachfront and wider environment here would be an unforgiveable mistake and an enduring blight which we will be passing onto future generations.

In terms of the DPC proceedings themselves, I must say that I share the view of Eileen Gomez in the *Gibraltar Chronicle*, in which she states:

but as project after project receives planning approval, for many people there is an inescapable sense that their genuine concerns are not being properly heard.

1340 This is the very sense that I personally got when witnessing Mr Riddell make his submissions to the DPC in the context of the Eastside project, a veritable David against Goliath, a man against big business and entrenched power. Unfortunately, in this instance it is not looking good for David. This is why the DPC needs further reform. It is no longer fit for purpose. (*Interjection*) Under constant ministerial scrutiny it is in real danger of just existing to rubberstamp Government planning policy – policy which, in the case of private large developments, suspiciously smacks of
1345 intense backroom lobbying between Government and selected enterprise. It is interesting to note that the full force of DPC sanctions tends to fall on small and medium-scale developments, while larger developments face cosmetic changes but little else. We need a more robust DPC which speaks to people's concerns.

1350 And let's stop, just for once, with the immature point-scoring of how things changed with the arrival of the new dawn, as they put it, in 2011. Yes, things did change – so did we introduce changes in 1996 – but we have to move on. The building spree we have witnessed over the last 20-30 years has been phenomenal, but it needs to be tempered by issues that resonate with the people. We need to revisit planning and privacy issues, for instance, both in the new builds and in
1355 the old town. Few of us live in patios anymore, therefore it is not reasonable to expect new massing and terraces to invade neighbours' privacy or have their well-being circumscribed by blocked access to space and light. In Devil's Tower Road we are seeing how what was an industrial/commercial area has increasingly become a mixed bag of high-end, assisted housing residential area with some hospitality mixed in also with social housing, and all seemingly without any thought as to some uniformity in design or respect for the people already living there and
1360 their rights to light and space. It is all the effect of a singular lack of planning and a haphazard approach to new developments.

In the *Chronicle* article just referred to, a resident was quoted as saying 'developers have been allowed to go as high and close as they wish to ensure maximum profits'. A far cry from the complaints of the now governing parties when they used to highlight similar issues when they were last in opposition and we were in government. It is a case of do not as I said, but do as I now want. This is why we need a robust, comprehensive development plan. A year on and there is little sign of it, although I draw hope from the hon. Lady's comments to the *Chronicle* – the same article I have been quoting – even if somewhat unclear, when she talked about work 'on the review' starting in earnest. But we can safely assume that the thinking now is that this project is indeed,
1370 after all, critical given that the Minister for Financial Services, when he had responsibility for planning, would not commit in this House to any timings for completion on the basis that a decision had not been made as to whether that particular project was critical.

We think it is absolutely doable to work in partnership with business to develop a Gibraltar which preserves its unique heritage and indeed enhances its singular beauty, but it requires, once
1375 again, joined-up thinking, a new, strong development plan and a fair bit of imagination and architectural nous. This Government is, I am afraid, failing on all of these.

On heritage, there is a sense on this side of the House that it is, once again, somewhat fractured. We have the Ministry dedicated to this area, but many gold-star projects are [inaudible] retained by the Deputy Chief Minister and his office. In this regard, the Northern Defences, the
1380 Mount and the Road to the Lines project referred to yesterday come to mind. The recent announcement in respect of the beautification of Landport is a further case in point, with this

particular development, if I am not mistaken, being fronted by the Minister for Tourism. This piecemeal approach is reflected in the Estimates Book, in which separate funding is allocated to what are termed ‘heritage building refurbishments’ and ‘heritage projects’, to the detriment of Ministry for Heritage projects. While in respect of this we will be seeking further particulars at Committee Stage, we do ask whether the Deputy Chief Minister and the Minister of Tourism place so little trust in the Minister for Heritage that these projects are withheld from his purview.

In terms of adding further buildings, monuments and artefacts, I must say I was sorry to see that there had been less progress than would perhaps otherwise have been expected. The lack of commitment to protect the beautiful, now former Social Security building at Governor’s Parade was also less than we would have desired. Any impact to the architecture of that building would affect not just the building itself but the entire surrounding environment, which, barring a few notable exceptions, has remained as it is for two centuries – an example, therefore, of a building which should receive full statutory protection. Given that the building belongs to the Government, I cannot see what the delay in listing is, unless the whole area has been scheduled for a new development. Who knows?

The Government’s seeming lack of imagination encompasses the restoration plans involving our extant artillery pieces throughout the Rock. Much – we would say too much – is left to voluntary work that is undertaken by the eager and enthusiastic Fortress of Gibraltar Group and the Gibraltar Heritage Trust. Thanks to them and their essentially free work, Gibraltar’s artillery is being allowed to survive and thereby pass as a fitting reminder of glories past to future generations, which is the right thing to do. We sincerely thank them for the recent works carried out on Lord Airey’s Gun Battery. But – and this is a fundamental question – where is the Government in all of this? Beyond granting permission, they are singularly absent from most of the proceedings, although they are happy to be present at any unveiling or the taking of photographs for the press. Again, we need a robust plan of heritage maintenance and restoration to bring back our guns, our walls and our bunkers. In this, the Government is conspicuous by its absence.

It was surprising to hear Mr Picardo’s remarks yesterday – I lose track of time – about the recent developments in the United States Supreme Court in relation to the position on abortion. Let us be absolutely clear, Mr Speaker: what has happened in the US is that the Supreme Court has handed down responsibility and devolved powers to the individual states in the country to legislate according to their own democratic and political wishes. It will now be for the individual states, which will have the power to legislate and determine how restrictive or permissive their abortion laws are. It does not make abortion illegal; it just gives power to take the decision back to locally accountable representatives. As one commentator recently put it:

Returning policy decisions on such a literal matter of life or death to the democratic system is something that all who cherish liberty should welcome.

Mr Picardo, we know, is a champion of the progressive cause, one that grows more dogmatic and intrusive by the day. He attends every party and wears every t-shirt of every fashionable cause in town, but neither he nor the new and increasingly belligerent new left hold the monopoly of the truth, compassion or social justice, despite the rhetoric and despite the tough talk. Yesterday he said that Gibraltar has no reverse gear on rights and progress and only move forward in one direction. He also said that any attempt to go back on abortion or any other of the progressive causes would be met with ferocious opposition. There is no need for that kind of radical language in the context of a parliamentary democracy. We all need to calm down. He has his vision and I and others will have ours. One is progressive and the other now deemed conservative, but both are equally legitimate visions of society, although in Gibraltar it seems increasingly that the former rarely recognises this in respect of the latter. In a truly liberal and democratic society you should be able to express your views whilst absolutely respecting others and not be the subject of ridicule or suffer the full force of the cancel culture.

1430 Whatever happens in the future with abortion or any other issue should be decided by the
people of Gibraltar in democratic elections, and they will cast their vote in one direction or
another. That is the way democracies operate: the voice of the electorate expressed here in
Parliament in general elections. The street, the stage, the demonstrations, the festivals and the
1435 shouting of slogans and waving of banners on the public highway are mere accessories of the
fundamental exercise of the democratic will of the people. To quote Shakespeare, which I know
the Hon. the Chief Minister is very fond of: full of sound and fury, signifying nothing. There is no
democratic legitimacy in ferocious opposition and noise when the people make their views known
through the ballot box. That is what matters. This is far from being anti anything. This is basic
1440 democracy, where, with respect and understanding, sensible debate between people who hold
opposing views can and should prevail.

In the context, particularly – and I end here, Mr Speaker – of tourism, a reference has been
made to the issue of the ongoing negotiations with the EU and Spain, a hugely significant issue for
our future if ever there was one. Yesterday we heard the Chief Minister state that he remained
'deeply optimistic' that a treaty is now increasingly probable. I do not think it is at all controversial
1445 to wish the Chief Minister and his Government well in its endeavours to bring this critical accord
which safeguards our red lines to a successful conclusion as soon as is practically possible. The
treaty, if it were to achieve a mobility agreement for fluid access through the Frontier, would be
of huge importance to our quality of life and lay the basis for enhanced economic development
and co-operation in the entire region. It is further hoped that businesses, investors and
1450 entrepreneurs will be able to use Gibraltar and the hinterland as a springboard for ambitious
commercial initiatives, create employment and economic opportunities for all.

On 31st December 2020, Gibraltar was finally – and unfortunately, for the vast majority of us
here – dragged out of the European Union kicking and screaming, following Britain's unfortunate
decision to abandon the EU after the Brexit referendum in 2016, now six years ago. We were left
1455 on a cliff edge, facing the prospects of two-to-six-hour queues and the dramatic existential domino
effect which could have had potentially devastating consequences for our economy, which at that
stage had already been hit by the COVID pandemic. The New Year's Eve Agreement secured by
the Government, despite the issues which we have identified on this side of the House, offered us
a glimmer of hope that diplomacy could yet avert a worst-case scenario of Gibraltar crashing out
1460 of the EU without any mitigating measures. It is that blueprint, we are told, that forms the basis
of the much-awaited EU-UK treaty on Gibraltar which holds the key to our future prosperity and
continued economic success. We look forward to the publication of the full treaty text.

Thank you, Mr Speaker.

Adjournment

Hon. Chief Minister: Mr Speaker, feeling almost as if I were getting up in the United States
1465 Senate, given the speech we have heard, I wonder whether this might be a convenient moment
to adjourn to tomorrow at 4.30 in the afternoon.

Mr Speaker: I now propose a question, which is that this House do adjourn to Thursday, 30th
June at 4.30 p.m.

1470 I now put the question, which is that this House do adjourn to Thursday, 30th June at 4.30 p.m.
Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 30th June at 4.30 p.m.

The House adjourned at 6.54 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.30 p.m. – 8.29 p.m.

Gibraltar, Thursday, 30th June 2022

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The Gibraltar Parliament

The Parliament met at 4.30 p.m.

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

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

Appropriation Bill 2022 – Second Reading – Debate continued

Clerk: Meeting of Parliament, Thursday, 30th June 2022.
We continue with the Appropriation Bill.

5 **Mr Speaker:** The Hon. Samantha Sacramento.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, it is a privilege to once again address Parliament and it continues to be an honour to serve this community as a member of Her Majesty's Government of Gibraltar, now in my 11th year. On this occasion, I set out my Budget address in my capacity as Minister with responsibility for Justice, Equality and Public Standards and Regulations.

10 Before I speak about those responsibilities, I would like to begin by making reference to the pandemic that we have just emerged from and which clearly is still not over and has even played some mischief at our Budget session and denied us from the enjoying the opportunity of listening to the Father of the House deliver his speech. I am sure we can all agree that when it comes to Sir Joe and the Budget, reading his speech is not the same as being in his presence when he delivers it. (**Hon. Chief Minister and another Member:** Hear, hear.) I have been in touch with him this morning and I wish my friend a very speedy recovery from COVID. (*Banging on desks*) This is a stark reminder that COVID is not yet over, and neither is the economic effect that COVID has had, not just on us but globally. For this reason, I just do not understand a lot of what has been said by the Members opposite so far. They speak as if without any realisation or acknowledgment of the global economic situation. Where have they been for the last two years? The bottom line is that we have to tighten our belts just a little bit, just for two years, to be able to get us out of this, but of course pensioners and those on lower wages will be insulated, as they rightly ought to be. I must congratulate the Chief Minister for being brave in what he has done in the Budget and his rationale for so doing. (**A Member:** Hear, hear.) Let's hope that we can transition back to normality as soon as possible.

15 20 25 30 35 Speaking about what we have had to endure from the Members opposite, I must call out something that was said by the Hon. Mr Clinton yesterday. I am sure he did not mean to mislead Parliament in what he said, but he was clearly disingenuous in the way that he presented the matter, in that he did not provide the full picture. The Hon. Mr Clinton made a big fuss about our business-class travel and this is because his last Parliament question was quite one sided and limited only to asking when we travel in business class – he never asked how many times we travel otherwise. I travel economy as much as I travel business, and we all do – the Chief Minister, the Deputy Chief Minister and the Minister for Tourism, who are the ones who travel the most, I know also travel economy – but he did not mention that part, did he? I only travel when it is absolutely

necessary, as we all do. Personally, I do not like to travel. I hate packing, I hate flying, I hate airports, I get travel sick, but I do it because it is my job to do it, and we all do it because it is our duty. Only last week I was in Berlin for 48 hours and I flew Ryanair – I am not sure whether that
40 classifies even as economy. When I travelled to Iceland, I travelled economy as well. That trip was subsidised by the Commonwealth Parliamentary Association (CPA) because I was travelling in my capacity as Chair of the Commonwealth Women Parliamentarians (CWP).

While the Hon. Mr Clinton pontificates about business-class travel from his pedestal, I need to remind him that last year we both travelled to Northern Ireland for a CPA conference –
45 *(Interjection by Hon. R M Clinton)* Mr Speaker, it is my Budget address, perhaps the hon. Gentleman can wait for me to finish. We travelled to Northern Ireland. I travelled direct on easyJet and – get this, Mr Speaker – the hon. Gentleman travelled BA business class and not direct, so he had two flights there and two flights back. I make this point – *(Interjection by Hon. R M Clinton)*

50 **Mr Speaker:** I cannot force anybody to give way. It is in the hon. Member's – *(Interjection by Hon. Chief Minister)*
Please continue.

Hon. Miss S J Sacramento: Mr Speaker, what I have said in my intervention is fact, and what I
55 have said is that the hon. Member did not provide the full facts in his. I will continue, Mr Speaker. In August 2020, in the middle of the pandemic, I was appointed Minister for Health and I held this responsibility until a few months ago. It has been a very difficult, all-consuming and intense time. *(Banging on desk)* The job of being Minister with responsibility for Civil Contingencies and also Minister for Health meant that the work was relentless and I have been pretty much working
60 on adrenaline for two years.

When I became Minister for Health, at the outset the priority was to support an organisation that was at the coalface in the battle against COVID, particularly at ERS. Additionally, it became apparent to me that I had two major priorities as Minister for Health. The first was to make mental health a priority, not just for the GHA but for the whole of Gibraltar. Using the Public Health England Situational Analysis Report 2019 – which I immediately published when I became Minister
65 for Health – as a benchmark, I launched the five-year strategy in July 2021 with the objective of improving the mental health and well-being of the population of Gibraltar by having a comprehensive, integrated mental health system that promotes self-care and recovery and reduces stigma. The strategy was developed through a comprehensive multi-agency stakeholder, patient and public engagement process, with listening and learning being a cornerstone principle.
70 The strategy has four overarching strategic priorities aligned with the World Health Organization Global Mental Health Action Plan 2013-20. Importantly, the strategy has an inbuilt mechanism of accountability and includes timelines for the implementation of the key milestones. There were some very immediate improvements last year in the delivery of the GHA mental health services,
75 including the introduction of a mental health crisis line at the 111. I wish to thank, at this point, the members of the Statutory Boards, the Mental Health Board and the Mental Health Tribunal. An enormous amount of time is dedicated by those who sit on these, and they do so on a voluntary basis.

Immediately, also, I became acutely aware of the impact that the pandemic was having on our
80 hospital services and I feared the outcome of its aftermath. It was the invaluable help and guidance of Prof. Ian Cumming OBE – whom I had initially engaged in January 2021 to devise and lead on our COVID vaccination strategy but who became invested in assisting Gibraltar – that we worked together on what were to become landmark reforms and the Reset, Restart and Recover programme later that year. On 30th November 2021 I announced these landmark reforms with
85 the objective of improving the GHA services provided to patients and the accountability of the Authority to the Government and, therefore, the taxpayer. This represented radical reform. A seven-point plan for Reset, Restart and Recover was announced and also a reconfiguration of the GHA board to ensure its function as the key strategic oversight body for the GHA, the removal of

90 the Minister for Health as the chair of the board, a new, independent chair of the board appointed
and the introduction of a new position of director general to provide overall leadership in the
organisation. This restructure represented our serious and genuine desire to transform the GHA.
I could think of no one better to be the interim chair of the board at this time than Prof. Cumming
and he was asked to take up this role on an interim basis. I wish him and the board all the best in
ensuring that the GHA delivers for us all.

95 Mr Speaker, in my time as Minister for Health I worked with very dedicated professionals. I
thank them for their guidance and support during this time. The services of three nurses in the
GHA have been recognised with honours. Of these, I have worked very closely with the Head of
Elderly Services, Susan Vallejo, and the Director of Nursing, Sandie Gracia, and I can certainly
recognise that their honour is very well deserved. My congratulations to them. *(Banging on desks)*

100 Starting with my responsibility as Minister for Civil Contingencies, Mr Speaker, as you will
imagine, the centre of the Government's ongoing response to the COVID-19 pandemic has been
the Office of Civil Contingencies: 2021 and 2022 have continued to be largely dominated by the
global pandemic as well as planning for a possible no negotiated Brexit outcome and dealing with
the consequences of the ongoing war in Ukraine.

105 When our vaccines arrived at the beginning of 2021 – and we have to thank the UK government
for their generous and constant supply of these – our community saw a rapid decline in positive
cases, deaths and hospitalisations. The hugely successful vaccination programme executed by the
GHA allowed us to start winning the battle against COVID, and as restrictions quickly started to be
eased Gibraltar became the centre of attention for a post-vaccination world. As the new Director
110 of Public Health expressed her concerns over vaccine effectiveness waning, the booster
programme was launched in early October with the aim of offering maximum protection to our
people over the winter months. As cases in the boosted population started to improve again and
hospitalisations of positive cases were kept at a steady and manageable rate, we were once again
reminded about the risks from new variants of concern, but with a large uptake in boosters and
115 with a better understanding of the Omicron variant the first quarter of 2022 has allowed Gibraltar
to continue with its exit strategy and easing the vast majority of restrictions. The last two years
have been painfully difficult for everyone in our community but it now seems that we are well on
our road to recovery, noting of course that we must continue to remain cautious and continuously
monitor the situation.

120 When Russia invaded Ukraine on 24th February 2022, Gibraltarians living in Ukraine with their
young families reached out to us for support. The Office of Civil Contingencies assisted with the
repatriation of the family by making the necessary travel arrangements and deploying one of its
officers to Poland to meet with the family, to deliver the necessary emergency passports and other
travel documentation. The Office of Civil Contingencies has also co-ordinated much of the support
125 given to other Ukrainian families who fled the war-torn country to safety in Gibraltar, where they
have been provided with accommodation at the Retreat Centre and co-ordinated support from
the Care Agency and the Department of Education among others.

I could not have asked for a more dedicated or focused team to steer us through these
extremely difficult times. My thanks to the Civil Contingencies Co-ordinator, Mr Ivor Lopez, whose
130 efforts were also recognised in his very well-deserved award, and Ernest Danino and Brian Brooks,
the latter who recently, with others, also made a round trip to deliver medical supplies to Ukraine
on behalf of the Red Cross – a selfless endeavour, indeed, and they should be congratulated.

On my Justice responsibilities I will commence with the Gibraltar Financial Intelligence Unit
(GFIU). GFIU plays a critical role in the fight against economic crime, but it also uses financial
135 intelligence to tackle other criminal conduct. The unit has, over the last two years, made an
immense contribution to ensure that Gibraltar features well in the Financial Action Task Force
Post-Observation Period. In the process, it has built on the successes of 2020, driven decisively
with new developments that will create innovative approaches to tackle financial crime.

140 In 2021, GFIU received almost 4,000 suspicious activity reports. This has placed a significant
workload on the unit, but it has also taken advantage of its digital transformation, with better

analytical software that helps strengthen its capacity by creating a modern digital ecosystem that harnesses the many pieces of information received from a wide range of sources.

145 GFIU is not just providing training locally, and this is quite a remarkable recognition of the level of work that they deliver. In 2021, GFIU was invited by the United Nations Office of Drugs and Crime to deliver training to Morocco's financial institutions, sharing Gibraltar's experience in improving engagement with the private sector to detect illicit financial activity to end human trafficking. It is also delivering training to INTERPOL's project manager, an initiative designed to enhance capacity in Latin America and the Caribbean countries to target the proceeds of smuggling persons or trafficking in human beings.

150 Another significant development has been the establishment of a public-private partnership, called the Financial Liaison and Intelligence Network. This partnership is led by GFIU and is comprised of Gibraltar's banks, the Royal Gibraltar Police, HM Customs and the Gibraltar Financial Services Commission, and is expected to greatly enhance information sharing.

155 As the lead agency for counter proliferation financing, GFIU established the Joint Co-ordinating Intelligence Group to Counter Proliferation Financing, a pioneering working group that ensures that Gibraltar mitigates the threat to global security by those intent on facilitating the illicit development of weapons of mass destruction.

160 Mr Speaker, turning now to the Royal Gibraltar Police (RGP), the last year has seen the RGP work to achieve the recommendations and areas for improvement set out in the 2020 report by HM Inspectorate of Constabularies and Fire and Rescue Services. This has meant the RGP undertaking some significant reform to achieve this. Crime recording is now more in line with the Home Office Counting Rules and the RGP has established the criteria which have been followed by UK police forces. Further to this, the code of ethics has been embedded in all operational activity, determining standards of behaviour and the principles of policing. This activity is now co-ordinated by the Ethics Champions Lead, with an Independent Committee on Ethics overseeing ethical dilemmas in the RGP. To achieve this, the RGP has also introduced policies and procedures determining standards of behaviour, mechanisms for officers and staff to report on poor behavioural standards and control measures to protect the reputation of the organisation. The entire workforce and any external partners working with the RGP will require to be vetted, as is the practice by UK police forces, and a vetting unit has been established with an emphasis on a new internal counter corruption unit.

175 The recently created Victims of Crime Support team has trained officers in line with the Victims in Criminal Proceedings Regulations. Every victim of crime is now contacted and provided with support through the entire investigation process. Combatting domestic abuse also features highly on the RGP's agenda with the creation of a domestic abuse unit implementing better protective measures for victims of crime.

The Government is, of course, committed to supporting the RGP. Last week I had the pleasure of speaking at the passing out parade for 17 new recruits. I wish them all the best in their careers in the policing family. Recruitment for a new intake of officers has already commenced.

180 Turning to the Gibraltar Courts Service, during the past year the Law Courts have continued to work extraordinarily hard to deal effectively with the current substantial workload brought about as a result of the scaling down of operations during both COVID-19 lockdown periods. The current full complement of judges, coupled with the fact that when hit with the pandemic there was no backlog at either the Magistrates' Court or the Supreme Court, allows the Law Courts to continue to be in a strong position. The Rt Hon. Sir Martin Moore-Bick retired this year, in March, as a Justice of Appeal, bringing the current number of appointed Justices down to four. In order to maintain the complement of the Court of Appeal Justices at six, it is envisaged that recruitment will proceed for two more Justices. As a result of a number of retirements and in order to maintain the complement of existing Justices of the Peace, on advice from the Judicial Service Commission it is anticipated that the recruitment process will shortly be advertised for appointment. Finally, acting on advice from the Judicial Service Commission, the Government has agreed to continue to provide funding for a fourth Judge of the Supreme Court.

195 Mr Speaker, now the Government Law Offices (GLO), the Government lawyers. Since the last
Budget speech, our team of lawyers has continued to play a crucial part in delivering legal advice
to the Government, shaping legislation and providing legal representation to our law enforcement
agencies. On legislation, during the last year the Government Law Offices published the following
legislation: 18 Government Bills, 16 Acts, 344 Legal Notices and a staggering 423 COVID
200 regulations. At this point I really would like to thank the small team who were working on the
COVID regulations so intensely during the last two years, because sometimes we literally had to
work day and night to get those regulations right. Related to Brexit, the GLO have continued with
the publication of measures to revoke or amend retained directly applicable EU legislation under
the European Union (Withdrawal) Act 2019. The following legislative projects have also come to
fruition during this period, including the commencement of the Freedom of Information
legislation. The Register of Property Occupation Act 2021 was also commenced and associated
205 subsidiary legislation published, and the Gibraltar Health Authority Act regulations which
reconfigured the GHA board and separated the functions of the GHA and the Ministry of Health
and Care. Following the recent ruling by the Court of Appeal in February of this year, the
Government published the Employment (Bullying at Work) (Amendment) Bill 2022, which seeks
to address the issues raised. The Government has passed the British Sign Language Act. All this
210 work has been done thanks to our lawyers at the GLO.

The law drafters are currently working on a number of other legislative projects that I have
commissioned in my capacity as Minister for Justice, including in relation to a Bill to prohibit vaping
for under-18-year-olds, online safety legislation, a Domestic Abuse Bill – having been previously
published as a Command Paper – a project on gender neutrality in legislation and conversion
215 therapy ban. I also wish to announce that I will be commencing two important and significant
reviews of existing legislation: a review of family law and a review of crimes legislation. The team
at the GLO is preparing the groundwork for me so that I can formally proceed to the consultation
process. I am also involved in their ongoing work regarding the extension of a number of Council
of Europe and United Nations Conventions to Gibraltar. These include the United Nations
220 Conventions on corruption, disabilities, the rights of the child and the elimination of all forms of
discrimination against women. I thank the team for all their hard work and advice.

Turning to my responsibilities on safeguarding, as the Minister with responsibility for children
and adults safeguarding and regulation, I believe that no child or vulnerable adult should be
exposed to harm or left behind. Everyone has the right to feel safe and live in peace. To do so, we
225 need to tackle the social issues that have arisen or have been exacerbated by the pandemic and
lead the way for continued changes and improvements to our safeguarding systems. Effective
safeguarding requires partnership, collaborating with individuals, professionals and other
agencies working together to recognise the potential of preventing harm. Prevention is, therefore,
the responsibility of a wide range of agencies, as well as other organisations, charities and groups.
230 It is for this reason that I have reconstituted the function of the Child Protection Committee and
established a Safeguarding Adult Board and a Youth Offending Committee, the latter two being
the first of their kind in Gibraltar. I must highlight that the purpose of the Child Protection
Committee and the Safeguarding Adults Board is to provide a joint forum to allow for a close
working relationship between the Care Agency, the RGP, the GHA, the Education Department and
235 other key organisations who share the common aim of protecting children and vulnerable adults
at risk and for developing, monitoring and reviewing safeguarding policies. The chairperson of
both committees is currently the Chief Executive of the Care Agency, who reports and provides
advice to me on safeguarding with respect to the Child Protection Committee and the
Safeguarding Adults Board, and I am very grateful for these additional responsibilities that he
240 discharges.

Social care and safeguarding services all around the world have experienced great challenges
in providing optimal care and protection to the most vulnerable members of their communities
during the COVID-19 pandemic. The Care Agency and all other bodies with safeguarding functions
have spent the last two years dealing with the challenges of the pandemic by building innovative

245 ways to manage risk. This must continue as we move to recover from the consequences of the
pandemic, especially since the full impact of COVID is not yet known. In this regard, the Youth
Offending Committee has been working towards preparing recommendations which include
analysis and conclusion of the main issues that have arisen through their meetings. All the services
involved are united to ensure that children are supported and empowered to make the most of
250 their lives, enjoy and achieve and make a positive contribution to the community within Gibraltar,
and agree that this requires all involved with the child to tailor their services to the individual
child's needs. The committee has identified ways in which progress can be made to ensure a
reduction in first-time offenders, a reduction in re-offending and a reduction in the use of custody,
especially for first-time offending.

255 I now turn to the management of sex offenders in the community. This comes under the Multi-
Agency Public Protection Arrangements (MAPPA). There are currently nine trained designated risk
managers (DRMs) across the different MAPPA organisations, who undergo yearly specialist
training in the assessment and management of risk posed by sex offenders. From the DRMs and
representatives of key partner agencies a core team has been formed and the core team received
260 further specialist skills in assessment and interventions with MAPPA cases to ensure effective risk
management – a very difficult job to undertaken indeed. The Public Protection Panel comprises
members from the MAPPA organisations and is responsible for the identification and
implementation of risk management plans for each offender.

Turning my attention to Her Majesty's Prison Service, from a prisoner management
265 perspective 2021 saw the highest daily average of prisoners since 2015 – there were 54, a figure
which was adversely affected by the influx of detainees who were unable to be deported for a
period because of COVID restrictions. This impact factor is no longer the case and at present the
daily average population stands at 38 for the first quarter. The Prison's facilities continue to be
well used by those in custody as the year has progressed, with all of these seeing a higher
270 percentage of users. Of these, 32% of the prison population attended educational classes, up from
29%; 91% made use of the gymnasium; and 49% attended vocational classes, up from 22.4%.
Counselling is essential in providing support, and the system must maximise its efforts to pick up
from the excellent work coming out of the Prison's voluntary drug testing scheme. This currently
boasts participation of 67%. The programme will better place offenders on the road to
275 rehabilitation and successful reintegration into society and therefore reduce the rate of
reoffending.

Mr Speaker, now turning my attention to the Probation Service, the Probation Service
continues to provide services to the courts in terms of pre-sentence reports, and to the Parole
Board for consideration of parole. Probation officers continue to supervise and manage those
280 offenders subject to licence conditions and community rehabilitation orders and carry out
intervention plans based on the needs of the offender. One of the probation officers also forms
part of the Prison Board and undertakes prison inspections. Last year, probation officers
underwent training in the Freedom programme as part of the Government's Domestic Abuse
Strategy and this programme is now being delivered with perpetrators of domestic abuse as part
285 of their licence conditions or community rehabilitation orders. The Probation Service continues to
explore further training on domestic abuse interventions.

I turn now to the final uniformed bodies that I am responsible for, the Fire Services. Starting
with the Airport Fire and Rescue Service (AFRS), they have maintained a very busy period of
activity. The primary focus throughout the last year has been to consolidate practical training and
essential development courses. It has also undergone external reviews to ensure that its
290 personnel, manning and resources are adequate to fulfil its operational response tasks and that
these are delivered in accordance with mandated international standards. At the same time, it
has reviewed all its processes and operational procedures to ensure that these remain current in
the lead up to its 15-month full audit by UK Civil Aviation Authority inspectors.

295 As integral components of their ongoing competence-based training, AFRS personnel
undertook a variety of training and instruction courses which are fundamental elements of their

continual professional development. In addition, senior officers attended an airport fire officers' course in the UK, which was an excellent opportunity for them to work alongside senior officers from across UK airports. The AFRS is an acknowledged and well-respected organisation among UK airport fire services in different aviation fire and rescue forums, so staying in continual touch with these allows it to keep abreast of industry developments and thereby remain relevant.

Last year, the AFRS underwent an overview audit inspection and a series of task resource analysis sessions under the auspices of the Defence Fire Safety Regulator. This entailed both theoretical and practical sessions to formally confirm and document that the AFRS is meeting its mandated incident response requirements with sufficient personnel and firefighting resources. In this respect the AFRS was given a clean bill of health for its operational effectiveness.

The AFRS continues to work closely with the Gibraltar Fire and Rescue Service (GFRS), having a great professional working relationship and collaborating on training and other projects of common benefit to both. The AFRS strives for organisational and individual self-improvement, ensuring that its firefighters maintain the necessary skills and competences which are critical for mitigating risk, enabling safety and allowing them to effectively fulfil their roles. This underpins its strategic operating principles with its team always moving forward in a dynamic cycle of improvement whilst positively responding to the evolving challenges facing fire services.

From the AFRS, I now turn to the GFRS, and for them it has been a year of continued progress and adaptation to new challenges – no different than the rest of the public service and Gibraltar in general as we move out of the pandemic restrictions. With the growing number of developments, amendments to fire safety standards and innovative fire engineering solutions, the GFRS Fire Safety team is constantly challenged and does a magnificent job in the anticipation of risks, subsequently impacting their frontline operational preparedness. The GFRS continues with its primary objective, implementing and adopting measures or procedures necessary to ensure that they maintain competence and provide the best possible level of emergency response to safeguard Gibraltar and its citizens. The GFRS is also very much part, as first responder, of the Gibraltar Domestic Abuse Strategy and they, too, are receiving training.

Finally, turning to the firefighter recruitment selection process, GFRS officers have been working for months to come up with the right formula for the revised firefighter recruit selection process. This new system mirrors the selection process applied by their counterparts in the UK Fire and Rescue Service with a single standard for all applicants and was put to the test last month, leading to the appointment of their newest firefighter recruit. In efforts to adopt full transparency and equal opportunities, video footage capturing all activities is provided through the GFRS website to demonstrate the process and level of fitness required of all candidates. It goes without saying that I have been working very closely with the Chief Fire Officer, in the same way that I have been working with the Commissioner of Police, to try to increase diversity in the number of women who join the force, and the Ministry for Equality is working with both departments in this regard.

During the past two years, most of the GFRS's efforts have been focused around the pandemic and implementing rigorous measures to protect minimum levels of response if faced with virus spread within the department. These were very testing times and scary times indeed, no doubt, for staff, who went the extra mile to ensure that Gibraltar could still count on an efficient emergency response. I must thank all those in the essential services and uniformed bodies that I am responsible for, as they are the ones who run towards danger in order to keep the rest of us safe.

In the recent reshuffle I was given the additional responsibilities of public regulation, regulations generally and town planning, so I now turn my attention to my responsibilities for Town Planning and Building Control. I wish to start by reminding this House of the Government's commitment to the Development Plan. The Government recognises the importance of having an up-to-date development plan in place. This is important for a strategic approach to our development. I hope to make further announcements on this once the tender process has been completed.

350 On the day to day, the volume of applications dealt with by the Department continues at the
high levels of past years, with a total of 961 applications across all application types between
1st January and 31st May 2022. Probably one of the largest and most complex applications that
the Department has dealt with has been the recent application in respect of the Eastside. In 2021
the Development and Planning Commission (DPC) held a total of 11 meetings, whilst so far this
355 year there have been six meetings. Additionally, the DPC's subcommittee meets regularly to
determine minor applications, which greatly helps to speed up the decision-making process for
more minor applications. There were 27 meetings of the subcommittee last year and 12, so far,
this year. DPC meetings have continued to be held remotely via video conferencing. The meetings
have also continued to be live streamed on the Government's YouTube channel. I will ensure that
360 public access to planning applications and the decision-making process continues with the
transparency that we have been enjoying over the last 10 years, and I shall strive to improve on
this accessibility and transparency, if at all necessary and possible.

The Department continues with its work to develop and improve the e-planning service, which
allows for easy access to application details for the public and provides a platform through which
applicants can submit their applications. I am pleased to say how successful this function of e-
365 government is, and almost 98% of planning and building control applications submitted in the
period 1st January to 31st May were submitted via this portal. My Department is also undertaking
an exercise to review the current building regulations and various building codes with a view to
bringing them in line with the latest standards. Finally, we will be having a new workstream that
will be a collaboration between Town Planning and Building Control and the Ministry for Equality
370 with a view to taking a more holistic view and making Gibraltar more accessible to people with
disabilities.

On regulation, the Gibraltar Regulatory Authority (GRA) has, again, managed to remain fully
operational during another challenging year, efficiently continuing to respond to public concerns
and to enhance its awareness-raising initiatives. Testament to the GRA's ability to remain flexible
375 was its successful hosting of a virtual European case handling workshop in 2021, an annual feature
in the calendar of European data protection authorities and typically an in-person event. This
workshop provides a platform for international co-operation and focuses on the practical
implementation of data protection on a day-to-day basis. This year has also seen the GRA win an
international Global Privacy Assembly award for its awareness-raising initiatives undertaken
380 regarding its education and public awareness work. Congratulations to them, Mr Speaker.
Furthermore, the GRA continues to proactively publish guidance notes and organise data
protection workshops intended to promote collaboration and debate and to provide an open
forum whereby organisations can discuss data protection law and best practice – a very difficult
field to navigate, no doubt.

385 Turning to the Office of Fair Trading (OFT), my predecessor in this respect spoke yesterday
about the work of the OFT. I thank my good friend Minister Daryanani for his dynamic work and
progress in this respect. I know that it was his intention to drive further progress and build on the
work that we had already done. In addition to the Department's responsibilities that he outlined,
I will mention the OFT's anti-money laundering and counter-terrorism financing regulatory role
390 for the real estate agent and high value goods sectors as this continues to mature with the
implementation of new procedures and ongoing supervisory programmes. The team is currently
conducting a round of on-site visits to businesses in these sectors on a risk-based approach. Of
the 13 visits carried out since November 2021, the OFT has issued five fines to local business. In
this past year, the team has also carried out significant outreach to these sectors to support
395 businesses to achieve compliance. This has included hosting virtual training opportunities with the
assistance of the Gibraltar Financial Intelligence Unit.

I can confirm that the Government continues to work with the OFT on the Fair Trading Bill with
the aim of producing a more appropriate and mature framework within which the OFT can
operate, again building on the work that was previously done. This Bill will make the establishment
400 of new businesses easier and quicker by simplifying the business licensing process. This will,

therefore, drastically improve further the manner in which the OFT can provide its services to the public. At the same time, the new Bill will protect consumers in Gibraltar and allow the OFT to set trading standards. Having recently taken on this role, I am already working on this aspect. Given that this is a such a big and important piece of work, consultation is key and I am committed to
405 continue to engage with the Gibraltar Federation of Small Businesses and the Chamber of Commerce to ensure that we will support the business community in Gibraltar in the same way as my friend Minister Daryanani did.

Finally on regulation, there are two major innovations in the pipeline. The first, of course, as we heard from the Chief Minister, is the introduction of the Anti-Corruption Authority. I have given
410 this work priority as soon as the COVID pressures have permitted. There is a draft Bill in final form and it is going through the final stages of internal approval. It is my hope to be able to publish it as soon as possible in the coming weeks.

A very interesting new piece of work that I have now embarked upon is the regulation of quality of care. I have already met with the Chair of the Medical Registration Board and the Chair of the
415 Nurses and Midwives Registration Board to consult on their views on the most appropriate way forward. The new structure will also make provision, importantly, for quality of care inspections of providers. I am very excited about this innovative piece of work and I shall make more detailed announcements after the summer.

And now, finally, Mr Speaker, turning to my portfolio as Minister for Equality. During this
420 administration's three terms of office it has been my privilege to have held various portfolios. Of all of those portfolios, the Equality portfolio has been the one that I have held from the very first day. It was a great honour to be chosen as Gibraltar's first Minister for Equality in 2011 and it is a responsibility that I have always been, and continue to be, very proud of. As Minister for Equality, I lead the Ministry for Equality, a Department which our administration has created and which is
425 dedicated to upholding equality principles and eliminating all forms of discrimination. While it is a sad reflection that equality matters were given little, if any, political or parliamentary consideration until 2011, I have to say that it has been incredibly rewarding to have been at the helm of a Department which has been innovative in its philosophy, vision, policies and, of course, most importantly, legislation.

On LGBTQ+, as the month of June draws to an end today, this being Pride month I think it fitting
430 to begin with LGBTQ+ rights, no less because in the 11 years since the inception of the Department of Equality we have made such huge strides to ensure that gay rights are properly protected by legislation and that through our awareness campaigns and community engagement these are understood and embraced. The development of LGBTQ+ rights since we have been in office has
435 been nothing short of remarkable and I feel that this was symbolised most recently with the very successful Pride celebration event last Saturday. Although this was not the first Pride celebration in Gibraltar – and, incidentally, I also attended the one that was organised in 2014 and that one was also successful for its time – this year's was different as it reflected that we have progressed even further in the eight years since the first one. I must congratulate the LGBTQ+ committee,
440 which organised this year's event so marvellously. Looking back now it is hard to believe that the first time the word 'gay' was mentioned in Parliament was in my very first Budget speech in 2012 and that the first time, regrettably, (*Interjection*) that gay rights were first properly achieved in this Parliament was in 2014.

The Civil Partnership Bill, which was the first Bill I ever moved in this Parliament, was a
445 landmark piece of legislation. For the first time in Gibraltar's history this Bill enabled the formal recognition of relationships between couples of the same sex. Two years later, in 2016, I brought the Civil Marriage (Amendment) Act to this House to allow for the civil marriage of gay couples as well. Further to this, we have legislated to outlaw homophobic hate crime and hate speech, and such crimes are now, thanks to us, aggravated offences. In July 2015, and in recognition of our
450 transgender community, we made provision to extend protection from discrimination for individuals who have undergone gender reassignment. The passing of all this legislation has

marked a hugely significant change in values and demonstrated our commitment to equal rights for all members of our community, regardless of their sexual orientation or gender reassignment.

455 Legislation is hugely important in ensuring that everyone can enjoy the same rights, but legislation alone cannot immediately bring about cultural change. What we do is sometimes controversial. For example, last year we installed stencils to some traffic lights to depict LGBTQ+ images. It was a real conversation starter and I am glad that it gave people the opportunity to discuss and see why such visual representation is important to them. I am glad that it provided a platform for discussion and debate, and for this reason, whereas the traffic lights were initially
460 intended to only be installed for the month of Pride, the whole Cabinet agreed that they should be kept indefinitely. It really does make me smile every time I cross the pelican crossing here at Line Wall, and especially this week when I have been coming to Parliament and I see the traffic lights. I have also heard many tourists comment very favourably when they see our traffic lights. Again, another small, but important step that I am glad we took. This is why we continue to raise awareness of LGBTQ+ matters, and for this reason we are committed to listening to the voices and concerns of the LGBTQ+ community. This was our motivation for launching Gibraltar's first LGBTQ+ survey to coincide with Pride month last year. Hearing directly from stakeholders is essential in progressive democracies and I am happy to report that there was an enthusiastic
465 response to the survey, which was open for a period of three months. A total of 196 responses were collected and the information collated will allow my team to glean insights into the experiences of members of the community locally and act on them accordingly. The survey findings in full, plus a report prepared by the Ministry for Equality on its findings will be published as soon as it is finalised. These valuable insights will enable us to ensure that any remaining barriers experienced by members of the LGBTQ+ community are swiftly eradicated.

475 While we have ensured that legislation protects members of the LGBTQ+ community we will continue to mark Pride month because there is no place in Gibraltar for homophobia, biphobia or transphobia. **(A Member: Hear, hear.)** We mark Pride now in a very visual way, as awareness is key. We do this by flying the rainbow flag in prominent places throughout Gibraltar, by illuminating the Moorish Castle in rainbow colours, with the installation of the traffic lights and in
480 supporting the Pride parade. We organise this visual representation to send a strong message to anyone who needs to hear it: how incredibly supportive this Government is and that we do not shy away from being so. We will continue to mark Pride month because there is no place in Gibraltar for hate. We will continue to mark Pride month because it is fair and just. In Gibraltar we are all of equal value and we all deserve and are entitled to full respect at all times. We will
485 continue to mark Pride month because it is not right that some people, especially young adults, cannot live true and authentic lives out of fear of rejection by those around them. *(Banging on desks)*

On gender equality, this Government's commitment to equality is truly embedded in everything we do. Gender equality is, of course, another important strand of my equality portfolio
490 and I believe that gender equality is a necessary component of a modern and progressive society and is a vital factor in our pursuit of social justice. A key strand of the Gender Equality Strategy is the economic empowerment of women. Inevitably, the last two years have regrettably had an impact on a lot of the projected initiatives for gender equality, but needless to say we are working extremely hard to catch up. Nevertheless, I am happy to report that one of the key initiatives of
495 the Gender Equality Strategy, the Women's Mentorship Programme, has been able to continue in recent months. We recently completed the third cycle of this programme, and once again the feedback from participants, both mentors and mentees alike, was extremely positive. I am very proud of the Women's Mentorship Programme because its aims are hugely ambitious. In the first instance, the programme helps women to develop personal and professional skills, and in the mid
500 to long term the programme aims to address the underrepresentation of women in positions of leadership and management. We now know that a more gender-balanced workforce is better not only for organisations and businesses, as proven by numerous studies and research, but for national economies too. Therefore, ensuring that we maximise the skills and talents of both men

and women in equal measure is a goal that we can all support and that we can all benefit from.
505 The third cycle of the Women’s Mentorship Programme came to a close in March and there was
a very positive uptake of the programme. There were 57 participants in the third cycle, bringing
the total number of participants, so far, to 175. This means that since the inception of the
Women’s Mentorship Programme, 89 mentees have been able to access support and advice from
510 established professionals. In case anyone is wondering why the numbers do not add up, this is
because some people are repeat mentors. We are very fortunate that some people have been
with us through every single cycle and I would like to express my gratitude to them. Because this
is such an invaluable opportunity for women, I am delighted to announce that the next cycle of
the Women’s Mentorship Programme will commence in September. I will make a more detailed
announcement on this next week and I would urge and encourage anyone interested in
515 participating in the Women’s Mentorship Programme, either as a mentor or mentee, to contact
the Ministry for Equality to register for the next cycle.

Finally on gender equality, Mr Speaker, as you know, I was elected Chair of the Commonwealth
Women Parliamentarians Steering Committee of the British Islands and Mediterranean Region.
This also gave me a seat on the steering committee of the wider International CWP Committee.
520 Of course, as everything happens at once, I was elected as chair in March 2020, just when the
pandemic was starting, so in addition to everything I was doing at the time I had to deliver on
this, too. Had I known what was going to happen when I stood for election, maybe I would have
considered it before then, but anyway, everything happened and everything was done and
everything went well. My tenure came to an end in March this year when we met at CPA in the
525 Isle of Man. One of the objectives of this committee is to encourage more women in Parliament.
Another is to support women parliamentarians in discharging their role. I am the only woman in
Government and I am one of only two women in this Parliament. This ratio is not good because it
means that the gender balance of this Chamber does not reflect the gender diversity in our
community, and it should, so I have the pleasure to announce that later this year I will be hosting
530 the Regional Conference of the Commonwealth Women Parliamentarians of the British Islands
and Mediterranean Region, in Gibraltar. One of my motivations for hosting this conference here
is that I can arrange for outreach with other colleague Commonwealth women parliamentarians
from our region to promote discussion of political life locally and that hopefully this will be one
of the tools that we use to encourage more women to stand for election at the next opportunity. I
535 hosted a CWP conference here in 2015 and it went extremely well and is still referred to by those
who attended. I also hosted the conference last year, albeit virtually. This next conference will be
the first in-person conference for a number of years and everyone is looking forward to it.

Mr Speaker, regrettably, this week I am the only woman here. The hon. Lady opposite is unable
to be with us because of the sad passing of her mother, Lady Hassan. Understandably, the hon.
540 Lady is going through a difficult time and feels that she cannot be here. I was very saddened
yesterday to learn of some online abuse that she received because of this. We are servants of the
people and we are in the public eye, but that should not make us fair game for personal insults
and abuse – and we get them all too often. We are also human and we cannot be strong all the
time. I am sure that the hon. Lady would have wanted to have been here if she could, but
545 regrettably, and for a very sad reason, she feels that she cannot. I ask that people respect this
(*Banging on desks*) and allow the hon. Lady to grieve the passing of her mother. My condolences
to the hon. Lady and her family once again.

Generally on equality, diversity and inclusion, since we have slowly emerged from lockdown
the Ministry for Equality has been able to resume its ongoing training and awareness programmes,
550 and equality continues to be embedded in the awareness that we do. We facilitated bespoke
training at the University of Gibraltar for the current PGCE and nursing cohorts. We are also
working with the RGP to provide unconscious bias training to officers and staff. In recent years the
RGP has taken significant strides in its equality, diversity and inclusion journey as an organisation
with the formation of an LGBTQ+ forum, a Muslim officers’ forum and the Women in Policing

555 Network. This training on unconscious bias will be a vital opportunity to further embed equality, diversity and inclusion principles at an individual and strategic level.

Another key point to address is domestic abuse, and that is one of the things that is at the forefront of my equality agenda. Eradicating domestic abuse is a top priority for us and so much work has been done. As Minister for Justice and as Minister for Equality, I am only too aware that
560 effecting legislative changes which will strengthen responses from key agencies is crucial in addressing domestic abuse. For this reason, I published a Command Paper for a Bill specifically dedicated to offences relating to domestic abuse. This landmark, standalone and consolidated piece of legislation seeks to enshrine in law the protection of victims of domestic abuse. However, since that was published, further representations have been received on the Command Paper.
565 Changes that have been suggested are significant and they are being made to the draft to ensure that the concerns raised have been dealt with. The Bill will be redrafted and finalised and we will ensure that coercive and controlling behaviour is criminalised, and introduce domestic abuse protection notices and orders. These notices and orders will afford the courts and the RGP new tools with which to address and target domestic abuse, as they prohibit abuse and may prohibit
570 contact or stop the perpetrator going within a certain distance of a victim's home. This will send a very powerful message to the perpetrators and the wider community that this Government is committed to eliminating this very serious social issue, and I hope that within the next months, and certainly before the end of the year, all the legislative requirements that need to be in place are in place. We will, of course, deliver training and support those with training because this is a
575 key strategic priority. We have already, in 2020, offered training to all officers of the RGP – 250 of them – and this was commissioned from a specialist charity called Saving Lives. In addition to this, the Ministry for Equality commissioned very successful training on the Freedom programme, which is a therapeutic intervention for victims and perpetrators of domestic abuse, as well as their children. It is a very successful strategy, I am told.

580 Turning to disability, this brings me to speak about another landmark equality achievement in the progress that we have made. In my last Budget speech I mentioned how COVID had put a stop to a lot of our plans. This year has seen a resurgence in our efforts to make sure that we are back on track. Basically, we have to do double the work in half the time, but we are committed to doing so.

585 Setting our work in context, it was after much preparation in 2017 that we passed the Disability Act, the fundamental purpose of which is, of course, to promote and protect and ensure the full and equal enjoyment of fundamental rights and freedoms of people with disabilities. Even the Chamber of Commerce at the time described it as one of the most significant pieces of legislation that our Government had introduced. Of course, this progress had been previously overlooked by
590 those opposite, who, although now attempting to rewrite history in this respect, in reality did little to nothing in the furtherance of the rights of people with disabilities. The passing of that legislation was always intended to be the first step to Gibraltar requesting that the UN Convention on the Rights of Persons with Disabilities be extended to Gibraltar. Quite unlike the transposition of an EU Directive – in the good old days but no longer – having Conventions extended to us is
595 something that we do via the United Kingdom and it can be a long and complicated process with various stages and audits along the way. But as you heard the Chief Minister say on Tuesday, this process has already begun. I have already met with the Government's legal team and their work has started. They will be working closely with my team at the Ministry for Equality to progress it. They all received the memo from me that this must be a priority and I want this to be progressed
600 as quickly as possible. In order to be able to progress on the extension of the Convention, we need to step up the standard once again. A tremendous amount of work is required on this journey, but what matters is that the work has already commenced and my Equality and Justice teams will be working together to deliver.

605 Returning to the Disability Act, when it was passed in 2017 there were two sections that were not in force. These are the sections that require that all buildings be made accessible. Immediately after the passing of the Act we passed the Part R Building Regulations. This means that, since then,

all new builds or modifications are required to meet the accessible standards. Sections 13 and 14, however, relate to existing buildings and these provisions were paused in order for those responsible for buildings to have sufficient time to prepare and phase it in. We did this in full
610 consultation and agreement with the Disability Society at the time. It was for this reason that in 2019 the Chief Minister announced tax relief for businesses that adapted and made modifications to their existing premises – regrettably, another initiative that became a victim of COVID and slowed down the progress that we wished to make, and as such inevitably delayed the coming into force of these sections. For this reason the Chief Minister announced that he would once
615 again make this tax relief possible and available for a further two years. I can announce that it is our intention to trigger those provisions after the end of that period and bring them into force – indeed, bring them into force in the lifetime of this Parliament. Therefore, the Ministry for Equality will shortly be launching an information campaign on what these obligations will entail and will offer guidance in their usual helpful way. We will also offer training so that everyone is aware of their responsibilities and what is expected of them as best practice, as we want to support
620 everyone in getting it right.

Of course, the work on the Convention also goes hand in hand with the Government’s Disability Strategy, and this essentially provides our roadmap for the journey. The Ministry for Equality is responsible for the strategy and its delivery and spearheads it and has been doing so for the past
625 10 years. All the improvements that we have seen throughout our term in office are due to this. But we are stepping this up, too, and I would like to publish a multi-agency national strategy, very much like the Gibraltar National Mental Health Strategy that I commissioned last year, and I would like for this to be published by the end of this year. That means that there will be a lot of strategic activity in this regard in the coming months and there will, of course, be stakeholder consultation.

I have already also commissioned refresher training on the Disability Act for the public sector, as there will have been changes at senior management level since the last one. This will be rolled out in September and will be a reminder to all Departments of their responsibilities for having disability policies to promote inclusion and comply with their obligations under the Act. The
630 Ministry for Equality will assist in revising their policies, if necessary. As this work will be undertaken by my team, there will be consistency of standard across the board. There will also be other training programmes offered and these will be sector focused so that we can properly target for maximum effectiveness.

One of the important strands of our Government’s Disability Strategy and the first thing the Ministry for Equality did when the restraints of COVID were lifted was to restart the disability customer care training on language and etiquette that we had halted a year or so earlier. This
640 training now forms part of the Government’s Human Resources Department training prospectus. To date, 270 public servants have received this training. The next session, in July, will see another class and this figure will go up even more. Further efforts have been made to ensure that this training is available to other sectors as well, including the private sector. The Department of
645 Equality is currently liaising with the Gibraltar Sports and Leisure Authority and the Care Agency to make arrangements to facilitate training for them as well.

Interaction between the general public, representative bodies and Government bodies is another important strand of our Disability Strategy. As with training and awareness, this is a strand that needs to be nurtured and developed continuously if we are to develop the services Gibraltar
650 deserves. I am happy to say that this is something the Ministry for Equality does very well, and this can be shown by the work they have done this last year. The Ministry for Equality was there to advise on the introduction of a WhatsApp service available to people with hearing difficulties who needed to contact the GHA’s 111 service for either the COVID helpline or the Mental Health Crisis Pathway. Also in conjunction with the GHA and Public Health, the Ministry for Equality joined
655 the Gibraltar Hearing Issues and Tinnitus Association (GHITA) in the campaign on hearing loss prevention during Deaf Awareness Week. The Government has also seen the implementation, this year, of sign video services, originally introduced in the GHA in 2014 and now available across most, if not all, public departments. This now makes British Sign Language interpretation available

660 instantly to any Department or agency that may need this service in order to communicate with
members of the public. And while we are on the subject, let us not forget that this House has
recently passed the British Sign Language Act, recognising British Sign Language as a language in
Gibraltar.

665 The Ministry for Equality has, for years, been in close contact with the Ministry of Environment
and the Gibraltar Sports and Leisure Authority (GSLA) in their development of accessible services
at our beaches and pools. This year is no different. You will, no doubt, be aware, Mr Speaker, that
when Government inherited the Europa pool complex the facilities were not ideally suited for
people with disabilities. There have been numerous improvements and we made an
announcement in this respect recently, and I would like to thank both the GSLA and the Ministry
for Environment for their dedication and awareness this past year and in previous years. I think I
670 can confidently say that Gibraltar probably has some of the most accessible beaches in Europe, (**A
Member:** Hear, hear.) and while, of course, I am not going to pretend our services are perfect, the
Ministry for Equality and other Government Departments that allow for improvement of the
services every year will continue to work together in furtherance of the Government's Disability
Strategy. I am sure that if improvements are required going forward, they will be identified and
675 provided for.

The Ministry for Equality is the central co-ordinating Government Department on disability and
is very much involved in an advisory role with numerous committees like the Joint Strategic Needs
Assessment Panel mainly led by the Department of Education and the Traffic Commission, and is
also a consultee to Town Planning and Building Control on new applications. It is right for this to
680 be the case.

On another note, I am really excited about our partnership with Special Olympics. One of our
joint initiatives is the Special Olympics Healthy Athletes Programme and this Government hopes
to emulate this in Gibraltar. This House may remember a meeting that was held last March
between the Government – including the Chief Minister – Special Olympics Gibraltar and Mr David
685 Envangelista, the President and Managing Director of Special Olympics Europe Eurasia and Senior
Adviser for International Development at Special Olympics. The Healthy Athletes Programme is a
programme developed by Special Olympics – who are very much the specialists in the field of
learning disabilities – and designed to facilitate various health check-ups for athletes with learning
disabilities and, importantly, provide the necessary training to the medical practitioners who see
690 them. This programme is already used extensively around the world by Special Olympics at both
national and world games and has proved incredibly successful in highlighting health issues that
athletes may have. Anecdotally, because of the issues that people with learning disabilities may
have, and their limitations on communication, this can have an impact on their health, and the
screening programme is obviously a preventative measure and has proved to be very effective.
695 Whereas this programme was originally aimed at athletes attending the games, the desire of
Special Olympics globally is for this initiative to be used in communities and across the board for
anyone who may need it. This is why, having only just returned from Berlin for this purpose, to
learn about this programme, I cannot wait to put it into action.

At this juncture I would really love to recognise and thank Mrs Annie Risso MBE for her sterling
700 and selfless work on the progress of Special Olympics in Gibraltar. Her dedication to Special
Olympics athletes and the movement is incredible, and every time I travel with her she is so
established in the world of Special Olympics that everybody knows who Annie is. She truly needs
to be recognised for the progress she has made in this regard. (*Banging on desks*) Thanks to her
for opening the doors for us to access this programme and the training thereupon. It will have a
705 very positive effect on us locally and this will form part of the health equality strand of the
Government's Disability Strategy.

Finally, Mr Speaker, earlier I spoke about our LGBTQ+ survey, consulting with stakeholders and
the results and report I am about to publish, but this is not the only survey that has been
undertaken by the Ministry for Equality. You may remember that a disability survey was also
710 launched in October 2021 and it ran until 31st January this year. This information has been collated

and a report is currently being compiled for me by the Ministry for Equality, and this will also be published once complete. I am sure that its contents will make for interesting reading and will be of exceptional value to our Government's Disability Strategy.

715 I have to really commend the small but extremely effective and efficient team at the Ministry for Equality. They really are committed, full of ideas and wanting to make progress at every single opportunity, and I thank them for all the work that they do. In wrapping up, I would like to thank absolutely everyone I have worked with during this year who has supported and advised me, in particular those who work closely with me in my office – Craig, Leyton, Nyreen and Ian – and, of course, Mr Speaker, you and your staff in Parliament for supporting us, too. And it goes without
720 saying my ministerial colleagues – we work very closely together as Government Ministers, we are always there to support each other and we can count on each other's support in Government for a long time to come.

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

Procedural – Mr Speaker's previous ruling on Points of Order

725 **Mr Speaker:** I need to just refer back to an issue which arose early on, when the Hon. Roy Clinton wished to correct something which had been said by the Hon. Minister. He asked for the Hon. Minister to give way and I said that I could not force the Hon. Minister to give way.

I have had a look at a ruling which I made last year in relation to the raising of Points of Order, where I said, referring to the Speaker of the House of Commons:

The Speaker of the House of Commons allows the use of Points of Order to effect factual correction of a Member's statement.

I said this will be permitted in this House.

730 The Hon. Roy Clinton did not rise to make a Point of Order, so that did not kick in, but I am advising everyone here, all Members of the House, that this is open to them.

I have since spoken to the Hon. Roy Clinton and he mentioned that it was a matter that had been spoken of by the Hon. Minister which he wanted to correct. The event has now passed and therefore I cannot allow the Hon. Roy Clinton to make a Point of Order, but I wanted to remind
735 everybody that the Rules are there to be used sensibly and correctly.

740 **Chief Minister (Hon. F R Picardo):** Mr Speaker – if I may – thank you very much, I think it is very useful to be reminded of that. Can I also remind hon. Members – and you will know this as much as I, and other Members who have been around as long as I have – that in this debate, the Budget debate, the normal course of business has been that we do not seek that Members give way because every Member, traditionally, speaks and therefore every Member has the opportunity to put their points and Members of the team, also Members of the Opposition team, will have an ability to speak. In fact, we will be hearing from the hon. the sweeper of the Opposition later on, who will be allegedly sweeping up for all other Members, and I will be replying for the
745 Government, of course, and so where we have taken issue with many of the things, where we feel exactly the same way as Mr Clinton may have felt, we will be dealing with those points in the course of my reply. But thank you, Mr Speaker, I think that is a very helpful indication from you.

750 **Hon. K Azopardi:** Mr Speaker, just on that point, I agree with the Hon. the Chief Minister that that certainly has been the practice, but I heard Mr Speaker's ruling and I thought Mr Speaker was raising a quite different issue, which is that there might arise, during the course of the debate, something which has been asserted as a matter of fact which a Member, across the floor, might

want to correct on a Point of Order, and that opportunity arises as Mr Speaker has said, and I think it is quite a different issue to what the Chief Minister has been saying.

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Hon. Chief Minister: Mr Speaker, I agree as much as I disagree with the Hon. the Leader of the Opposition, because in this debate we might all see facts in a different way and if we start to assert that facts are what we are presenting during the course of a Point of Order – which are not actually facts but they are subjective views about facts, not objective positions where would could not have an argument even if we tried – then the debate is not going to progress in the way that the traditional Budget debate has progressed. I agree as much as I disagree with the Leader of the Opposition and I am sure that we will both agree that you will know how to balance, in your discretion, how to deal with those points even in the course of this debate.

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Hon. K Azopardi: Mr Speaker, a final word, because I do not think the Chief Minister has the right of reply in particular, but can I just say I agree with that, of course, but what arose – and without getting into it – is whether something happened or did not happen, and that objectively can be justified one way or the other. I would have thought there was a significant difference.

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Hon. Chief Minister: Mr Speaker, with respect to the hon. Gentleman, whether something happened or did not happen is a matter of fact. Whether it can be justified in a particular way or another is not a matter of fact, it is a matter of opinion, and therefore it is very clear that the facts asserted by the hon. Lady are the facts, full stop. That there are other surrounding facts and circumstances, that there might be opinions as to how things arose or did not arise – well, all of those things, Mr Speaker, are not facts, and your ruling – I do not recall the exact wording to repeat it, but I recall the use of the word ‘fact’ in it – I think is what will be, no doubt, the determining factor for you.

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Mr Speaker: When a Member rises to make a point of order it has to be a serious point backed up by facts. That is the important thing.

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Hon. R M Clinton: Absolutely.

Mr Speaker: Thank you.

**Appropriation Bill 2022 –
Second Reading –
Debate continued**

785

Mr Speaker: The Hon. Elliott Phillips.

Hon. E J Phillips: ... *[Inaudible]* and not burdening the public purse with those tickets. I think that corrects the record insofar as the suggestion. I am sure the hon. Lady was not trying to mislead the House in relation to that point, but that corrects the factual basis for the purchase and our contribution to those tickets.

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Mr Speaker, this is my seventh Budget and sixth contribution to the debate on the Appropriation Bill. Before I get to the substance of my address, I echo the thanks expressed by Members of this House in relation to your team here in Parliament for the work they do all year round to support Members – *(Interjection by Hon. Chief Minister)* Mr Speaker, of course the hon. Gentleman, the Chief Minister, wishes to interrupt me daily, on every single subject. We will let him have his reply eventually, but what I would say is we thank you all for the support that you have offered Members of this House irrespective of the side they sit on.

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Our civil servants in this place go about their daily obligations without fear or favour and they are a credit to the service. In my interactions with your staff, Mr Speaker, their response time has always been excellent and I appreciate their guidance. The parliamentary team is placed in a difficult spot, not because of the job but because of the way in which the Government conducts itself in managing the parliamentary diary with very little notice to you or your staff, not to mention the elected Members on this side of this House. *(Interjection by Hon. Chief Minister)* Whilst it is appreciated that urgent and emergency-type Government business may – rarely – upset things, the Government must make sure that the House works for all Members of Parliament, so that you can provide, and we can provide, a better service to the public. I have not been shy in saying this in this House and I have not been shy in saying that this House does not work as it should and is in desperate need of reform.

This should be a place for informed debate, collaboration for the good of the community, scrutiny and holding the Government to account. The quality of the answers we have received in this House for many years now from the hon. Gentlemen and Lady across the floor of the House has little regard for accuracy and leads me to the conclusion that this House is an opportunity for the Chief Minister and the Government that he leads to grandstand on every single possible occasion to diminish and suppress the role of the Opposition. We will not be diminished, suppressed or silenced. **(A Member: Hear, hear.)** We will continue to robustly oppose the Government so that the alternative can be put before the House and ultimately before the people at the next General Election.

Yesterday, the Deputy Chief Minister spoke about planned physical changes to improve the functionality and accessibility of this House, and they are welcome, but the elephant in the Chamber is not so much the physical changes but a deeper introspection as to how we improve the quality of the work that we do in this Chamber. People hold this institution in high regard but there are some fundamental issues which must be tackled so that the quality of our democracy can be enhanced. I am personally disappointed that the Parliamentary Reform Select Committee has not met, despite it being established many years ago.

The last two years have been difficult and challenging years for our community. We have had continued uncertainty as to our place in the world post Brexit, and whilst its negotiators endlessly pick through the detail of the deal it is important to understand that continued uncertainty is causing serious anxiety within our community about our future and our relationship with the European Union – and, indeed, others. Coupled with the pandemic, we have all had it tough. Our citizens have had their liberties restricted and 104 of our men and women have lost their lives to COVID, whilst many thousands of people have had their physical and mental health impacted from being locked down. Our people needed and continue to need our support during this period. We, as a community, did what we did to protect our GHA and the lives of many more that arguably would have been lost if we did nothing. Our thoughts and prayers are with those who have lost loved ones, those who are afflicted with long COVID and our healthcare warriors who continue to attempt to manage a virus that will no doubt live with us long into the future. At this point, I wish the Hon. the Father of the House, Sir Joe Bossano, a speedy recovery.

We should also spare a thought for the many people in our community who have struggled to access basic appointments, treatments and operations during this time and what many within and outside the GHA are describing as a healthcare service on its knees. If COVID has taught us anything it is that life changes at the blink of eye and, whilst we must be thankful for what we have, we must at all costs protect those who need our support the most. We may not be the largest or most powerful country in the world but we have each other, and whilst this Chamber is a place for heated debate and vocal argument, it has shown that when the chips are down we are able to unite and defend our way of life, be that a challenge to our status, our economy or our health security.

What the last two years has also done is expose our vulnerability and our weaknesses. The last two years have shone a floodlight on areas which are creaking under the pressure of expectation and need. One such area is the crisis in healthcare which my colleagues and I have been talking

850 about for some time. As Shadow Minister for Health, I have observed that health security, public health and our GHA have been put under the spotlight in two ways: first, in how the GHA came together to respond to the COVID emergency; and second, how it has been able to emerge from the pandemic in the Reset, Restart and Recover strategy deployed by the Government.

855 Governments across the world are learning important lessons from COVID. They are learning from the data collected that the state of people's health has a direct correlation as to how they respond to a health crisis and there is much we can do to improve the health of the nation from improving our collective approach to our own health and well-being.

860 The only way, in my view, in getting down the collective weight of our community is by increasing our activity levels, putting healthy eating at the forefront with exercise. This is the only way we can bring down the cost of healthcare and the burden that poor choices can have on the public purse in the long term. The world is moving towards a better understanding of the importance of public health and we need to listen to the experts in this area. I do not believe we do enough in our community to explain the impact that poor dietary choices or a lack of physical activity have on the ability of the GHA to deliver care to the population. Minister Balban's contribution yesterday touched upon improving the nation's health by improving walking and cycling infrastructure. I share his passion, but he appears a lone voice on those benches in relation to their commitment to a green and child-friendly city.

870 As the Minister for Civil Contingencies said in her contribution moments ago, it is clear to all that COVID is here to stay. We must learn to live with the risks associated with COVID and ensure that our community is provided with a Health Service that is fit for purpose, that our healthcare professionals are not demoralised and our people have confidence in the leadership at the GHA and that confidence translates into a decent Health Service being provided to our community.

875 Mr Speaker, as I said, I am responsible for the Health, Transport and Environment – amongst others – portfolios. The one portfolio that has eclipsed all others in respect of public complaint and engagement is Health and it is one that will dominate my address to the House in this Budget, alongside Transport and the Environment.

880 In order to understand the draft Estimates it is important to reflect on the 30th November 2021 statement by the now former Health Minister. That statement was supposed to revolutionise healthcare in Gibraltar. Well before the 30th November 2021 statement, the Opposition regularly raised serious concerns about the Government's inability to provide leadership over our Health Service and the provision of a fully functional Health Service to service users and patients. We have long raised many concerns about the operation and effectiveness of the GHA on a range of disciplines, and whilst COVID has had an impact, matters have, of course, become more acute during the GSLP Liberal administration of this service.

885 The present Minister for Health yesterday talked about the world being upside down, but it is easy to blame COVID for the problems in the GHA. As I have been at pains to say, COVID has served to highlight where we are going wrong and the systemic problems that have plagued the GHA for years. It is easy to blame everything on COVID, but the truth is that we know, the healthcare professionals know, the public know, the unions know and the Minister, from his contribution yesterday, knows that the GHA is broken and it has been caused by a decade-long mismanagement of priorities and the wider economy. The moment they publicly acknowledge it, the sooner we can get on and move forward. It is clear from the outpouring of criticism from the public that things must change quickly within the GHA.

895 We, too, have been vocal in our complaints about the Health Service: the lack of dental care for our children, the collapsed PCC appointments system, the telephone line, the face-to-face appointments, cancelled operations, the lack of financial control in relation to procurement, clinical governance, shocking preventable harm and death raised by the former Head of Clinical Governance, the lack of a chief executive and chief financial officer to lead the GHA, the removal of the micro-manager Minister from St Bernard's as a signal that things needed to change, and the tsunami of poor morale within the service leading to industrial strife. We were critical of the

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former Minister's supervision of the GHA, and under the Chief Minister's watch our Health Service has spiralled downwards, from internal crisis to internal crisis, with no end in sight.

Never in our history has our Health Service been in such a state of disarray as under the GSLP Liberal Alliance administration of healthcare in Gibraltar. In their time in office we have seen a
905 massive escalation in the cost of the service, we have seen complaints, litigation and claims skyrocket, we have experienced systemic waste and we have heard about shocking, serious concerns about preventable harm and deaths – all on their watch and they know it. This is nothing to be proud of, and this all rests on their shoulders as the guardians of the provision of healthcare. We have heard of normal working families, our elderly and vulnerable not being able to access
910 simple appointments, children left without seeing dentists for three years, a management structure destroyed by years of micromanagement by an incompetent political leadership – and, to add salt into the wounds, now a Budget which promises mass un-co-ordinated and haphazard cuts across the Health Service that will inevitably impact on service levels and basic health in our community.

The 30th November 2021 statement – or the reconfiguration, as described by the former
915 Minister for Health – announced the so-called landmark radical reforms to the GHA in direct response to our comprehensive proposals set out at the last General Election and our public statements reflecting the crisis in healthcare. It is clear that, once again, where we lead on policy, particularly health policy, the Government follows. We, on this side of the House, welcome the
920 wholesale adoption of GSD policy. It was excellent back in 2019 and it is of critical importance now that the GHA has been put under the microscope – not only by us but so very vocally by the patients and public at large.

Back in 2019 we constructed a package of positive, constructive and radical proposals for the reform of healthcare. We proposed an independent professional management team, as well as
925 structural and qualitative changes to improve the quality of care. In particular, we proposed the reintroduction of a CEO at the GHA and the appointment of a CFO to monitor procurement and spending of public money in the GHA. We are pleased to note that all of our proposals have been introduced. Where we lead on health the Government follows.

The GHA has had five Ministers – Ministers Cortes, Balban, Costa, Sacramento and now
930 Minister Isola. Whilst the public watch the ministerial musical chairs at the GHA, our Health Service stumbles from one crisis to another without leadership and with public confidence in the service at an all-time low. We now have a new kid on the Health block – who happens not to be in the Chamber at this time – Minister Isola. Let's hope his head is not next on the block; they are running out of front-bench Ministers to replace him.

The hon. Gentlemen knows that I have a great deal of affection for Mr Isola and respect him,
935 but I have to say that he should stick to what he is known for and what he appears to be fairly good at, namely financial services and digital assets. The hon. Gentlemen is a consummate salesman, he knows how to sell Gibraltar plc outside Gibraltar and I personally commend him for his efforts, but I suspect his silver tongue is not going to come to his aid with the Health Service, and whilst I wish him Godspeed and the best of British, I suspect that deep down he knows he is
940 presiding over a Health Service that is on critical life support.

His contribution yesterday, whilst not earth shattering was, at the top end, *ad lib* before he got to his pre-prepared speech, just the usual defensive jabs, none of which landed on his opponents on this side of the House. I suggest he sticks to non-contact sports. Far from it, all he did was
945 demonstrate that he is able to do the quickest U-turn in political history. It took less than 24 hours after they announced a ridiculous £25-a-week charge affecting all businesses to row back on it. Where in the world does a Government, after supposedly thinking properly about their measures, row back on their commitment within 24 hours? It must be a world record. It is like Line Wall Road all over again. (*Banging on desks*) More of that later. (**A Member:** Hear, hear.)

I do not think that he honestly recognises that – (*Interjection by Hon. Chief Minister*)
950 Mr Speaker, I know the Chief Minister is baiting me. He wants to get to his feet, but he is going to have to wait until I have finished this. I do not think that he did honestly recognise that all is not

well at the GHA and I got the distinct impression that he may be overwhelmed by the prospect of trying to fix the GHA. There were no answers by him – or, indeed, the hon. Lady, who could have answered those questions – in relation to the areas which, on the surface, look like significant cuts to the healthcare budget referred to by the Leader of the Opposition in his contribution. I take the absence of a reply as an acceptance that we will have a task on our hands of managing the Health budget moving to 2023.

They only have themselves to blame and the public know it. We told them last year that the GHA should be regulated by an independent body and pointed to our very carefully designed Care Quality Commission: our idea. It seems clear that they are giving active consideration to this. We told them to hire a CEO – they hired one. We told them to hire a CFO – they hired one. We told them to move the Minister for Health out of the Hospital and they fired her. I am all for constructive politics, but they haven't got a clue when it comes to managing the healthcare budget. They have simply run out of good ideas and brought the GHA to its knees. The only thing I will commend them for today is adopting well-thought-out, prudent and cautious GSD policy.

Whilst they are at it, I would ask them to introduce an integrated healthcare system, an IT system between primary, secondary and tertiary care so that the systems can talk to each other. The failure of digital platforms is totally unacceptable and in 2022 there is no excuse for poor technology in health. The answer to the delivery of better healthcare is to embrace technology and to ensure joined-up IT with all aspects of healthcare, so that when you visit a doctor or go to a pharmacy your health record is accessible by health professionals and you can be provided with the best possible treatment and medication for your ailment.

When it comes to healthcare in our community, the cost to the taxpayer for years 2019-21, namely two years, was a staggering £322 million-odd crudely divided into £161 million each year. The estimate for 2021-22 was £140 million. The forecast outturn for 2022 is £170 million. In short, we spent £170 million up to March 2022 and the estimate for this time next year is £128 million. The Leader of the Opposition has spent much time attempting to demonstrate the overspend and has expertly, in my view, dissected the Chief Minister's contribution and serves to highlight the failure of the Government to get a hold of public spending on healthcare. Putting it simply, we spend half of all revenue generated from Income Tax on the Health Service. The Government has committed on numerous occasions to attempt to cut the cost of health – I remember the Hon. Mr Costa's attempt – but they have been unable to place financial controls and secure efficiencies within the system, and this is why the Hon. Roy Clinton has said that this Budget is irresponsible and unrealistic. Every single Minister for Health – the revolving door, as is well known – has tried and failed to drive efficiencies within the Health Service, and despite what is set out in the Book it is very difficult to see how they are going to stem the crisis in the GHA. Meanwhile, people continue to suffer, and complaints about service rise.

The Government now and again repeats the efficiencies mantra and now proposes to essentially cut the cost of healthcare from the outturn of £170 million to £128 million a year. How are they going to do that? Well, they have no choice. They are going to have to cut services that people rely on. We have already received the pre-Budget announcement of a massive hike in prescription costs to the public and a reduction in those eligible for exemption. We have also learnt that now life-saving and life-improving medication to those who need it will be curtailed. I have spoken with many patients and pharmacists alike and it is clear that patient access to important medicines will now be severely restricted. This is the start of it. What will follow is a period of sustained cuts, cuts and more cuts to our health services. Appendix F on page 225 of the Book provides some insight as to how they will go about butchering our most beloved Health Service.

As we all know, the Health Service is as good as the people who work in it, and it has always been a place where they have been overwhelmed by the demands placed by them by the service. We have excellent healthcare professionals who are trying their best whilst being completely demoralised. We pay, as a community, personal emoluments, which includes salaries, over £60 million a year. In terms of relief cover, visiting consultants and recruitment expenses, we paid

1005 out, in 2021-22, over £15 million. Insofar as those subheads, the Government is now budgeting,
for the year ahead, just over £3.4 million, which is a massive cut, which can only impact on the
delivery of care in our community. Is this seriously realistic?

1010 Selecting a number of other areas, you can see that it is not just on people where we are seeing
cuts but on other areas directly affecting patients. When we look at prescriptions, the Government
intends to cut the cost from £12.5 million to £9 million, a whopping £3.5 million from
prescriptions. In terms of medical departments they intend to reduce the cost from £18 million-
odd to £5.7 million – all this to directly impact on healthcare to our community.

1015 And then we come to the last line of defence in healthcare, our most treasured sponsored
patients scheme. Many of our families and Members of this House may have been recipients of
healthcare delivered elsewhere because we simply cannot provide that quality of care here. I am
sad to report to this House that the Government intends to cut sponsored patients from
approximately £15 million to £10 million, representing a significant decrease, in my view.

1020 It is also very disappointing that despite all that is said by them in this House about the
importance of support for members of the community with disability and mental health, there is
no detailed budget for these areas. We will all remember the publication of the Mental Health
Situational Analysis report, which sat on the then Minister for Health's desk for 19 months. That
report heavily criticised the Government for not having a defined mental health budget – and low
and behold, the report from Public Health England has been ignored once again this year and no
mental health budget is properly put forward by them in this year's Budget. It is shocking that in
1025 300 pages there is no mental health budget. They talk about the vulnerable, the weak and those
in need with compassion, but it is never backed up. They are all words but no action. How many
more young men and women have to needlessly suffer in silence because of a lack of provision in
relation to the mental health budget?

1030 All this Budget does is demonstrate that they are entirely disconnected from reality and what
is important to this community. Healthcare is our number-one priority and the Government has
embarked on a culling and mercenary butchery of the healthcare budget, targeting medicines,
staff and the availability our well-loved sponsored patient scheme. No amount of spin we have
heard from the latest in a long line of Ministers or the spin doctor extraordinaire, the Chief
Minister himself, will assure the public that what they are doing is ... embarking on a haphazard
1035 scatter-gun approach to cost cutting at the expense of patient care. In respect of the purchase of
the Hospital by the Government, we will, obviously, carefully scrutinise the deal when the details
are made available to us.

1040 Mr Speaker, I said in 2018 in this very House that the Government had been reckless with the
peoples' money. I said in 2018 it took them seven years of spend, spend, spend, which saddled
our community with debt, debt and debt. We will now have to live with the consequences of his
huge appetite for spending, and that is cuts, cuts and even more cuts. The Chief Minister's
chickens have certainly come home to roost, and they seek to blame Brexit and now COVID for
their poor planning and mismanagement of the economy.

1045 The two clear characteristics of an economy bruised and battered by a decade of spending are
cuts to public services and tax increases, and the Government has now done both. The Chief
Minister almost seems proud of the fact that under his watch he needs to take significant revenue-
raising measures, albeit for two years – or, to lighten the presentation, 24 months, not that that
makes a huge amount of difference, of course.

1050 The Chief Minister tells us that this is not a giveaway Budget – but, Mr Speaker, it is a takeaway
Budget. The Chief Minister is taking away from hardworking families who are enduring a cost-of-
living crisis and higher interest rates. After a decade of spending he now wants to raid our piggy
banks in true Sheriff of Nottingham style. As I have demonstrated, there is less money for
medicines needed by patients, less money for sponsored patients and less money for cover, which
ultimately has a direct effect on the level of healthcare provided to our community. How can he
1055 be proud of that record? What the Chief Minister cannot get away with is his decade-long
splurging of millions at festivals, his Venetian palace, swanky business trips through VVIP World

1060 Leader lounges and a war-like bunker that can only be rivalled by the West Wing, to name but a few. All he can point to is the wonderful green park that the Hon. Mr Isola spent some time discussing yesterday. We all remember the VVIP tickets issued to all and sundry and his friends, and now that he has spent the peoples' money the Chief Minister talks about a nation of fairness and the people's toughest Budget. There is nothing tough about this Budget. The Chief Minister is attempting to position himself as a strong, determined leader who has to take the tough decisions which might not be popular. Well, he would not have had to take those tough decisions in relation to people's money if he had managed the public purse better over the last decade of spending.

1065 I think it was the Deputy Chief Minister who attempted, on Tuesday, to persuade the public that it was a combination of a lethal cocktail of Brexit and COVID that had caused the economic bomb to go off. We do not doubt that Brexit and COVID have had an impact, but to brush aside the Government's addiction to frivolous spending and mismanagement of the public finances will not go unnoticed by the public. Whatever the shape of the treaty, it will be too late for the Chief
1070 Minister and his cheerleaders. The Chief Minister's conversion to prudence and the age of responsibility is an act to shield him from a decade of mismanagement and spend, spend, spend. It is a shame he did not listen to the perfect-storm warning set out by the Hon. Mr Feetham all those years ago.

1075 When the hon. Gentlemen sat down in his chair after what he described as the people's Budget, our community literally exploded in anger. Social media went into a frenzied criticism of his speech. The pendulum has truly swung and this is the champagne-swigging socialists' last Budget. (**Two Members:** Hear, hear.) They are bruised and battered, tired and spent, with nothing more to give, clinging to the hope that successes on the treaty will somehow make people forget the domestic nightmare that people have been living with. The community has had enough, they
1080 want him gone, and it is only he and the Government who are responsible for the ruinous state of public finances.

He talked at length about rebirth and renaissance. Listening to the Chief Minister was like looking at an entirely different human being. It was not a rebirth, it was not a renaissance; it was a wholesale reincarnation. The Chief Minister is selling himself as Robin Hood but he is the Sheriff of Nottingham. He is, as my learned and hon. Friend the Leader of the Opposition said, the
1085 highway man: 'Stand and deliver' I think were the words that he used.

We are pleased that he now appears to be counting the pennies, as the Hon. Mr Roy Clinton does on many occasions, but what about those many millions of pounds he spent on parties? Is he accountable for that spending spree? I say 'appears' because even now, when he asks you to
1090 dip your hand in your pocket for more tax, electricity and water contributions, he increases his entertainment bill at No.6 Convent Place. In short, while he has gone from drinking Dom Perignon to Prosecco, he still wants you to pay for it. Shame on him. Tell that to the people who can no longer afford medication or obtain the medication they need. Tell that to the people living on the breadline who now have to pay more in tax and utilities. Tell that to the sponsored patients who
1095 have just had their budget slashed. Tell that to small business and the unions who have openly and directly criticised this Budget. This is not the people's toughest Budget, it is a desperate scramble Budget to get us through the next year, scrimping around to cover the hole created not by Brexit or COVID but his pathological addiction to spending other people's money. We now rely on the generosity of benefactors to pay for our parks and our theatres. I make no criticism of their
1100 generosity, their contribution to our community is welcome, but in one way it is an abdication of responsibility and a reflection of the state of public finances, for which they are ultimately politically responsible.

This Budget demonstrates to all who would care to listen that the Government that he leads has lost the trust and confidence of the people of this community. Our community has lived
1105 through a decade of spend, spend, spend and debt, debt and debt, and it now appears that we are all about to board tugboat *Picardo* for a sustained period of collective economic pain. On Tuesday, he romantically talked about himself as being Capt. *Picardo* of *HMS Gibraltar*, leading us through choppy waters, when the reality is he is readying himself to abandon ship.

1110 Mr Speaker, moving to other areas of responsibility and the Government's now abandoned
commitment to a green and child-friendly city, I have heard it being said by the Chief Minister, the
Deputy Chief Minister and others in this House that they will not be able to honour the promises
they made to the people in 2019. It appears that the green and child-friendly city will be the victim
of GSLP mismanagement of our economy. No other Government in a refined democracy has
1115 abandoned its commitment to the environment, so why should we? Any political party going to
the polls in the future rowing back on its commitment to climate change, for instance, and
decarbonisation will be punished by the electorate.

I was surprised to hear from Minister Cortes on Tuesday that several countries have stepped
back on low-carbon measures, which the Minister described in his contribution as short term and
opportunistic. I would be very interested to hear which countries have stepped back from that
1120 commitment, because he simply did not disclose them. There was nothing in his very short,
limited, unfocused and, quite frankly, poor five-minute contribution on the environment, apart
from wishy-washy commitments to climate change that inspired very little hope to those listening
that he was truly interested in improving the environment for the betterment of members of our
community. The Minister said that the Government remained fully committed to green Gibraltar,
1125 but then confirmed in the same breath that they had to pull back on plans and manifesto
commitments. Well, which one is it?

We heard a very limited update from the Minister in relation to their decade-long and hitherto
undelivered sewage treatment plant, which appears to be no further forward and in fact is not
being provided for in the Book, save for a limited provision. It appears that Gibraltar will continue
1130 to pump raw sewage into the sea with no indication as to how much it will cost the public purse
and despite saying that it could be ready in a year. Again, is it a realistic timetable for the delivery
of this project?

Insofar as solar power, it is clear that there has been very limited progress on rolling this out
more widely. It is also clear from Opposition questions in the House that the move to EV is very
1135 slow indeed and that businesses have very little encouragement to move their entire fleets to
electric. We will continue, therefore, to see fleets of trucks spewing dirty fumes across our streets,
and with increased construction our health is going to be further impacted by bad air quality. The
Government must do much more to improve our air quality and clean up Gibraltar for all our
residents. We will watch with bated breath how the new instruments purchased by the Minister
1140 will improve public information about air quality.

We heard about the Sustainable Tourism Tax, which has been described as a positive step, but
the Leader of the Opposition and my hon. Friend Mr Bossino said that it is strategically a bad move.

I welcome the prohibited importation of diesel and petrol mopeds from 1st July 2023. Again,
it should have happened much earlier. We have been saying this in this House in a number of
1145 questions I have put to the Minister, but we are where we are and we are pleased that they are
following policy which we have long promoted in this area. Diesel and petrol mopeds are polluting
and noisy and the sale is counterintuitive – another example of where we lead on constructive
and progressive policies and they follow.

I cannot, of course, not deal with Line Wall Road and the debacle. (**A Member:** Hear, hear.) The
1150 other Ministry I am blessed to shadow is Transport, which was quickly taken back by the Hon.
Mr Balban after a disastrous term, himself, at Health and after Mr Daryanani's massive U-turn on
Line Wall Road. Who will ever forget the appalling mismanagement by the former Minister for
Transport, who famously said in this House that Line Wall Road belonged to the Government, only
to be corrected by the Leader of the Opposition, who put him right on who owns Line Wall Road –
1155 and that is the people, as the learned Leader of the Opposition has said? (*Banging on desks*) They
got themselves into a right mess on Line Wall Road and it is the first time I have ever seen the
Chief Minister apologise for anything. He held up his hands – 'We got it wrong,' I think were the
words he used at the time. We were grateful for that apology, we all get things wrong, but that
was cataclysmic. They jump into ideas and they do not think about the consequences for normal
1160 working families. By way of example, the closure of Line Wall Road had a massive negative effect

on other important road infrastructure and caused massive and untold chaos. Mr Speaker, I know he does not want to listen to this because it is just so painful for him to listen to his mistake on Line Wall Road, but the mistake cost the taxpayer £300,000. Let that sink in. It is truly embarrassing. The ill-planned, ill-conceived closure of Line Wall Road cost the taxpayer £300,000, an example of carelessness and a waste of public money, and now they are increasing prescription costs and cutting sponsored patients. Where is the priority? They have no idea what they are doing any more. You could not make it up.

During COVID, 2019-22, they spent nearly £2 million on road resurfacing. They estimate to spend £1 million this year on road surfacing. Have you seen the state of our roads? Where are the improvements? Minister Balban spoke in his contribution of patch jobs to our roads. The public are up in arms in relation to transport and the quality of our roads, and rightly so. Mr Balban's speech is not going to appease the many who believe that the STTP was a waste of public money. Addressing that point, in 2019-21 the Government spent nearly £8 million on the tunnel and roads to North Front. The outturn for 2021-22 is £4.1 million. In 2022-23 they expect to spend £4.5 million on the tunnel. That is £16 million on a tunnel and it is not even open.

The infamous Sustainable Traffic, Transport and Parking Plan continues to be an unaccountable money pit. In 2019-21 the taxpayer paid £477,000 for the STTP. In the year 2021-22 it cost a further £205,000 and for 2022-23 it is estimated to reach £800,000. I have said it before that Gibraltar requires a radical shake up in the way we move about our community, but spending millions of pounds on a plan that does not work is not the answer.

Gibraltar can only change if people in our community have confidence in the reliability and availability of public transport. Safe infrastructure for alternatives is essential – and I agree with the hon. Gentleman Minister Balban in relation to that – to move our people away from car use to more sustainable modes of transportation. Yesterday, the Hon. Minister Balban romanticised about his desire for walking and cycling infrastructure and I applaud and support his commitment to this, but it is not backed up by the Members who sit opposite with him. It is clear that his predecessor was certainly not on board with that vision, which I agree is a good one and we applaud him for it, one which sees our people walking more, cycling more and embracing sustainable and healthier modes of transport. I really do think that the only way the Minister will see his vision put into practice is when we shortly move from these benches over to there, where we will do that very thing. Mr Balban is a lone voice on that side of the House but we support his vision.

In relation to e-scooters, there is no real indication as to when proposed legislation will be brought before the House. We need an integrated plan that provides public confidence and allows people to explore safe and cleaner modes of transportation. We also need to encourage a full transition to EV and we require our infrastructure to be significantly upgraded to meet the green and child-friendly commitments set out in their glossy 2019 manifesto. One example is our taxi service, which should be entirely electric, in my view, and we should encourage that transition as soon as possible. Gibraltar deserves better than a half-baked traffic plan that is costing the public millions.

Gibraltar's streets and highways are unsightly and dirty, and whilst millions go out of the Improvement and Development Fund nothing is improved or developed by the GSLP Liberal Alliance. Whilst they have enjoyed a decade of spending and decadence, they have not seen the decade of decay on our highways and byways. It is important to remark on the following, so the public know, Mr Speaker. We spend over £6 million a year for the cleaning of our streets and public spaces. We pay £½ million a year to monitor air quality. We spend £1.85 million on the Environmental Agency contract. We spend £1.25 million on Alameda Gardens. We spend £100,000 a year on keeping our cemeteries. In most, if not all of those areas, I receive complaints from the public. If it is not our dirty streets, if it is not our exceptionally bad air quality affecting the long-term health of our young and old alike, it is the poor state of where our relatives are placed at rest. Where is the supervision? Where is the quality control? Where are the efficiencies, ensuring that we are getting value for money? All the public can see from this Book is the

Government spending their money with no real improvements in our environment and, worse still, a deterioration in the way our community looks.

1215 Our air quality is diabolical and anyone who suggests that we do not have a problem that is directly impacting on the lungs of our children is blind to reality. I am shocked by reports from doctors on the levels of asthma and other respiratory conditions as well as the prevalence of allergens. More must be done, and quickly, to stop the increasing bad and poor air quality in our city. I am not confident that the current Minister has the ambition to drive real change in this area.

1220 No one in their right mind believes that this community is well within the 2021 limits imposed by the World Health Organization and that we have no problem with air quality. The hon. Gentleman, the Minister for the Environment, paints a rosy picture but it is very far from rosy. In fact, the Hon. Professor's contribution yesterday was completely at odds with that of the Hon. Mr Balban. Don't they speak to each other? Don't they compare notes before they draft their speeches? Should

1225 Transport, Health and Environment be joined up with one message?

The fact that the Government has changed its air quality monitors demonstrates that the 20-year-old equipment was not fit for purpose in the first place and they now accept the longstanding concerns of NGOs as to our poor air quality. Pausing there, we should thank and applaud our health, disability and environmental charities, NGOs and associations for the excellent work they do in raising awareness and funds for their causes. We should thank every organiser and tin shaker for their efforts in ensuring that their health, disability and environmental concerns are raised loud and clear.

1230

Mr Speaker, coming to the end, I wanted to say something about the contributions of the Chief Minister and Mr Bossino yesterday in relation to another country's approach to the question of abortion. The Chief Minister talked about not having a reverse gear on rights and Mr Bossino I think talked about the belligerent left. Old wounds which were settled in the referendum and the subsequent commencement of the Act should not be reopened. We, in this community, were torn apart by this question and let us not continue to create ill feeling. Let our community continue to heal the wounds of these divisions and attempt to live together in peace and harmony with the collective decisions we have made about a seminal issue such as abortion despite the many views that have been expressed.

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Before I close my contribution, a word about yesterday's news in relation to the end of reciprocal healthcare benefits. We have consistently said that the Government has mishandled the negotiations by giving away rights to frontier workers with no equivalent rights in return for our people. People will now need to be concerned with taking out health insurance for Spain to cover emergency health cover there. I think the end note in relation to that point is that we should have been much more prepared for the situation, and I am sure the Chief Minister will deal with that in his reply but it is a significant move that was announced yesterday and which the Opposition has replied to in a press release today.

1245

Mr Speaker, it is clear to all that after a decade of spending and a decade of decay, to use a Shakespearean theme, something is rotten in the state of Denmark and there is a real need for a change of direction. We need a Government that delivers what it says it will deliver, a Government that can be trusted with the public affairs and finances of the community and a Government that puts the health of our country first.

1250

1255 Thank you. (*Banging on desks*)

Chief Minister (Hon. F R Picardo): Mr Speaker, thank you very much.

After that contribution, which has no doubt been inspired by *Lucy in the Sky with Diamonds*, frankly, I wonder whether we might recess for 15 minutes before we hear the sweeper of the Opposition.

1260

Mr Speaker: The House will now recess for 15 minutes and will return at five to seven.

The House recessed at 6.39 p.m. and resumed at 7.04 p.m.

**Appropriation Bill 2022 –
Second Reading –
Debate continued**

Mr Speaker: The Hon. Daniel Feetham.

1265 **Hon. D A Feetham:** Mr Speaker, it is now five past seven, not quite the graveyard shift that it
has been in the past – (*Interjection and laughter*) well, not quite – but I am conscious that hon.
Members have been in the Chamber for three consecutive days. As Zsa Gabor would say to her
nine husbands prior to contracting marriage, ‘I shall not keep you long, darling,’ therefore keeping
my intervention short.

1270

Chief Minister (Hon. F R Picardo): The best news for everybody.

Hon. D A Feetham: Indeed, very good news.

1275 Mr Speaker, I wish to start by congratulating the Hon. the Leader of the Opposition on his
articulate exposure of the Government’s responsibility for the state of the public finances and
indeed for the austerity measures announced by the Government on Tuesday. Yes, Mr Speaker,
austerity measures, described by Unite the Union as a Budget hitting workers in the midst of a
mounting cost-of-living crisis; austerity that, with the normalness that belied his 60 years of age,
the Minister for Financial Services, within 24 hours of the Government announcing those
1280 measures, came to this House and performed the most remarkable U-turn. Nonetheless, the
Leader of the Opposition has asked me, as he did last year, to draw together some of the themes
in this year’s debate and respond, where relevant, to some of the speeches from the Government
side, and I am delighted to do so.

1285 I also want to congratulate Ministers for, on the whole, concentrating on the positives and
what they in their Ministries have done, rather than trumpeting the same tired tune about what
they say – wrongly, as it happens – the GSD did whilst in government. Frankly, it has become as
tiresome as it is irrelevant to the issue of whether they deserve the continued trust of the people
of Gibraltar. They have been in government for over 10 years. It is their record that we judge and
at the next election the people of Gibraltar will turn their backs on them in their droves, (**Several**
1290 **Members:** Hear, hear.) and with reason.

What, therefore, are the differences that separate this side of the House from that side? There
are two issues that separate this and that side of the House. The first is how far should the
Government bear some responsibility for the financial mess we find ourselves in and for the
measures that the Government introduced, hitting working-class families and companies, in
1295 particular in the light of the consistent warnings that we gave from this side of the House, both
pre Brexit and pre COVID. The second is the extraordinary overspend in the last financial year,
which is difficult to justify on its own but particularly when we consider the service the public is
getting in return. We spent £170 million on health last year, £30 million above the estimate. The
least you would expect is that the appointments system at the Primary Care Centre would work
1300 or that at least people’s calls are answered. Here we are in a real financial crisis and the
Government cannot even control public overspending – not spending but overspending:
£90 million, as the Hon. the Leader of the Opposition said in his address yesterday, which feeds
inevitably into the reasons for the measures that the Government introduced on Tuesday. Even if
you calculate that overspend differently by taking into account the contributions from the COVID
1305 Fund into the Consolidated Fund, it still leaves you with an overspend in the tens of millions of
pounds.

Let me take the first issue first. The Chief Minister, during the course of his address, said the
challenges of COVID, Brexit and Ukraine scar our economy. The Deputy Chief Minister said ‘grossly
unfair to belittle or underestimate the pandemic’. It cannot be denied that the pandemic has
1310 catapulted us into an economic crisis which has caused us to sit on a mountain of debt. More on

1315 the mountain of debt in due course, Mr Speaker. Minister Isola said that Brexit and COVID are not
made up; they are not excuses but unprecedented events. The hon. Lady, tonight, said, ‘Where
1320 have they been in the last two years?’ Indeed, where has she been in the last 11 years? The
common theme is do not blame the Government, blame external unavoidable factors – the
political get-out-of-jail-free card. Of course no one denies the challenges of Brexit or COVID or the
Ukraine war, no one on this side belittles or underestimates the pandemic or the economic crisis
1325 that they have brought in their wake. Yes, these are unprecedented events. Yes, the immediate
deficit in the public finances has been caused by COVID – I stand by everything that I said last
year – but what you cannot do is, by a political sleight of hand and a political deception, airbrush
away the gross mismanagement of our public finances over 10 years, which we predicted would
1330 have consequences in the future if we faced an international downturn. Their mismanagement of
the public finances was a disaster waiting to happen and there is absolutely no doubt that
regardless of COVID or Brexit, sooner or later they would have had to take corrective measures. It
is that mismanagement that has massively contributed to what the Leader of the Opposition has
appositely described as putting their hands in the collective right-hand pockets of ordinary
working people and small businesses in Gibraltar, and what is worse is that after the next election,
should they win – God forbid – they will put the other hand into the collective left-hand pockets
of the people, and businesses too. Nowhere have the failings of this Government been more
apparent than the mismanagement of the public finances. Nowhere have they betrayed their own
1335 traditional core principles more than in the management of the public finances. Nowhere have
they placed the Gibraltarian more in jeopardy than they have in the management of the public
finances.

The Chief Minister said that underpinning this Budget was ‘the spirit of prudence and
responsibility’. It is a real shame that he was not possessed of that same spirit when we were
1335 urging prudence and responsibility over the last 10 years, or that he managed to instil that very
same spirit over the last year to ensure that his Government did not overspend by £90 million.

They are the party that has always professed to stand for financial stability as the foundation
for mounting a proper defence of our national interest. It was only with these foundations – or so
the Father of the House would say in the 1980s and 1990s – that we could properly defend against
1340 pressure from our neighbours and indeed at times from the periodic machinations of the UK
government. Over the last 10 years, and all for the sake of piling on the votes – not just winning
but winning by landslides – they have played Russian roulette with those public finances,
unconcerned by warnings from this side of the House about the weakened position it was leaving
this community in if the global situation deteriorated or turned. Whilst we could not have
1345 predicted COVID or Brexit – although I did refer to the possibility of Brexit in these very same
debates prior to it happening – our warnings were clear and unheeded. Whilst we want the best
outcome and the best deal for Gibraltar in treaty talks, and if we get a decent deal we will be the
first to support it, it is their mismanagement of this issue, the public finances, that has contributed
significantly to the weakening of our position – of that there is no doubt.

1350 I have always admired the Chief Minister’s energy, more than he knows. For the first six years
of his Government there was no interest group or person who held his hand out that the Chief
Minister did not personally see or write to, to promise a cure for every conceivable ill or request.
Where was his newfound ‘no free rides’ mantra because ‘previous generations had no free ride’
1355 when he was throwing taxpayer-subsidised parties to the annual tune of £4.5 million? We all like
a party but that, with respect, was a tad excessive. It was bound to catch up with him and it did
many years ago. Many times we pointed out that in Bermuda, when governments there changed
the borrowing limits – much as they did in 2016 – electoral auctions reached such levels that their
government ended up borrowing to pay for recurrent expenditure. The popularity of this
Government has rested on a mountain of pre-COVID debt and out-of-control expenditure. That is
1360 his legacy when it comes to the public finances of this community, and that is what also underpins
the measures that he announced on Tuesday – and as with every political sleight of hand, it has

rested on ensuring that either people did not understand or, frankly, did not care whilst they had money in their pockets.

1365 But debt mountains are deferred taxation or cuts in public service, or both. We already sat on a mountain of debt of £1.45 billion before COVID – or have they forgotten? It was inevitable, and this is what we see in this Budget. Of course these worrying figures are attributable to COVID in the first instance, but all COVID has done is accelerate the inevitable downturn that would have occurred anyway and added to what was already an alarming situation. Of that there is also no doubt. A strong economy, sound public finances and money in the bank to see us through difficult times – those are the foundations of true success. That is the way that we have consistently said we would protect the Gibraltarian way of life. They are the principles that have guided our warnings in these debates for the last 10 years. They cannot now point to those same principles to justify the austerity measures which they, in part, have caused.

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1375 Sadly, it will be people of moderate means who will be the hardest hit. He says this is not austerity. He accused us of wanting austerity when we put forward a detailed plan of debt and expenditure reduction pre Brexit because we were concerned even then by the mountain of debt he had accumulated and increasing expenditure. The classic definition of austerity is economic policy consisting of tax increases, spending cuts or both, used by governments to reduce large deficits. If what the Government served up on Tuesday is not austerity then quite frankly I do not know what is.

1380 Trust is as important in politics as it is in business and personal relationships. Let me remind the people of Gibraltar of the phenomenal sleights of hand performed by this Government in the management of these public finances and why we say from this side of the House that the people cannot trust them. In 2011, when gross public debt stood at £540 million, inclusive of debt in Government-owned companies, the Chief Minister said – then I think he was the Leader of the Opposition – that the GSD was addicted to debt. Today, it stands at £1.8 billion. That is 333% more gross debt than when he said that the GSD was addicted to debt. Only £350 million of that is attributable to COVID, so when the Deputy Chief Minister says we are sitting on a mountain of debt caused by COVID, my answer to that is that £350 million is but a hill compared with the mountain of debt we were sitting on pre COVID. The Chief Minister said it is the oldest trick in the book, like blaming Labour for the debt that followed the collapse of the markets in 2008. The difference is that we were carrying a staggering amount of debt prior to COVID and we consistently warned about its consequences. That is the difference. In 2011 he castigated us because there was £20 million of borrowing in Government-owned companies. Today, in Government-owned companies the debt stands at £990 million. That is a 4,950% increase in off-balance-sheet debt, i.e. not included in this Book, from the time that he was lambasting us because we had £20 million of debt in Government-owned companies. I accept there was debt in Government-owned companies in 2011, but it was minuscule compared with the systematic re-engineering of our public finances through the use of Government-owned companies, companies that are not only repositories of off-balance-sheet debt but are used to pay for expenditure that would otherwise come from Government revenue. In other words, it not only distorts the extent of true debt owed by Gibraltar plc, it also distorts the true extent of expenditure of the Government. That is why we have consistently voted against the Budget since, yes, Mr Clinton persuaded me that we should do so.

1405 He can see from that exposition that I do understand the link between expenditure and debt and vice-versa. It is a shame that he did not better understand it over the last 10 years. In 2011 the hon. Member lambasted us because he said that every man, woman and child was notionally indebted to the tune of £16,000. By his own measurements today it stands at £60,000, 375% more than when he made the point in 2011. Indeed, the difference is that we never mortgaged working-class housing estates in order to secure that debt.

1410 In December 2011 he said that he had found an impenetrable curtain and as he addressed the nation he told us there was a serious public finance and public debt problem. He then, after saying that, proceeded in four short years to borrow not only that huge amount of debt that I alluded to

1415 a few moments ago but also spend £750 million on capital projects. The curtain hiding the debt
mountain on which we sit in Government-owned companies has no equal in the history of the
public finances. No one knows how the Government has precisely spent £400 million in Credit
Finance Company Ltd or the £300 million borrowed through Gibraltar Capital Assets, to give but
two examples. Indeed, we do not even know whether all of this has been spent or part of it is still
in cash.

1420 Those are just a few reasons why people listening to this debate, when they come to weigh
whether they believe the Government or they believe the Opposition ... That is why the people of
Gibraltar should believe the discourse of the Opposition, because we have been consistent and,
despite the fact that it came at an electoral cost, we never deviated from what we thought was
right. (*Banging on desks*) (A Member: Hear, hear.)

1425 I now want to also just explain how we ended up in the mess that we are in today – in other
words, how we ended up with that mountain of public debt. I want to explain that. Every country
has legislation that is designed to prevent governments borrowing in a manner that becomes
unaffordable to the community – and so did we when they first came into government. But the
problem the Government faced was that because of those legal borrowing limits it could not
1430 borrow what it needed in order to deliver on its manifesto commitments in 2011. Not only
couldn't it legally borrow but it did not have the cash in the bank in order to pay for those
commitments. They promised £750 million in capital projects to reduce rents, rates and electricity,
and then, to boot, to donate every single last penny of government surpluses to Community Care.
It does not take a rocket scientist – and indeed, to reduce debt, if you are saying, 'I am going to be
1435 spending £750 million; all the spare cash I have in my pocket I am going to donate to a charity and
I am also going to reduce the debt that I am lumbered with,' how on earth are you going to be
spending that colossal amount of money on capital projects?

The way they did it was this. The first thing they did – not the first thing, but close to the first
thing they did, and they did not tell the electorate in 2011 they were going to do it – was to amend
1440 the Gibraltar Savings Bank Act. I think it was 2012, or 2013 it may have been, not quite soon
afterwards. The Gibraltar Savings Bank Act at that stage, pre amendment, only allowed the
proceeds of Gibraltar Savings Bank debentures to be invested in money or moneys-worth
investments, a very safe form of investment, usually UK Treasury bonds. They introduced an
amendment that did away with that and meant that the Government could then use the
1445 debentures in the Gibraltar Savings Bank to invest in whatever they wanted. Thus they began
shifting Government debt, which of course appears in this Book as the debt owned by the
Government from Government, direct debt, into the Gibraltar Savings Bank, where it is a direct
debt of the Gibraltar Savings Bank, not a debt of the Government. That is the way in which they
then circumvented the legal borrowing limits, because your Government debt is within the legal
1450 limits but you then have this indirect debt sitting in the Gibraltar Savings Bank, which of course is
not accountable as Government debt.

From 11th December 2011 to 1st May 2013, just under two years, the total value of
Government debentures had been reduced by £151 million. During that same period the total
value of debt security issued by the Gibraltar Savings Bank rose spectacularly from £24 million to
1455 £272 million, and that was just the beginning of their administration but the trend accelerated. It
allowed the Government not only to keep the debt off balance sheet but its expenditure, too, by
injecting hundreds of millions of pounds into Government-owned companies which then spent
the money on the projects. That is how they did it, and it is irresponsible. Why is it irresponsible?
Because the legislation that is there to prevent governments from borrowing in a manner that
1460 becomes unaffordable is there for a reason. It is not there to try to avoid and evade. That is the
reason why it was dangerous. Millions of pounds went from the Gibraltar Savings Bank into Credit
Finance and Gibraltar Investment Holdings Ltd, the company which has traditionally been used to
fund other Government-owned companies. It is a company that sits at the top of the pyramid of
Government-owned companies, so traditionally the way that Government would fund
1465 Government-owned companies is by injecting money from the Consolidated Fund into Gibraltar

Investment Holdings Ltd and that would then trickle down to the other companies that were owned by the Government. Of course, if you are injecting into Gibraltar Investment Holdings Ltd money in the hundreds of millions from the Gibraltar Savings Bank, you do not have to do it from your own pocket as the Government.

1470 That is the link that he says we did not understand between debt and expenditure, in simple terms. That is why I predicted in 2013 that this would have huge consequences for transparency and accountability in relation to the public finances. I feel immensely proud of the fact that that was my rooky speech as Leader of the Opposition and I predicted what the Government was about to do, and I was spot-on. This is why contributions to the Consolidated Fund – in other words, the
1475 kitty – (*Interjection by Hon. Chief Minister*) I am going to repeat it so the Government listens to this, (**A Member:** Hear, hear.) bearing in mind that they said that we did not understand the link between debt and Government expenditure. This is why contributions from the Consolidated Fund – in other words, the kitty into which all Government revenue is paid to the IDF, the kitty out of which the Government pays for its projects – went down, not surprisingly given what they did,
1480 from £181 million in 2012 to an actual of £51 million for the two years 2019-21 and then £19 million for 2021-22.

Mr Speaker, to make good my point that the Government just cannot be trusted and people listening should prefer the discourse of the Leader of the Opposition to that of the Chief Minister, I want to demonstrate how at every step of the way after this amendment to the Gibraltar Savings Bank they misled and lied to the people of Gibraltar. Let me give you some examples of that, too.
1485 During the 2013 by-election, even when we had found indisputable evidence –

Mr Speaker: I think with respect to the speaker, he cannot accuse the Government of lying just like that, without any concrete proof. (*Interjection by Hon. Chief Minister*) You should not use the word 'lie'. It is out of order.
1490

Hon. Chief Minister: Unparliamentary.

Hon. D A Feetham: Mr Speaker, of course I will abide by any ruling that Mr Speaker gives.
1495 I think there are two points here. (*Interjection by Hon. Chief Minister*) One is the point made by Mr Speaker about it being supported by facts. I think anybody listening to this speech will come to the conclusion that what I am saying is supported by fact. The second is the point that the Chief Minister made from a sedentary position about the bringing of a motion. That is a more substantive objection to the use of the word 'lie'.

1500 May I use 'economical with the truth'? I think that is probably more parliamentary, Mr Speaker.

Hon. Chief Minister: Mr Speaker, I have no difficulty with the hon. Gentleman saying 'economical with the truth' or any other phrase which has been judged to be a parliamentary alternative to the word that he used, but in every parliament under the Westminster system that
1505 follows *Erskine May*, when that word is used it has to be withdrawn and the speaker can then use an alternative, if he wishes; or, having withdrawn it in the course of a debate, he can then bring a substantive motion, if he wishes, which is what the Rules provide for. If I had used it, I would have to say formally I had withdrawn it and then use an alternative. I think that we can all agree to continue to abide by tradition and parliamentary language or we can all agree not to abide by
1510 parliamentary language rulings which are accepted by everyone.

Hon. D A Feetham: Mr Speaker, I am not going to withdraw something that I believe, that has formed part of my discourse over the last 12 years.

I will, of course, use alternative language. I have suggested 'economical with the truth'. I believe that I am entitled to say that a Government has misled the people of Gibraltar – I am perfectly entitled to do so – and I think that I am entitled to say that the Government has been
1515 economical with the truth with the people of Gibraltar.

1520 I do not want to make a song and dance out of this, Mr Speaker, because I wish to get on with my speech, but the people out there listening to this debate and listening to my intervention and listening to the way that my intervention has been stopped in mid flow – (*Interjection*) yes – because of this, because I have said that the Government has not –

1525 **Mr Speaker:** No, I think the use of the word ‘lied’ ... I have been quite liberal in allowing lots of things which have words, phrases, sentences and paragraphs that have been exchanged. We started off with the Leader of the Opposition suggesting that the Chief Minister had used his meeting the Pope very impiously. I let that go. I thought it was in bad taste but I let it go because there was no objection. We have then gradually listened to the increase in the kinds of words and phrases that have been used to describe actions by the Government. We heard the Hon. Elliott Phillips with such gusto being, at times, quite disrespectful to the Government, and I have allowed
1530 it to happen because there was no objection by the Chief Minister.

Up to now, I have not noted anything which gave me reason to stop the Hon. Daniel Feetham, but with the use of the word ‘lied’ ... I have to stop you saying that word. I would ask you to agree to withdraw the word ‘lied’ and then we can get on with listening to your speech.

1535 **Hon. D A Feetham:** No, Mr Speaker. If Mr Speaker wants me to withdraw the word ‘lie’ ... I will not withdraw the word ‘lie’. I will sit down and not continue with my speech. The people of Gibraltar will know that I have not continued with my speech because Mr Speaker has not allowed me to essentially make a point that I do not consider I should be withdrawing. I have said that I will use alternative language.

1540

Hon. Chief Minister: Mr Speaker, if I could be of assistance in my capacity as Leader of the House, rather than as Chief Minister – we want to hear what the hon. Gentleman has to say. I want him to say it so I can reply to him, to show that the thing that he has said – which he should not have said – he believes about us we are able to demonstrate about him. So I do not want him
1545 not to be able to give the speech, but he has to do it in terms which are parliamentary, otherwise we can all say things which have been ruled not to be parliamentary and I will be able to say about them the thing which he has said about us – which is unparliamentary – which I believe about him as much as he says he believes about me.

Therefore, I wonder whether the hon. Gentleman might agree – this might assist the hon. Gentleman, so I am genuinely trying to help him and he might want to listen – if it might help you, Mr Speaker, and it might help the hon. Gentleman, that he might say that although he continues to believe it, he withdraws it. He would then be able to continue with his speech, which I would very much like to hear because he entertains me greatly, he speaks a great amount of nonsense and I do enjoy replying to him and demonstrating that the people of Gibraltar can put absolutely
1555 no stock by what they say because the more they say it, the more they assist me in demonstrating that what they have said is that which he says we have incurred in.

Hon. K Azopardi: May I just, on this issue, Mr Speaker ...? What I had heard, and I may not have heard it properly but what I thought my hon. colleague was talking about when he uttered the phrase ... He was describing the Government. As I had understood previously the rule ... I am asking for clarification from Mr Speaker and I am staring at the Standing Orders, in particular Standing Order 45(6), which is ‘No Member shall impute improper motives to any other Member’ ... I can understand that if he had said that a particular Minister had lied, that is about imputing improper motives of any Member and I can understand that in that context he would be asked by the Chair
1560 to withdraw a particular remark which would be unparliamentary, but he is not imputing improper motives of any particular individual, he is talking about Government generally and it is a different point. So I am asking for clarification, Mr Speaker.

We do not understand the Rules to say that, when there is a much more general description of the Government, and indeed there have been plenty of occasions when the Members opposite

1570 have used language that has been, if not similar, a carbon copy of remarks which Mr Speaker, when looking at Members on this side of the House, seems to be offended by. There have been plenty of remarks both in this session and in previous sessions, not least the last Budget session, where similar remarks have been made by the Government.

1575 **Mr Speaker:** I think Members generally believe that they have a right to challenge the Speaker when the Speaker says something that may not be understood or accepted by Members, generally speaking. The fact is that it is not right and it is not in order. It is out of order to challenge the Speaker.

1580 I cannot at this stage give you a clarification. What I can say is that if you ... What you are suggesting is that the whole of the Government has lied, then, because that is what ... The hon. Member has generalised by saying the Government has lied, (*Interjection*) that Members have lied on this side, so it is not as an individual.

Hon. D A Feetham: The Government.

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Mr Speaker: The Government consists of the Members of this House on the Government side.

1590 **Hon. D A Feetham:** Mr Speaker, of course the rule is there in order to avoid a situation where you impute improper motive to the individual. That is unparliamentary. But if you effectively prevent somebody on this side, in the Opposition, from saying a Government has lied over a particular issue, this is effectively castrating an Opposition because – (**Mr Speaker:** No.) No, of course, Mr Speaker, there may be – (*Interjections*) May I be allowed to finish? (*Interjection*) Well, okay. Well, Mr Speaker –

1595 **Mr Speaker:** I do not think –

Hon. D A Feetham: Mr Speaker has already intervened – (*Interjection*) Mr Speaker has already prevented me from continuing; now he is preventing me from making the point that I wish to make. (*Interjections*)

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Mr Speaker: That is unfair and wrong. Of course it is unfair and you know it is unfair.

Hon. D A Feetham: No, it is not.

1605 **Mr Speaker:** Yes. You should not even be challenging me on that one. What you need to do now is simply change the word and use another word to describe the message you want to give. This is easy, very simple.

Hon. D A Feetham: I have done that, Mr Speaker. I have explained that.

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Mr Speaker: Then there is no need to continue this argument. Get on with the speech, please.

1615 **Hon. D A Feetham:** I did that 15 minutes ago, Mr Speaker, but because of the intervention of the Chief Minister, which ... you were effectively carrying on with the point that he made ... This is why we are where we are. (*Interjection by Hon. Chief Minister*)

Mr Speaker, to make good my point that the Government just cannot be trusted and people listening should prefer the discourse of the Leader of the Opposition to the Chief Minister, I want to demonstrate how, at every step of the way, they have misled the people of Gibraltar. Let me give you examples of that.

1620 During the 2013 by-election, even when we had found indisputable evidence that the Government had used the proceeds of the Gibraltar Savings Bank debentures, through Credit

1625 Finance, for the purposes of loans to the *Sunborn*, it was denied in this House – in and outside this House, actually – until after the election was over. When it was then admitted, it was justified on the absurd basis that Credit Finance Company was some form of sovereign fund. That is misleading the people of Gibraltar. The problem that we have in Gibraltar is that, of course, there is no independent reporting where a media outlet will stick its neck out and say that Government is misleading people, the Opposition is right; it will report what one party and the other say in press releases. A Government that wants to confuse and obfuscate can do so. No one confuses and obfuscates like they do – they are the masters of it.

1630 And then, in 2015, when we were telling people that all this indirect Government debt, when added to direct Government debt, has seen the Government exceed the borrowing limits not by £20 million but by 10 country miles, they denied it. However, a year later, in 2016, they came to this House and altered the legal borrowing limit by delinking it from recurrent revenue and linking it to a percentage of GDP. These are the same amendments which Bermuda introduced, which led to the spiralling of debt problems in that jurisdiction. What is worse is that in this case, during that
1635 General Election, we had made public debt an electoral issue and they never said to the people of Gibraltar, ‘We not only defend the levels of public debt but we are going to change the legal borrowing limits in order to allow us to borrow more.’ That would have been the honest thing for them to have said at that election, to show the courage of their convictions. The Chief Minister said during his address, ‘We are not afraid to make decisions. I have said many times that politics is about making and defending decisions.’ But he did not tell people, ‘Not only do we think that public debt is low but we are going to change the legal borrowing limits to allow us to borrow more.’ Instead, they kept the people in the dark and, just as they did in 2011 when they had already planned to amend the Gibraltar Savings Bank Act as a precursor of the re-engineering of
1640 the public finances of Gibraltar, they kept quiet about changing the borrowing limits, all the while telling people that we were lying when we said that the true debt of Gibraltar plc exceeded the legal limits. That is what they were saying, that we were lying about it.

1645 None of this takes into account the mortgaging of the housing estates in 2016, which they did not tell people would occur during the 2015 election or the sale of their interest in the 50-50 home ownership estates in 2019, all of which was pre COVID. In simple terms, to use a term people will understand, they were mortgaged to the hilt before COVID without any leeway in case we had a rainy day. So when they say we have been caught in a veritable rain storm, we say, ‘You should not have mortgaged your umbrella.’

1650 On this issue they have never been straight and you cannot believe anything they say. They have confused, obfuscated and attempted to hide the evidence, and this is the reason why every year there is a sharp contrast in the discourse from this side to that side of the House, and for the reasons that I have outlined, people should not trust them. That is a political point that I and this Opposition are entitled to make, and we will continue to make them, Mr Speaker. (*Interjections*)

1660 To say that we should airbrush away all that and stand like political automatons in unity with the Government is as nonsensical as it is farcical and the people should be astute to social media sirens making calls to that effect. Whilst I am a Member of this House I will continue to be true to our message and our arguments during the last 10 years because they were honest and they were sound. They may not have garnered votes and they may have directly contributed to their landslides. No one wants to be told we have to be prudent in the face of a Government throwing
1665 parties at a cost of £4.5 million to the taxpayer, but if they had listened to us we would have been in a much better position today to navigate the difficult waters ahead. There would have been fewer people expecting more for less, and our collective expectations would have been recalibrated sooner and in a far less painful way. For these reasons, I would urge those listening to this debate to prefer the discourse of my learned and hon. Friend the Leader of the Opposition over those of the Chief Minister.

1670 I want to briefly just touch on a number of points to conclude, with Mr Speaker’s leave. In relation to the message that was circulating through social media – I think it was WhatsApp – I was told by the hon. Lady, Marlene Hassan Nahon ... I reached out to her, as indeed I know the

1675 Leader of the Opposition also reached out to her, and I said that it was the product of a sick mind. I want to publicly state that today (*Banging on desks*) and disassociate everybody on this side of the House from those messages.

1680 Secondly, my hon. and learned Friend Mr Phillips, in his quite magnificent speech, did make a point about e-scooters and criticised the Government for the time it has taken for that legislation to come to the House. It is my fault because I have not communicated this to Mr Phillips, but the delay is in large part my own fault. I represent – I declare this interest – the Motor Insurance Bureau, which has been in contact and in talks with the Government of Gibraltar and, as stakeholders, they wish to make some amendments to that legislation. That is reason why it is taking the time it is taking.

1685 The third point is related to the statements made by the Chief Minister and also the hon. Lady about not having a reverse gear on the gains that they have introduced in relation to same-sex couples, for example. Mr Speaker, I stood in a minority of four in this House when I introduced a Private Member's Bill seeking to equalise the age of consent in 2009-10. At the time, actually, it was, politically, not a very sexy theme – if you do not mind me using that term – and, indeed, politically unsafe. We did it anyway, in a minority of four, and I know that the Hon. the Leader of
1690 the Opposition was supportive of that from outside the House. When the legislation for same-sex partnerships was introduced by hon. Members opposite in this House, everybody on this side of the House voted in favour of it, including my hon. and learned Friend Mr Bossino. When they introduced same-sex marriage, it was supported unanimously from this side of the House. There is no question of a GSD government going in reverse gear in relation to any of that.

1695 Having said that, I do wish to simply add this. My learned friend Mr Bossino yesterday made the point that we should be careful about the majority stamping out the views and the voices of the minority. I have huge respect and sympathy for that view and I think that it is right that people who have a different view in a democracy ought to be able to express those different views, but I think it is also right that we should, from this side of the House, also clarify that there is absolutely
1700 no intention of reverse gear on any of the measures I have referred to, or any other measure that the Government has introduced in the last 10 years that they have been in government.

1705 Mr Speaker, that is my contribution. I thank you, and may I also ...? Mr Speaker knows that I hold him in very high esteem. We were friends before Mr Speaker became Speaker of this House and he has always been phenomenally helpful to me, not only as Speaker but also as Clerk of this House when he was Clerk. Mr Speaker, if I have offended you in any way, I apologise for it. It is not my intention to offend Mr Speaker. Mr Speaker must understand, as well, from my point of view, that at times I have felt as if I have been the lonely voice in the desert in this particular debate. It is a matter that is very close to my heart and therefore, when I say that the Government – I am not going to use the word – has misled the people of Gibraltar on this, I do
1710 genuinely believe it. There is no intention of offending you in any way, shape or form, and if I have, I apologise for it because your friendship means more to me than me making a political point. (*Banging on desks*)

1715 **Mr Speaker:** The Hon. Gilbert Licudi.

Hon. Chief Minister: Hear, hear.

1720 **Hon. G H Licudi:** Mr Speaker, it is getting late. That is how Mr Feetham started his speech. Then he said he would be brief, and I am not sure that he kept to his promise. (*Interjection*) But what Mr Feetham also said is that we should not be looking back – and then he treated us to a history lesson, going back to 2011, including reminding us of his rookie speech as Leader of the Opposition. He told us a few minutes ago that he was spot-on in that speech, but history will tell us that it was not a position that he held for very long at all. For my part, I do intend to be brief. I do not have ministerial responsibilities anymore and I will limit myself to making some general comments.

1725 We have, over the last few days, listened to all Ministers – except, of course, the Hon. Father of the House, Sir Joe Bossano – and we have listened to Members of the GSD opposite. I want to also start by sending my best wishes to Sir Joe and hope that he recovers and deals with – as I am sure he will – COVID successfully and that we will see him back in full force in this House very soon. (*Banging on desks*)

1730 I also want to echo the words that we have heard in particular this afternoon from my hon. colleague and Friend Samantha Sacramento, which we have also heard from the Hon. Mr Feetham a few moments ago, in connection with the hon. Lady who is not here today, the Hon. Marlene Hassan Nahon. For very understandable reasons we have not been able to enjoy her presence and her speech. I use the word ‘enjoy’ advisedly, even though I am sure there would have been many parts of the speech, or all of the speech, that we would not have agreed with, but we certainly would have enjoyed her presence and her speech (*Banging on desks*) and I do want to add my own sympathies and condolences to her, to her sister Fleur and to the rest of the family on the recent passing.

1740 Mr Speaker, over the last couple of days we have heard much from Members opposite but essentially what we have heard are the same tired old speeches. It is almost as if they dig up what they said last year or the year before, look at the adjectives they used in those speeches in those years and simply change a few dates, change a few figures, change a few facts here and there and regurgitate what we have been hearing from them over the last 10 or 11 years.

1745 Mr Feetham has just made the point that they have been saying since 2011 that the Chief Minister and the Government have been misleading the electorate. Well, the electorate, over three elections – 2011, 2015 and 2019 – have preferred what they have heard from this side of the House and not from there, and therefore there should be a little bit more respect to the electorate. Essentially, he is saying that they have been treated for all this ... I cannot remember the exact word he used, but certainly misleading by the Government. He should not take the electorate for fools who are misled year in, year out, election in, election out and always choose the same option. One predicts that the same will happen next year, or whenever the Chief Minister feels it appropriate to call the next election, because we have seen nothing new from Members opposite, nothing constructive, nothing positive, nothing progressive.

1750 Despite the pretence – and today we heard that from Mr Phillips – of trying to give the impression that he was trying to be constructive, there was absolutely nothing constructive in his speech. I am sure the Chief Minister in his reply, whenever that will come, will say something. I am sure he will have something to say about what Mr Phillips treated us to – and Mr Feetham, as well as other Members of the Opposition – because what we have been treated to, what we have seen in the last few days from Members opposite is no real understanding and no real appreciation of what we have been through in the last two years.

1760 And no, this is not about blaming everything on COVID, despite what Members opposite have said. This is about facing reality, facing economic reality, facing political reality. Hon. Members opposite are very keen to start to criticise expenditure. They even criticise the Government when the Government seeks to avoid expenditure. We have seen that with Campion Park. (*Interjections*) I have been listening to – (*Interjections*) I have been here more than Mr Phillips and I have been listening to every single word that has been said in this House. (*Interjection*)

Hon. Chief Minister: You have hardly been here in all the debate. (*Interjections*)

1770 **Hon. G H Licudi:** Mr Speaker, hon. Members opposite ... Maybe I have struck a raw vein somewhere, but they should calm down and listen. In fact, we have just been told by Mr Feetham that we should listen to them and everybody should listen to each other, so they should listen to what we have to say from this side of the House. They are very keen – we have seen it in the last few days – to criticise expenditure and they criticise even when Government seeks to avoid expenditure. We have seen that with Campion House. We saw it from Mr Reyes himself, a point that was dealt with by my friend and colleague Mr Isola on the National Theatre when the call

from Mr Reyes was actually that it should be funded by Government. When Government is trying to avoid expenditure from public funds, Mr Reyes calls for this to be funded by Government.

1780 But then they go on not just to criticise the expenditure and ask Government to incur more expenditure; they go on to criticise revenue-raising measures. They describe what we have heard from the Chief Minister this week in terms of these Budget measures as a highwayman's Budget, as picking the pockets of workers – from Mr Phillips, today, a Sheriff of Nottingham style Budget. It again displays no understanding of what politics is like in the real world, and that is the world we live in. We live in the real world. This is not the world of Harry Potter, where one can simply
1785 wave a magic wand and everything will be solved, or things will appear or things will disappear. Despite Mr Feetham's attempts to justify that they understand this, it is clear that they do not understand that Gibraltar is not immune from global issues. They say that, they pay lip service to it, and then ignore it completely and go on in the usual year-after-year rant. But it is clear that we do not live in a cocoon in Gibraltar. We do not have a magic cape which envelops the Rock of
1790 Gibraltar and protects us.

It is a fact that there has been an invasion of Ukraine and that it has had global consequences, even for us, even for Europe. It is a fact that there have been increases in the price of oil and that affects us. It is a fact that there have been increases in the prices of food products and that affects us. It is a fact that there has been unavailability of goods and components and that affects us. And
1795 of course it is a fact that we have had COVID, not just from the point of view of the health issues and other public health issues that have arisen, but also from the economic perspective and the public finance perspective, the way it has affected our public finance. That is a fact, and what we are seeing is that over the last two years extraordinary measures have had to be taken. Who would have thought that measures would have had to be introduced to restrain some of the basic
1800 liberties we take for granted? And who would have thought that we would have to introduce some of the economic measures to deal with the economic effects – not just with the practical and health effects of COVID but with the economic effects of COVID? These are measures which have been brought to this House from an economic point of view and which have been debated in this House, and these are measures which hon. Members opposite have supported and endorsed, and
1805 now they are critical.

On occasions it is necessary to take tough measures. As the Hon. Chief Minister mentioned this week, sometimes tough but necessary decisions and measures are needed, and the same is true of the Budget that has been presented this week. No one in this House and no one outside this House likes to hear about increases in taxes, about levies on companies, on passengers or anybody
1810 else. These are measures which certainly can be unpopular, but they are sometimes necessary and it is what being in government is about. It is about having to face the reality of the world we live in. It is about having to take tough decisions, decisions which are in the interest of Gibraltar as a whole because that must be the guiding principle – and all of this seems to be lost on Members opposite.

1815 Mr Phillips did not ignore COVID. He mentioned the effects of COVID on our community but made no mention whatsoever of the effect of COVID on public finances. There has been no suggestion, nothing said from the other side on what they would have done. How would they have dealt with the public finance, with the economic response in relation to COVID? How would they have handled those economic and public finance issues we have faced? It is one thing for
1820 Members opposite simply to stand up and criticise specific revenue-raising measures, but it is another to criticise proposed revenue-raising measures without offering an alternative, without offering anything else. It is as if they say there should be no revenue-raising measures at all. Well, how do we pay for the extraordinary expenses that we have had to incur in the last two years?

1825 It is a mark, I would suggest, of an irresponsible Opposition, and of course it leads to a lack of credibility in the Opposition we have. One of the reasons I say that is because we have heard many statements made this week without any sort of analysis. I will give an example. The Leader of the Opposition criticised the passenger levy that has been announced and which I would suggest is modest by any standard, and then he said this will drive cruise liners away. Why, Mr Speaker? I

1830 ask that rhetorically; I do not expect Mr Speaker to give me a response. Why will it drive cruise
liners away? The hon. Member ignored that point and simply made the bold statement that this
will drive cruise liners away. What sort of comparative study have they made to come up with
such a conclusion? It would be understandable if they made such comment and backed it up with
figures; if they said, 'We have looked at the overall cost. We have looked at our competitors. This
is what is charged in Malaga, in Cadiz and in Malta. We have done all that, we have done that
1835 study and this is why we think this will drive cruise liners away.' But they have not done any of
that. It is just criticism for the sake of criticism, it is shooting from the hip, and again it loses them
credibility when they do not back it up – not just with figures but any kind of analysis at all. Have
they looked at passenger levies in other jurisdictions, in other ports? Have they looked at mooring
fees? Have they looked at the types of services that are provided to cruise liners and other vessels?
1840 Have they looked at the fees in relation to bunkering? Have they looked at the overall product
that we provide in Gibraltar? Nothing that the hon. Members have said this week suggests that
they have.

The Leader of the Opposition, when he made that comment, said, 'Mr Bossino, in his
intervention, will give more details,' and what we heard from Mr Bossino was essentially limiting
1845 himself to saying that we needed to be competitive. Of course we agree – everyone agrees with
a statement such as 'we need to be competitive'. We need to be competitive in the Port, in
financial services, in gaming services, in every service we provide, because we live in a global
market where competition is very keen. Everybody agrees with that. But what they did not
address, what they said nothing at all about is why this levy will make us uncompetitive. Why is it
1850 that this levy will make us uncompetitive? If, as a result of this levy, Gibraltar was three times
more expensive than all our competitors I could understand the point, but nothing like that is
analysed and considered by Members opposite.

I can tell hon. Members that when I had responsibility for the Port this was something I looked
at. I sought information about what other Ports charge – nearby ports like Malaga and Cadiz and
1855 further-afield ports in the Mediterranean – and the conclusion I remember coming to was that
Gibraltar is very competitive indeed when you look at the overall package, not just one isolated
matter, that Gibraltar is very competitive indeed and that there was scope for a modest increase;
we would not drive anyone away by having a modest increase to the Port dues and the cost of
coming to Gibraltar. Gibraltar continues and will continue to be a very attractive proposition, a
1860 very attractive destination for cruise liners. That was the conclusion that I reached. Members
opposite may say, 'What happened? Why didn't you introduce it?' Well, COVID happened and
cruise liners stopped coming, and therefore it was not a matter that could be considered at that
particular time. My advice – and I say this wholeheartedly – is simply that you have to do your
homework before coming to this House and making statements such as that, because we have to
1865 be careful about the message we send out there. We do not want to drive cruise liners away, we
do not want people to think that they are unwelcome in Gibraltar – and that is the sort of message
that is being put out by Members of the Opposition, and that is irresponsible.

The other thing in relation to this is when they criticise this revenue-raising measure,
importantly they do not say, 'Don't do that, do it in another way – raise the revenue you need in
1870 some other way.' We have heard nothing about that in all of the speeches by Members opposite.
What is their alternative? When looking at this particular measure, what is their alternative? Are
they saying instead of 2p it should be 3p in the pound? Instead of £25 per company it should be
£30 per company? What is their alternative? There is, quite frankly, no credibility in their
approach.

1875 I also want to mention very briefly a matter that Mr Reyes said in his contribution. This was in
relation to new schools when he said that when a new project, a new school, is being built, there
should be more consultation with teachers. I did not take that to be a criticism of the schools
themselves; it was just an observation or suggestion by Mr Reyes, or perhaps even an implicit
criticism that there was not sufficient consultation with teachers when it comes to new schools.
1880 He suggested it should not be left to architects simply to produce fancy designs without looking

at the requirements of the schools. It is a fact – and I do not say this in a disparaging way of Mr Reyes – that Mr Reyes, who had ministerial responsibility in the GSD Government, had no experience during his time in government of building a new school and he would not understand and would not know what was the process of building a new school. Come to think of it, no GSD
1885 Minister had experience of building a new school because in 15 years in office they built no new schools at all. (**Hon. Chief Minister:** Exactly.) (*Interjection by Hon. D A Feetham*) Mr Feetham says he has heard enough and he wants to leave. Goodbye.

Hon. Chief Minister: The truth hurts. (*Interjection by Hon. D A Feetham*)
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Hon. G H Licudi: Mr Speaker, the GSD of which Mr Feetham – who now wants to leave, who has had enough of listening ... Mr Feetham was also a Member of that GSD Government and he did not have any experience in building new schools, (**Hon. Chief Minister:** Exactly.) and neither did any of his colleagues, but during my time in government when I had ministerial responsibility
1895 for Education I did have experience in building new schools. I say this in the most constructive way possible in terms of offering an explanation to Mr Reyes and Members opposite as to how this process works, because I was involved in the building, during our first term of office, of the two St Bernard's schools, then, in my second stint in Education, in connection with the plans for the new St Mary's, and my friend and colleague Prof. Cortes has very extensive experience in building
1900 new schools and can expand or elaborate, confirm or corroborate what I am going to say because he has hands-on experience in these matters.

What we need to realise is how this process starts, what is the first thing that happens when a decision is taken to build a new school. The very first step that is taken is that the school is asked for a list of requirements. So, when we want to build a new St Bernard's First School, we ask
1905 St Bernard's First School, 'What are your requirements in terms of the new school? How many standard classrooms do you need? What specialist classrooms do you need – music room, art room, breakout rooms for children with special needs, staff room – even offices and storerooms?' The school will put out that list – assembly area, gym ... All of that has to come from the school. It is not something that an architect decides he wants to put in, it is not something that the Minister
1910 himself or herself would dream of, not even the Department of Education; this comes from the school itself, and that is considered and discussed with the Minister, with the Department and with the technical team that is going to be advising and putting together the project. But the school is the one that is first involved at the very outset of the process, and then what happens is a brief is prepared.

So, architects are not asked to design whatever they want and come up with whatever ideas they want about classrooms and gyms etc. They are given a specific brief, which comes originally
1915 from the schools themselves and the list of requirements is a fundamental part of that brief, and whether it is as part of a tender process or submissions of interest, before final architectural drawings are put together and produced, floor plans are produced reflecting the requirements that the schools themselves have identified, and that will then be taken back to the school and
1920 discussed and modified as necessary.

Only when everyone is satisfied, in particular the school involved, will the go-ahead be given for the full design and the drawings. This is certainly not a case of lack of consultation, not even a case of consultation; it is a case of full collaboration. It is a collaborative project starting with the
1925 very essence of those who are most interested in this: the schools, who will know the needs of themselves and their pupils. That is core to this particular process. Of course, one can look at a new school and say, 'With hindsight, this could have been done differently.' That is the same for any project, for any building, but that is not the same as lack of consultation or lack of adequate consultation, which is what Mr Reyes seemed to imply.

Mr Speaker, just to end, this Budget has been described as many things and I have mentioned already it has been described by Members opposite as a highwayman's Budget, as a pickpocketing Budget and as a Sheriff of Nottingham Budget. I have also heard it described as a brave Budget. In
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fact, I have heard it said that this is the bravest Budget speech than any Chief Minister of Gibraltar has had to make. It is undoubtedly the case that the last two years have involved enormous sacrifices. It has affected all of us.

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There are many decisions in Government, in terms of the decision itself, which are quite simple. If I, for example, am given sufficient funds and a place, and told, 'Go and build a new marina,' that decision is very simple. A different matter is how you do it and getting the end product you want, but once you have the funds and the place, the decision is go and do it. Nothing difficult about the decision itself, but what differentiates a mediocre government from a good government is the ability to take tough decisions and to get those tough decisions right. It is the ability to face challenging times and it is difficult to appreciate, to understand, to see, or even foresee, times more challenging than we have had and what the GSLP Liberal Government has had to face in the last couple of years. Again and again tough decisions have been taken, and again and again the Government had proved that it is prepared to take those tough and difficult decisions, however unpalatable at times they might appear to be.

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It is undoubtedly true that the issues we face and the issues we have faced will not disappear overnight but it is very encouraging to hear some of the figures that the Chief Minister has given, not simply in relation to public finances but the economy generally, and the estimates of GDP which the Chief Minister gave in respect of the post-COVID year where we are reaching ... or just about there. We have bounced back, as I understand the Chief Minister mentioned, to pre-pandemic levels. But at the same time as the GDP bounces back, we have to make sure that public finances remain solid. We have to make sure that our ability to provide the services we need, the services we all want, is not compromised in any way, and sometimes it is necessary – and this year it is certainly necessary – to introduce measures which raise revenue and which make sure that we can all continue to enjoy those services that we hold dear.

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Despite what Mr Feetham has said today, this is certainly not an austerity Budget. It is not a Budget that cuts services. In fact, it is a Budget that seeks to protect those very services, protect our ability to pay for those services. Indeed, we have heard some of the measures described as temporary measures, necessary but temporary. They are targeted, they are limited and I would suggest they are prudent in nature. For all those reasons, I certainly will support this Budget and will support the Second Reading of the Bill – in fact, the whole of the Appropriation Bill. I will lend my support.

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Mr Speaker, before sitting down I want to end by adding my own tribute and congratulations to the Father of the House, Sir Joe Bossano, on reaching the milestone of 50 years as a parliamentarian. There are not many parliamentarians in the world, if any, who can boast such a record. And it is not just a question of longevity in this House, it is about 50 years of public service, 50 years of putting Gibraltar first, 50 years of putting the Gibraltarians first. Whether you agree or disagree with Sir Joe and his politics, no one can deny his unselfish commitment to the Gibraltar cause, defending our position in Gibraltar and outside in the four corners of the world. It is particularly noteworthy the undeniable fact that Sir Joe's ideals and economic aspirations for Gibraltar have not changed at all in the 50 years that he has been in this House. I tell the House that my own interest in politics came about in 1984 following the signing of the Brussels Agreement. It was an impassioned speech that I heard by Sir Joe about the dangers of Brussels that made me want to support the campaign to make sure that those dangers, the dangers of Brussels, did not come to pass, and of course what Sir Joe said then and what he has continued to believe has been proved right. His leadership was instrumental in difficult years in protecting us from those dangers, and Gibraltar has been blessed with an economic and political mind like no other. We have been lucky and long may he continue. I hope that he recovers very soon. (*Banging on desks*)

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Adjournment

Mr Speaker: The Hon. the Chief Minister.

1985 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I can thank the hon. backbencher for that demonstration of how one can be absolutely devastating of the Opposition's views and keep the language entirely parliamentary (**Two Members:** Hear, hear.) and the mood temperate, and reflect that it is unfortunate that we have not heard contributions of that sort from the other side on the seminal issues that we are dealing with in the context of this Appropriation Bill, and invite the House to return on Monday at 10 a.m. when I will have an opportunity to respond to all Members' speeches that we have heard in the past three days and then invite the House to make a final consideration of the Bill by voting for it and consider also the Third Reading and Committee Stage.

1990 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Monday, 4th July at 10 a.m.

1995 I now put the question, which is that this House do now adjourn to Monday, 4th July at 10 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Monday, 4th July at 10 a.m.

The House adjourned at 8.29p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.01 a.m. – 2.29 p.m.

Gibraltar, Monday, 4th July 2022

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The Gibraltar Parliament

The Parliament met at 10.01 a.m.

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

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

Use of 'lied' – Statement by Mr Speaker

Clerk: Meeting of Parliament, Monday, 4th July 2022.

Mr Speaker: I should like to make a short Statement before we return to the Budget speeches.

5 On 30th June 2022, in the course of the Budget speech of the Hon. Daniel Feetham, I had
reason to stop the delivery of his speech after he used the words 'they have misled and lied to the
people of Gibraltar'. I pointed out that the word 'lied' was out of order and would need to be
withdrawn. The Hon. Daniel Feetham suggested alternative language to the word 'lied', namely
'economical with the truth'. I accepted this as a way forward. He was, however, unwilling to
10 withdraw the word 'lied'. In order to take the heat out of the moment, I suggested that the Hon.
Daniel Feetham continue with his speech, which he duly completed, at the end of which he offered
his apologies to me, which I accepted. There remains the matter of a ruling sought by the Leader
of the Opposition in relation to the use of the word 'lied' when referring to a government. I have
considered the matter and rule that the use of the word 'lied', although directed at the
15 Government and not a particular Member, is nonetheless a word which can be regarded as
unparliamentary and, accordingly, the Member should have withdrawn the word 'lied'.

In addition, I would like to remind Members of the following point. When the Speaker asks a
Member to withdraw unparliamentary words, he or she is expected to do so. It is out of order and
totally unacceptable for a Member to suggest that the Speaker has endeavoured to curtail a reply,
20 speech etc. It is out of order and totally unacceptable for a Member to suggest that the Speaker
is not acting impartially. It is out of order and totally unacceptable for a Member to question or
challenge the authority of the Chair. That ends my Statement.

The Hon. the Chief Minister.

Appropriation Bill 2022 – Second Reading – Debate continued

25 **Chief Minister (Hon. F R Picardo):** Thank you, Mr Speaker, as ever, for your ruling. As you know,
on every occasion, whether they are rulings that favour us or not, we always accept them.

Mr Speaker:

If you can keep your head when all about you
Are losing theirs and blaming it on you,
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,

Or being lied about, don't deal in lies,
Or being hated, don't give way to hating,
[...]

If you can bear to hear the truth you've spoken
Twisted by knaves to make a trap for fools,
[...]

If neither foes nor loving friends can hurt you,
If all men count with you, but none too much
[...]

Yours is the Earth and everything that's in it,
And—which is more—you'll be a Man, my son!

Those were the words of Rudyard Kipling, Mr Speaker, when he wrote the very famous poem *If*.

Today, I rise in this debate to reply for the Government on the Second Reading of the Appropriation for 2022-23 with deep disappointment in the contributions from hon. Members opposite; not so much for their shallow analysis ... I understand that they need to keep it shallow because they want to persuade the public of something that bears no deep analysis, so they have to just try to keep it shallow.

In fact, what they have done in this place in the past few days has been tabloid economics: bold headlines that are then not borne out by the substance of the article below. Their contributions are like some of those articles that we sometimes read. When you finish reading the article, you think, 'That's got nothing to do with the headline.' Of course, what happens is that you end up disappointed with the newspaper and you probably never buy it again because you know that they try to catch your attention but the substance is not there.

My disappointment is a little deeper with hon. Members, and it is as much political as it is human because we have had to endure in the past week what I can only describe as a debasing of Parliament – indeed, an assault on the rules of debate; a litany of personal insults which Members opposite at best say, perhaps, they did not intend. The words of Kipling are particularly apposite because of the parliamentary thuggery to which we were subjected when Mr Feetham subjected you in particular, Mr Speaker, to an assault in respect of your position on the established Rules, which is probably the most unsavoury episode I have seen in this place for a long time.

I see Mr Feetham laughing. I am not surprised, because it is ironic that Kipling also wrote *The Jungle Book*, and it is clear to me that Mr Feetham wishes that he could translate everything into the law of the jungle, into the law of 'might is right and I can impose myself on anyone just because I am bigger,' and not having to persuade. That is what we saw, Mr Speaker, in his defiance of you some days ago, and as reported in the media. Therefore, I thank you, Mr Speaker, on behalf of this and future generations of Gibraltarians, for your ruling this morning. I will deal with this issue later in the debate when I deal with Mr Feetham's lacklustre and flawed analysis.

For now, I want to start by saying that testing times are not best served by tabloid politics. Testing times require a deeper analysis. Testing times are done few favours by seeking to ignore the truth to exploit cheap political points. Indeed, not even silken attempts were made to put the truth aside, just brutish attempts to completely contradict the truth with made-up facts and figures and, frankly, despicable innuendoes. We have ended up looking at a team of men with no shame.

When pupils of good government study the excellent work done by the Government and, indeed, all of the public servants of Gibraltar in respect of the challenges of the past couple of years, they will wonder, perhaps, why I started today with Kipling's *If*, but by the time they reach the end of my response, they – like anyone who is listening today – will realise that there could be absolutely no better allusion. Why? Well, let me start by reminding the House of what inspired Kipling to write the poem. It came from an attempt that he observed to overthrow the Boer government – exactly what we have seen from Members opposite. Their speeches were an

attempt to overthrow the Government. Why? Their speeches were not about the financial management of the community or how we had managed the finances. Their speeches were not about the 2022-23 Appropriation. Their speeches were about the next election. They were for out there, they were not for in here. This is about let's change the Government, let's go into an
70 election with these arguments to try to persuade people, not an analysis of the financial year, with still another financial year to come before a General Election in the autumn of 2023, when it is due. The overarching theme of *If* is that successful, virtuous living based on values pertaining to integrity, rightful behaviour and self-development will win the day over those who want to mislead, who want to act out of spite, out of hatred, or who think themselves better than their
75 opponents. I do not think there can be a better literary reference to underline what I am about to say.

If a citizen of another country were to come to Gibraltar after the increases that the Government has been reluctantly required to introduce in this Budget, were to have a conversation with a Gibraltarian and be told that utility bills have gone up by 8% in a year, although
80 they have gone up 100% in his or her country, and that the maximum rate of tax will go up by 2%, from 25% to 27%, but just for two years and most people who were paying 17% would pay 19%, and that there is no capital gains tax, no tax on savings, no tax on pensions, the state pension went up 8% and Government occupational pensions went up 2%, Disability Benefit went up 8% and the Minimum Wage went up 8%, they would not believe it. If they were told that actually the
85 Minimum Wage in Gibraltar after this increase is probably the highest take-home Minimum Wage in Europe, they would be full of praise for the Government that was delivering that economic performance. If you were to tell the visitor, on top of that, that every children in Gibraltar can have a scholarships paying both their tuition fees and their maintenance fees and they can have a first master's degree – tuition fees and maintenance – paid, and that then the discretion to give
90 them a third one kicks in and 75% of those who apply for the discretionary one get it, as happened in the press release issued on Friday ... If they saw that even after the toughest years in Gibraltar there are going to be only minimum increases for two years, that person from outside of Gibraltar would say, 'In my country, utility bills have gone up by 75% to 100%' – depending where they come from, because of the cost of fuel – 'my tax is between 40% and 50%' – in France, Portugal,
95 Spain, the United Kingdom and Germany – 'and on top of that we pay *much* higher social security contributions than you pay, and we pay an amount also to look after our elderly, on top of our social insurance contributions, and we think things are going to get worse.' This person from another country might say, 'My goodness, you guys are lucky with the political leadership you have. What are you complaining about?'

100 Even after the modest increases we have seen, we are still protecting every Gibraltarian household and every Gibraltarian business from the increases in the cost of fuel being directly applied to their utility bills, which has happened in every other country. That is why Spain has had to ask for an Iberian exemption for themselves and for Portugal to be able to give a subsidy to every household because of the cost of fuel.

105 Mr Speaker, let's try to bring some levity to these proceedings. Let's do that analysis in a different way. Have you heard the joke about the Englishman, the Spaniard and the Gibraltarian who walked into a bar? Well, they all got talking and the Gibraltarian said, 'Boys, I'm really disappointed in my Government. You know what this lot have done? They've gone and put our taxes up by two points for two years and they've put up my electricity bill by 8%.'

110 The Spaniard and the Englishman looked at the Gibraltarian. The Spaniard said, '*que estas de cashondeo*' You must be joking. My electricity bill has gone up by 75%.'

The Englishman said, 'My electricity bill has gone up by 50% and my tax has gone up to over 40%.'

115 'You must be really rich,' said the Gibraltarian to the Englishman. 'People in Gibraltar who earn over £½ million used to pay 5% under the previous lot; now they are going to pay 27%, and that is the richest.'

'No,' said the Englishman, 'I am an ordinary working man.'

120 The Gibraltarian did not seem convinced. He said, 'Well, I'm going to vote against this Government. The Opposition have told me they would do better because this lot have put up my tax and they've put up my utilities.'

The Englishman and the Spaniard could not stop laughing. 'Why are you laughing?' said the Gibraltarian.

'Because you need your head examined,' said the Englishman. 'The joke's going to be on you if you change those who are in government today.'

125 Mr Speaker, anybody who heard the speeches of hon. Gentlemen opposite will have discerned that all of the drama and all of the bluster was to hide the underlying message, and the underlying message delivered by Mr Clinton and the underlying message delivered by Mr Azopardi was simple: we are going to cut and we are going to cut deep. Either they are presenting us with a theory that we are spending too much, which, if they take over they are going to continue, or they
130 are going to cut and cut deep. Then we would really find out what austerity means, just like the example I gave the House in my first speech when the Tories were very critical of Labour because of the amounts that Labour had had to spend to save the Tory capitalist system – and the minute they were elected, blaming Labour for having put money into the international financial system to keep the banks afloat, they started to cut, cut, cut and they have not finished cutting yet.

135 The theme that hon. Members opposite tried to develop about financial ruin is utter nonsense. They were wrong about everything they said about where we were when this COVID problem started, this question of the point of arrival, which I will take them through to show them definitively that they are wrong. What has brought our economy to its knees is what has brought every economy in the world to its knees: the COVID pandemic. It is not an excuse, it is a reason.
140 We are all tired of hearing about it. When you put on the news and you hear the COVID numbers are up in the United Kingdom, it is the last thing you want to hear; you want somebody who is going to talk about something different. I understand that, but when you are making a choice, not of which channel you are going to watch but of who is going to run your Government, then you do need to listen to the facts and not to the escapism that it is somebody else's fault and you can
145 blame Picardo and his merry men.

I was struck, however, to see a return to the sort of viciousness we had seen from hon. Gentlemen and the party they represent in this House before. Again, just as an aside, when *Hansard* is analysed in the future by students of the politics of Gibraltar in the 1980s, 1990s and the early part of the millennium, they will see that that venom arrived in this House circa
150 1992-93. They will see it was fully deployed from the Opposition benches towards the GSLP Government in that period. They will see it was then deployed from the GSD Government benches against the GSLP Opposition. I thought that that had disappeared, but it is back, and because it is back, what they are going to find – in me, at least, and in all my Government colleagues – is that when somebody tries to bully us we are not going to turn and run, we are going to face them and we are going to give back as good as we get.
155

One speech, at least of the leading speeches, stood out for not containing name calling and insulting, for being of substance and being different and representing a different ideology than the one we represent. I recognise that, Mr Speaker, and will deal with that speech in the way we were dealt with also, by showing the ideological differences between us, which is what we are
160 here to do. But to the others I am going to give as good as we got.

Before I go into that part of my address I want to clarify some aspects of what I said during my initial address, in order to assist some sectors that have been concerned about the detail of what we intend to do.

If you can trust yourself when all men doubt you,
But make allowance for their doubting too;

165 Well, let's look at some of the things that we need to clarify and which the general public will need to know more about. I will start with the COVID charge. The last two years have required us

170 to put our hands into our collective pockets to keep the economy afloat. That has affected everyone, every individual. Even the ones who have not wanted to have the vaccine have had the benefit of the vaccine. Every individual, even if they have not had BEAT, has had the benefit of the shops being open when the pandemic finished, because people who had had BEAT in the shops were able to still come back – they had not left their jobs. So this has affected all of us, even those who have not had BEAT and those of us who have not had vaccine – although, of course, I have had all of them, and so have all Members of the Government.

175 Let's be very clear that one of the things that has distinguished us in the past 10 years is that we are a listening Government. I know that they hate it, because when we say something and the public have a concern, we are prepared to always work with that sector to resolve the dispute that may have arisen between the Government and the sector in a way that is good for the Government, therefore the public and the people and that sector. And so we understood the concerns that there are in some quarters about the £25 per week COVID recovery charge for companies and we will be working with the Chamber of Commerce and the Gibraltar Federation of Small Businesses (GFSB) to ensure that the application of the charge is done in a way that is going to not cause greater problems for that sector, which is an income-producing sector for the Government and is a sector that provides a lot of employment across the board, whether it is the trust and company managers or simply people who have a small business and those who have larger businesses also.

180 There has been a request that the Government consider stratifying the charge between larger companies and smaller companies. The Government is prepared to listen to that. It is not true that bigger companies always pay more than smaller companies for things, especially when it is in their company register issue. Every company pays the same amount for an annual return. Every company pays the same amount for the filing of a document in Companies House, whether you are a large company or a small company – Marks & Spencer pays the same to file its annual return as a new company that has one employee. But we are understanding and concerned to ensure that we can work with the sector to alleviate any potential hardship and that this measure, which is designed to alleviate public finance concerns, does not create greater hardship, so we are going to be talking directly to the Chamber and the GFSB. Indeed, my hon. Friend Mr Isola has already started that engagement.

185 Mr Speaker, I just want also to reflect, in that context, that during the pandemic the direct payments out to employees and companies were £32 million. Thirty-two million pounds of taxpayers' money was paid as BEAT salaries or as moneys given to companies to pay BEAT salaries in the second phase of BEAT; £14 million in foregone rates. That means the discounts that we gave in rates so that businesses did not have the burden of rates in the period is £14 million, which has gone out of the public purse. Thirty million pounds is foregone duty – £30 million in the two-and-a-bit-year period where duty has been reduced. The calculations of Customs are that it is £30 million. And of course we waived rents on all the Government-owned properties and achieved discounts for tenancies which were with private landlords. So, in excess of £75 million from the taxpayer was either directly paid to businesses or was foregone revenue from businesses in our economy – principally, obviously, members of the Chamber and the GFSB. That was money well paid and well forgone. The Government believes it did the right thing to give businesses that money and to give businesses those benefits – and I am not saying it because we do not think it was the right thing to do; I am saying it because it is important to quantify it, so that people understand that we do not want to hurt business. We have just come through a period where we have given business £75 million of taxpayers' money in forgone revenue or in payments out.

200 If you are running a small bakery in town with two employees, you have not got £75 million from the Government. I understand that. You got your share of BEAT, which was paid directly to the employees so that you could keep them on. You have not paid rates in a period when you were not operating anyway, so it is not as if that helps today. I get that, but £75 million went to big companies and small companies – many of the bigger companies did not claim; medium-size companies and small companies – and that came from the taxpayer. So, when we go back to try

220 to get something which helps us to refill the pot, it has to be understood in the context not of a
Government that ignores the plight of small businesses and medium-size businesses and every
company in our economy; it has to be seen in the light of the Government that has given the
benefit of £75 million over the last two years to those companies and wants to continue to work
with the representatives of those companies so that now, when we try to recover a part of that,
we do it in a way that does not inflict pain or losses and it is done in a way that helps us all to
recover. We fought the pandemic together – the businesses, the entrepreneurs, the workers and
225 the Government – and we will work together to fight for the recovery of the COVID costs, but we
must take responsibility together also.

Mr Speaker, I am also happy to be able to tell the House that the Minister for Business will be
launching the Business Nurturing Scheme that the Federation of Small Businesses asked about in
the autumn – we believe by November – and that the new Fair Trading Act has already passed all
230 its stages with the Minister for Business and is now with the Minister for Justice, who is reviewing
it to ensure compliance with the Constitution, which is our internal process, and we expect it to
be on the statute book this calendar year.

On the issue of taxation of pensions and investment income for those who are not Gibraltar
'belongers', so to speak, I want to clarify that that measure is intended to cover those who are
235 non-Gibraltarians by birth and who would otherwise have been eligible for, or were holders of
previously, a Cat 2 certificate. These are not times to tolerate the best-off amongst us in our
economy contributing nothing to our public finances, but neither are we seeking to tax the
investment income or the pensions of people who have moved to Gibraltar but are not in that
category of the very rich.

240 On mopeds, I want to clarify that the target of the prevention measure for importation of small
bikes will be for those in the under-100cc range, which are the most polluting. Those are the ones
we are looking to ban by the new measure and which will have to be replaced by electric vehicles –
the most polluting, both in terms of noise and emissions. Of course, that does not cover vehicles
that are already registered.

245 Mr Speaker, in seeking the support of this Chamber for the Bill, I am going to now deal with
the speech of each individual Member and all of the points they have raised which need to be deal
with, and I am going to do that even though they have already said that they are going to continue
with their very poor tradition of voting against the Budget. They have already said they are not
going to vote for this, but I am going to reply on the basis of the parliamentary tradition being that
250 this is a debate about a Bill and that they have raised points which, if I reply to them in a
satisfactory manner, might persuade them to support the Bill. That is really what we dealing with
here in this House today. They have already said they are not going to support it because of their
principal view that the 300-page Budget Book, which everyone can look at, does not present a full
picture of the Government's spending. What utter nonsense.

255 Even though they do not treat this Chamber with respect, we do and we will; even though they
do not treat the public with respect, we do and we will; and even though they do not treat us with
respect, we will treat them with respect. We will break down their arguments, we will answer
them one by one as we break down their arguments one by one, and of course I am going to start
with the Leader of the Opposition.

260 The Leader of the Opposition said that I had temerity in calling the Budget a people's Budget,
that I should practise what I preach and that when I told people that we were on their side I slipped
my hand, whilst I was looking into their eyes, into their pockets. Well, why is this a people's
Budget? It is a people's Budget because it is a Budget that intends to do social justice, and I cannot
imagine that our people want us to do anything other than social justice. It is to get Gibraltar and
265 the Gibraltarians back on track to growth, to surpluses, to pay rises in the future. It is no act, it is
a fact. Maybe when the hon. Gentleman was writing 'it is an act' he left out the 'f'. It is a fact.

It is a Budget that protects pensioners. State pensioners have an 8% increase. It protects those
on Disability Benefit: they have an 8% increase. It protects even occupational pensioners of the
Government, who have a 2% increase. But, in particular, it protects those who are in the bottom

270 tier of earnings in our country, those on the Minimum Wage, who have an 8% increase as well. I
imagine that even the better-off in our society want to see people who are on pensions, on state
benefits, who are on the Minimum Wage, protected at this time. That is why it is a people's
Budget. And judging by the real-world reaction, it has landed in exactly that way.

275 Of course nobody wants to have their taxes put up. Let's be very clear, I am disappointed with
that part of the Budget – I am a taxpayer, too: who wants to come here to put up taxes on
everybody and on themselves? – but I am humbled and grateful for the literally hundreds of
messages of support that I have received over the way that have structured this Budget and we
have ensured it protects the vulnerable. Hundreds. Messages are not just those posted on social
280 media by a few hotheads. Whilst they seek that approval and comfort of social media, we will
continue in touch with real people and the organisations that represent them.

The hon. Gentleman then said some or all of these new revenue-raising measures would not
need to happen if the Government had been disciplined last year, if they had been disciplined
from the beginning. When he said that we had not been disciplined, when he said that everything
that Mr Feetham accused us of doing is what we have done, what he ignored – and it was there,
285 in my main speech, so it was not to be ignored unless you came here with a prepared speech and
did not really care about what you had been told or had not really looked at the Book in detail –
was that actually departmental expenditure last year was very controlled. Where we had an
overspend it was specifically demand led. It was not a lack of control. There can be losses which
arise from lack of control, from negligence, lack of diligence, or there can be losses that arise
290 because the price of something has gone up or the need for something has increased.

I am going to explain in detail what those overspends were. Indeed, I explained it in my main
speech, but Mr Azopardi was not listening – or he did not want to hear because it did not suit the
theory that he was going to sell, like the snake oil salesman that he is, with the headlines and
tabloid-style economics that he wanted to put out there. They have ignored those facts in order
295 to spin their speeches around the political arguments that they wanted.

It is not true that we have had to put up costs because we failed to control expenditure last
year, because it is demand and expenditure principally by an increased cost of fuel affecting our
Electricity Authority and increased demand for COVID-related expenditure in the Health
Authority. That is to say it is not a failure to control the GHA, it is that the GHA needed to do more
300 during 2021-22 than was foreseeable in February and March 2021 when we prepared the
Estimates. So the theory put forward by Mr Azopardi is wrong. I am not just going to tell him that
it is wrong; I am going to demonstrate to him again, as I did in my main speech, before I knew
what argument he was going to spin. I will demonstrate it to him again now in my reply, but
because I said it in my main speech, unless he could not hear me or could not read the text which
305 was published shortly after I sat down, or could not see where the overspends were, he must
know that he was wrong.

Mr Speaker, in keeping with your ruling, I am not going to accuse him of misleading the House,
but I think he must have come close. I will set out why I say that. He said this:

When anyone looks at this Budget and, importantly, last year's public spending, there are some big themes that
emerge ...

310 The first one he wanted to deal with was trust. He said I could not be trusted on the economy,
public finances or recovery. Again, he writes that down without thinking.

The economy? The economy and the public finances are two different things. The public
finances are the pocket of the Government; the economy is the activity in the whole of Gibraltar.
I just told the House in my main speech that we had bounced back immediately to a GDP that we
had in 2019-20 – indeed, we were slightly above it – so how can I not be trusted on the economy?
315 I do not think there are many economies that have bounced back as quickly as ours has.

The public finances or the recovery? Well, let's look at this question of trust. He said that I have
'no real plan, other than a very late and insufficient one, no direction, no willingness to address

issues and no clue'. There is a Jewish saying, that people do not see the mote in their own eye, that the things one says of another are the things that are true of you. In his speech there was no
320 plan, no direction and no willingness to address the issues, because he was saying, more or less, the only way to deal with the financial crisis in the world affecting Gibraltar is to change Fabian Picardo for Keith Azopardi, but he did not tell you what he would put up to recover the losses, he did not tell you what he would cut or not cut. Of course not: he has no plan, no direction, no willingness to address the issue and no clue.

325 Then he said that this was all a failure, a failure that is down to the Government:

a failure to control expenditure, a failure to control waste and a failure of discipline, which goes all the way to the top because there is a clear line of responsibility and the buck stops with Mr Picardo, who has political responsibility for the bottom line, no ifs, no buts.

I do have responsibility, the buck does stop with me, but this is not a failure of control or anything like that.

But before I get into the detail of that and break down where the overspends have been to show him that he is wrong, because I am following his speech chronologically to deal with the
330 issues that he dealt with I want to deal with one of the biggest underlying issues affecting the United Kingdom economy and Gibraltar, and that is Brexit, which is what he turned to next.

By the way, Mr Speaker, the pound is now much weaker than it has been against the dollar. All economists identify that that is principally due to Brexit and that inflation will be higher in the United Kingdom than in the United States, principally due to Brexit and the Fed raising interest
335 rates higher and quicker than the Bank of England, and that is itself a driver of inflation because the pound does not go as far as it used to. The price of fuel now, although it is high, is not as high as it has been in the past, and the pound does not go as far. So with the price of fuel at \$328 a barrel and the pound at \$1.20 – in fact, it dipped before the weekend to \$1.19 to the pound – you need more pounds to buy the barrel at \$300-odd than you did before, even if the barrel was at
340 \$300-odd when the pound was worth \$1.45.

So Brexit underlies everything, even for a country that already has an agreement with the European Union. We are still without a post-Brexit deal, six years after the referendum. We have been warning about lost opportunities for some time. Now, not only have there been lost opportunities but missed boats.

345 The New Year's Eve Agreement was a flimsy, eight-page, non-binding document of some form of Neville Chamberlain type triumph. Mr Azopardi says that the agreement that has actually kept the Frontier flowing ... I fully get the problem with blue ID card holders, but not just blue ID card holders – he only mentions blue ID card holders because they are the only ones who vote, they are the only ones he cares about – also green ID card holders and magenta ID card holders. We care about all of them: red ID card holders, blue ID card holders, magenta ID card holders and
350 green ID card holders, whether they vote or do not vote, because we take responsibility for everyone. He only cares about the blue because they are the only ones he is trying to carry the vote of. I get the problem with them and we are trying to fix it as soon as we can, and I get the problem with health – of course they are trying to put us under pressure, it is a negotiation; of course we get it – but to say that the deal that has kept the Frontier flowing ...
355

My God, Mr Speaker, I am looking at him and he is squirming already. Of course he is squirming already. He knows that his point was just atrocious. To compare that with the Munich Agreement that did not keep Hitler in Germany ... It is absolutely impossible to take seriously the things that the hon. Gentleman was saying. This is a man who told us that we needed to be like Northern
360 Ireland, except now he does not want to be reminded or remind anyone that he thought we should have done a Northern Ireland style deal. This is a man who said that the solution for Gibraltar's Brexit problem was to give control of Gibraltar's external relations to the President of the European Commission, with the United Kingdom out of the EU and Spain sitting at the top

365 table in the European Council. The New Year's Eve Agreement is no Munich Agreement, I am no Neville Chamberlain, but he needs to start thinking things through before he says them.

He said that instead of landing permanent rights for our citizens we gave away MoUs that were in-roads to our economic and social affairs; we accepted a permanent Tax Treaty that classed some Gibraltarians and some of our companies as Spanish tax resident, even when they lived here and did not do business in Spain. He is the hawk now and Joe Bossano is the dove. That is what he is saying, that we present MoUs to the Cabinet which we have negotiated and every step of the way is put to the Cabinet and every step of the negotiation is brought back *ad referendum* to Cabinet, that we present a Tax Treaty to the Cabinet – Joe Bossano in the Cabinet. Joe Bossano comes here, in this place and goes on television and says, 'Of course I accept them,' explains why he accepts them – and Joe Bossano has become a dove and Keith Azopardi is now the hawk. Even with COVID, Joe Bossano is no dove. Good luck to COVID: only one person is going to win that battle and it is going to be Joe Bossano, for sure. He is absolutely no hawk.

375 He is the man who, in a footnote to his treatise on sovereignty and the stateless nation, says that the modern Andorra is not joint sovereignty. Well, if he is a hawk, good luck to us. He is leading the party that said that perhaps one day they would recommend a modern Andorra solution to the Gibraltarians in a referendum. They are the hawks – hawks with no claws.

380 Nobody is going to be tougher than the GSLP Liberals on the fundamentals, nobody. We are negotiating with a European Union, that has no sovereignty claim on Gibraltar, a deal about mobility of persons and mobility of goods, so anybody who thinks that if the GSD were in government they would be driving a harder bargain really has not understood the modern political history of Gibraltar and who represents what. The underlying aspect of his theory is that you can negotiate more quickly and still defend more strongly the things that you care about, and do a deal sooner with more benefits and less risk and few problems. Well, this is a very tough deal to negotiate but the TCA has very little that would have benefitted Gibraltar. The TCA is about stopping fluidity of persons and stopping fluidity of goods. It is about creating barriers where there were none. We are negotiating the opposite.

390 When the hon. Gentleman says that we are on our own now and the UK has done its deal, which political reality does he need me to explain to him? We were on our own from the morning of 24th June 2016. We work on our own, in partnership with Britain, because our aims and objectives are different than the aims and objectives that the United Kingdom had for the United Kingdom in respect of a future relationship with the European Union, and it is being negotiated at a different pace. Of course it is being negotiated at a different pace – why? Because the European Commission refused to engage with the United Kingdom, at the suit of Spain, if the United Kingdom purported to include Gibraltar in its deal. If we had forced that, what does he think would have happened? That the United Kingdom would have crashed out of the European Union without a deal because it did not include Gibraltar? Can he get up and, shorn of rhetoric and telling the people the God's honest bare truth, tell them that he would have insisted that the United Kingdom not negotiate its TCA with the European Union unless Gibraltar was included, knowing and guaranteeing to the people of Gibraltar that the United Kingdom would stand by him and that the 60-plus million people of the United Kingdom and all its businesses would have crashed out of the European Union without any deal if the European Union did not agree to include Gibraltar, against Spain's whims? Is that the politics that he defends to the people of Gibraltar? I think the people of Gibraltar deserve to be treated like adults and to understand the truth shorn or rhetoric, know who we are and understand how we use our size to our advantage and not allow it to be what defeats us. But in that context, putting an economy the size of Gibraltar as the pivot between the European Union and the United Kingdom in that negotiation we would have been crushed in an instant.

400 So, blue ID card holders, who vote, green ID card holders, who do not vote, magenta ID card holders, who do not vote, and red ID card holders, whom we are beholden to, all of them matter to us, all of them are the people we will negotiate for. Every day, we spend hours on the issue of the non-red ID card holders, every day we are working to resolve the issues, but we do not want

to resolve them short term, we want to resolve them long term. That is the game we are in, the long-term solution of this issue for people and businesses in Gibraltar.

It is just not true that we have given away any rights in the Tax Treaty. It is not true. Joe Bossano would not have voted for a Tax Treaty that gave away rights. Albert Isola would not have voted
420 for a Tax Treaty that gave away rights. None of the people sitting on these benches would have voted for a treaty that gave away rights, but it was not just our views that mattered. We got a legal opinion from Sir Peter Caruana on the subject. So, frankly, let's be clear: were there, legally, any concessions in that Tax Treaty? No, there were not, we were told in that legal opinion. So who is going to be the arbiter or the best guide for the people of Gibraltar on whether or not we made
425 concessions? Is it going to be a man who was Deputy Chief Minister for four years, a Minister for four years and left that party to form another party, then came back to lead this party, having started in our party – consistency zero? Or is it going to be the people sitting in this Cabinet, former Chief Minister Joe Bossano – who has not been known to be soft on anything, including his Cabinet colleagues, as we all know – and the former Chief Minister and one of Gibraltar's best established
430 leading Counsel? I do not think that Mr Azopardi stands the proverbial snowball's chance in hell up against that opposition. When the time comes to do the analysis, however much he wants to ignite the rhetoric, however much he wants to scare people ... Scaring and fearmongering has been a big theme of theirs, for the past year in particular, in this debate. However much he tries to do that ... Of course there will be some who believe him and they will clothe him in nice social
435 media posts which he will enjoy and revel in, but not the majority, not the right-thinking majority.

When you think of Mr Azopardi wanting to give away the external relations of Gibraltar to the President of the European Commission and you think of his view that modern Andorra is not joint sovereignty, or indeed you shift across and go back to the former leader of the GSD, who, when he was leader of the GSD, although he was holidaying in France when we were creating the
440 artificial reef, told us that he was coming back ... He swapped his car for a white charger to bring him down the Iberian peninsula to help me deal with the new reef issues, and his help, as he told Radio Gibraltar, was that he would remove the reef, if he thought that would help. So the removal of 'reefy', which was Mr Feetham's highlight in external relations, or 'Andorra is not joint sovereignty, let's resolve Brexit by giving our external relations to the President of the European
445 Commission'. Those two – Tweedle Dee and Tweedle Dum – or Garcia, the Cabinet, Licudi, Bossano, Caruana and Michael Llamas? Tweedle Dee and Tweedle Dum, or that team? I think people will not give Tweedle Dee and Tweedle Dum much of a snowball's chance in hell.

Indeed, look at what happened here. Mr Azopardi did not reply on the Budget in terms of public finance. He said the public finance points would be picked up by Mr Clinton, who is the shadow
450 Minister for Public Finance, and then he had to have the sweeper for the Opposition pick up the other points at the end. So what did he do? He got up for an electioneering speech and said that of course they wanted a safe and secure treaty for Gibraltar.

Let's start to prepare the public for what is about to happen. If we come back with the safest and most secure treaty for Gibraltar, they will look for any aspect of it for which they can pretend
455 to have a light ... big up, exploit and use to scare people, to reject us and the treaty – us and the treaty, because that is really the point – pretending that they can do better, and say that they will go back to renegotiate and they will do better, and this is terrible, it is has taken six years, and whatever they come back with ... He has written his speech for the day after we show him the treaty already. It is clear: 'We all want a safe and secure treaty for Gibraltar, but whatever you
460 come back with, we will clobber it.' Of course they will clobber it; that is what they are ready to do. They are not going to give it any chance.

All they care about is reaching the chair at No. 6 Convent Place. That is why they are already misrepresenting the MoUs. That is why they are already misrepresenting the Tax Treaty. Well, I can only tell him one thing: he made all the misrepresentations of the MoUs and all the
465 misrepresentations of the Tax Treaty before a General Election, and when people analysed it and considered it he led the GSD to one of its lowest showings in its history. That is what he achieved by failing to put Gibraltar first, trying to interpose his own party-political benefit and trying to pull

the wool over people's eyes. The people out there will not have the wool pulled over their eyes. They will look at things themselves, they will make a determination for themselves in the round and they will not be ignited – except, of course, for a few hotheads and fools – by the flames of the hon. Member opposite.

The hon. Gentleman then went on by thanking healthcare workers. I suppose it sounded good. We have just dealt with COVID and he wanted to get up here to thank healthcare workers, but it was rank hypocrisy because in the next sentence he was condemning and attacking me for spending in the GHA. So he thanks the healthcare workers and the next thing he says is 'It is terrible that you have spent so much on the healthcare workers'. So, not only did he get his question of debt wrong, and overall debt and debt on the arrival of the pandemic wrong, he also has no logic about what he was saying.

He said that Government debt in 2011-12 was £480 million. (*Interjection*) That is what he said, but, Mr Speaker, you were ... I was talking about the financial year, but when we took over ... Can't he remember the leaders' debate we were in together in 2011, where Peter Caruana during the course of the debate said that the debt had exceeded £500 million? In fact, it was £520 million when we took over, and that was just direct debt. Company debt was not £20 million, as Mr Feetham suggests. I know that everything I say will be water off a duck's back for him, because he does not care. That is the sort of shame: whatever you say, I do not care. The facts do not matter. The facts and what the Chief Minister says are water off a duck's back. Has he forgotten the car parks? Indeed, has he forgotten the views he espoused about the Hospital – not in a company, but also, according to him, a debt? He is the one who made the argument that the PFI was a £110 million debt – £109.1 million. He says it is a debt, so how can he get the idea that debt was only £500 million? Just on that reckoning you are closer to £650 million, if you are doing the exercise the way they say they want to do it. I have done this exercise before, I am not going to do it again. I refer hon. Members to the *Hansards* of my earlier speeches dealing with the nonsense they raised about company debt, where I detailed all the company debt under them.

So there is no question of debt, by any measure of calculation, having been tripled before the COVID pandemic. Let's be clear. What they want to do – the exercise they are trying to do – is to scare people into thinking that our debt is unmanageable. That is the scare: 'The Government has raised the debt, the debt is unmanageable and that is why you have to replace him and put us there instead of him.' But it is not an unmanageable debt and it does not arise or get close to being unmanageable as a result of anything that we have done. Indeed, part of what we have the benefit of today, which we negotiated – the people they want to get rid of – is something they never were able to achieve, which is a sovereign guarantee from the United Kingdom for our borrowing, which brings our interest rate down on all our borrowing under that guarantee.

'But let's be clear,' he said, 'what happened next and over the last financial year has been absolutely staggering, a total overspend of £90 million – thirty-five million of those pounds by the Departments.' That is the reason why I cannot be trusted, he said – no discipline. And of course he personifies that not in the Government, he personifies that in me. I have spent the £90 million, I have spent the £35 million. Well, the buck stops with me. I am going to explain it, but it is not my spending, let's be clear.

Maybe it is because he did not expect the Estimates Book to be made public so that everybody could see it that he pursued those arguments. He might have expected people to be focused on just what he was saying, not being able to look at the Book as an aid to hon. Members' speeches and how to interpret them and how to demonstrate who has been economical with the truth. So let's look at what you can see from the Estimates Book.

First of all, it is called an Estimates Book for a reason. It is impossible in an entity like a government to predict exactly what your costs are going to be. You can predict what salaries are, based on salary agreements, but even that is not possible to predict because if you budget for 10 people to work for you and you say, 'This is what it is going to cost,' and one of them passes away and another decides to retire early, then you are going to spend less, even on the salaries you have calculated. You are going to have a capital expenditure if you pay the 12 times salary for the

520 death in service, so it has to be an estimate because the organisation is that large. So nothing is
set in stone in the Book; it has to be an estimate. Things can happen and that is why it is an
estimate, so my job as Finance Minister is to set direction for the estimate. I would like to see any
of the heads of charge when they were in charge that came in exactly as predicted. Of course they
do not; it is in the nature of an estimate that they cannot come in exactly as predicted. There are
525 some heads where you hold people to an amount, where the spending is for a purpose and you
do not agree to more spending because it is not demand led, it is not something which you agree
should be spent, but that cannot happen in areas like Health and the generation of electricity
unless you are prepared to stop giving people the care or putting the fuel into the engines. But he
does not get that. He says:

It is like someone who ran a kilometre two minutes slower than expected now saying that he will run it three minutes
faster than his personal best time.

530 Well, no, I am somebody who, between January, February and March 2021, predicted with a
team how we thought the spending could go, based on the information we had then, and in
March, a year later, sees the result of that, based on the decisions we have taken throughout the
year. What you have to analyse are the decisions taken throughout the year and whether they
were the right decisions or not. It is a marathon, it is not a one-kilometre sprint.

535 What they have to make their minds up on is whether the accusation they are levelling at me
is that we are providing too much – with the lavishness and the extravagance, are we giving too
much? – or are we not restraining enough? But then, at the same time, they tell us we are not
giving enough to the healthcare workers etc., or to the culture community, who want a theatre.

I said in my speech that the estimate of £552.8 million is ambitious for this year, but I also said
540 that it is important to set direction. Even though it is £16.5 million down on the forecast outturn
for the year, we are setting direction for this year because we are trying to rebalance the books,
we are trying to get back to financial discipline. When we do that, they say, 'Ah, you see, they are
going to cut.' If we do not do it, they say, 'Ah, you see, they are not prepared to cut.' We just
cannot win. I am setting a direction for controlled expenditure but now he is criticising me for
545 being unrealistic.

The reason we are trying to go back to 2019-20 is because that is the first pre-pandemic year
we have. It is the best pre-pandemic year. It is where our GDP has come back to. If we miss our
targets, it will not be for want of trying, but we are trying to set direction so that costs are
controlled. That is my job as Minister for Finance. I have to be ambitious in curtailing costs in areas
550 which are not areas where we need to spend, not allow things to escalate in terms of spending,
or else I will be accused of not controlling costs. It has to be one or the other. They have to make
up their minds.

They do have to understand, because there is another Estimates debate to be had, and I do
hope that they will learn from this Estimates debate and come back to provide better analysis for
555 the taxpayer next year. When you produce an estimate it will likely be exceeded or not met in
many of the larger budgeting areas. What would happen if I came back with a Budget that did not
seek to provide the control – the thing of which he accuses me, which is of trying to run the
kilometre even quicker than I did last year? He would be saying that I was not being ambitious
enough in the control that I was trying to provide for.

560 In my main speech I already told them the reasons why we spent more last year. High level:
fuel for the generators that provide our electricity and our standby support. That cost has been
driven up by inflation in the cost of fuel throughout the year. Yes, it has peaked now, but it has
been coming. Would he have stopped that? That is what he is saying. And second, additional
COVID costs for the GHA. In February and March last year we could not imagine that we were
565 going to have to continue testing for the whole of the financial year, but we did, with a lot of
additional COVID cost. Would he have stopped the testing? That is the issue. When he just, in a
cavalier way, says, 'You spent more than you expected to spend,' he does not want to analyse

570 what we spent it on, because if he would have stopped that spending he would not have stopped one party or one club-class flight. All of those things came within budget. In fact, there were precious few parties; I do not think there were any. What he would have stopped ... what he was telling the public was that the terrible overspend with which I should not be trusted was fuelling the generators to ensure that we had power, despite the odd power cut, and continuing the testing in the GHA. That is what, if he means it, he would have stopped.

575 We know that we wanted to stop the generators we have, but when you look at the numbers we paid £67.9 million in fuelling the cost of the generators, instead of the £55 million we had budgeted for. That is the almost £30 million difference out of the £35 million I referred to in respect of the GEA. I do not think it would have been brave or bold to stop that overspend. I think it would have been foolish to stop that overspend because then we would risk having power cuts because of failure of generation supply. Is that what he is saying he would have stopped? He does not like it, Mr Speaker, when I do the analysis, because it shows that the headlines he was 580 throwing to the wind are actually no more than ... they are not even hot air. This is, by the way – because fuel goes to the electricity bill and the amount that is paid into the GEA – in the context of an 8% increase in electricity this year and 16% last year, a total of 24%, when we found, on our arrival at No. 6 Convent Place, that they had agreed to increase the cost of electricity to everyone 585 in this community, business and residential payer, by 100%. How could the leader of the GSD have the gall to say that it is terrible that the cost of electricity has gone up in the past 10 years by 24%, when by now they would have put it up by 50%, – 5% a year for 20 years, a 100% increase? That is what they were hiding from the public. That is what the leader of the GSD was going to do if re-elected in 2011, and the leader of the GSD today has the gall to say that 8% is too much and that 590 there is an overspend in the GEA. He would have got rid of that overspend, he is right, but by not spending, because he would have put the electricity up in the past 10 years and they would be making a profit in the GEA rather than suffering a loss – and on a power station built in the Nature Reserve. Let's not forget that.

595 When people decide 'Do I have a good Government or do I not have a good Government? What is the alternative?', first of all there is no alternative. Second, the guys who said they were the alternative were going to build a power station at Jews' Gate. When you go up to Jews' Gate, instead of seeing Africa, instead of the Pillars of Hercules, you were going to see the 'Pylons of Hercules' spewing grimy, smelly diesel. That is what they were going to do. And they come here and talk to us about the environment? And they come here, when they would have put up your 600 cost 100% on your utilities, to tell us that we put it up to much? They are a political joke that has had its day. Let's be clear about that. Whether it is on the cost of utilities, whether it is on the environment or whether it is on spending, they have no arguments left. All of the arguments they run are counter to their own positions when they were in government.

605 What happened in Health? In February and March 2021 we planned for a year coming out of COVID, so we expected that by the end of the year there would be almost no COVID testing etc. We got it a little right, but of course we did not get it exactly right because something called Omicron happened. We once again saw flight cancellations, we once again saw increased testing, we saw lockdowns in different parts of the world – not in Gibraltar. How did we avoid the lockdowns? Well, we avoided the lockdowns with a lot more testing in Gibraltar.

610 We provided about a quarter of the COVID costs for tests etc. for the GHA that we had provided in the year before in the Emergency Budget of 2021, in terms of how much we knew then, by the COVID Fund etc. We provided £5.5 million for COVID etc. in the GHA, when previously it had been about £20 million, a difference of £15 million. So as the year went by, the GHA increased spending on COVID measures and decreased it as the pandemic receded. It did not recede a lot. We needed 615 to keep 111 operating until 31st March. We needed to keep testing. But they were not just doing testing in the GHA; the GHA was responsible for testing also outside the GHA. We were testing teachers, we were testing patients, we were testing nurses and we were testing passengers arriving at Gibraltar Airport. And yes, we were charging a subsidised cost, but not in every case

620 did we get our money back. And in the context of that we were operating two laboratories and providing security for those two laboratories, and we were providing security at the Airport.

625 Did we spend more than we expected to spend? Yes. Was that uncontrolled expenditure? No. When you add the different elements that I am talking about, you can see that the overspending is not uncontrolled spending on lavishness, it is not because I flew club class anywhere or anybody else flew club class anywhere, it is because of this, the real, necessary cost of keeping the fuel in the generators and funding the GHA.

This year we believe that we will be able to provide less cost to the GHA for COVID because we hope that it will now be a phenomenon that is dealt with in a different way, but look at the numbers in the United Kingdom today. Already people are saying you have to be cautious; will masks come back? That is what people are talking about.

630 Our ambitious estimates of controlling expenditure we hope will come true – and they should hope come true – but when you look at what we spent, £13 million overspend in the GEA and £15 million in the Health Authority, and he has accused us of £35 million of overspending, there it is.

635 When you are in this chair, which is the one that carries responsibility, and the chairs along here that carry departmental responsibility – responsibility for the Electricity Authority is with Minister Isola; responsibility for the GHA was with Minister Sacramento throughout the period – what would they have done? Would they have stopped the generators? Would they have stopped the testing? That is how you would have controlled the £35 million overspend, even if you had not gone to see the Pope, even if you had not gone to market Gibraltar, even if you had not done all
640 of the other business-as-usual things that you needed to do and had budget to do and came in or below budget for doing. What would he have done? These are the big-ticket items. These are the £35 million overspend that he talks about – not overspent on luxuries or frivolities, on lavishness or anything extravagant; spent on these things which were necessary. What would he have done?

I put it to him that either he would have acted exactly as we did and would have overspent by
645 £35 million or he would have vacillated, hesitated and been the proverbial rabbit stuck in headlights. If he had insisted on getting his Budget right, if he had said, 'Well, no, look, I'm afraid doctors, I'm afraid technicians at the GEA ... I'm afraid that because I don't want to be embarrassed by an overspend at the next Budget session – which matters to me more than the proper administration of this community and the safety of our patients, our children in schools, our
650 teachers and our doctors – because not being embarrassed by Fabian at the Budget debate matters more to me than keeping the generators running, stop the fuel, stop the testing, undo the COVID measures in the GHA, close the laboratories. I want to save that £35 million.' Is that what we would have seen in an Azopardi administration? That would have been bad government. Or perhaps, because he is going to emaciate himself by appointing a Minister for Public Finance
655 who will carry the purse strings, even if he had wanted to fuel the generators and keep the COVID testing, his chancellor, his Minister for Public Finance, would have said, 'No, because I do not want to be embarrassed by Joe Bossano in the Budget debate by overspending by £35 million. I do not care what happens to our people, I do not care whether they are tested, I do not care whether they have power; the numbers will come in according to the Book. The estimate will be set in
660 stone. It will no longer be an estimate, it will be a definite figure.'

That is the nonsense that they have suggested, that we should have cut off the generators and stopped all our GHA testing. Well, when you look at the issue with relief cover in the GHA, for
665 example – when you are in the middle of a pandemic, more people get ill and you have to cover for more people. That is why you have more relief cover. If you cannot get professionals from the United Kingdom or elsewhere, you have to pay the relief cover. We have to ensure that the posts are covered, in particular in a pandemic, even though the GHA then is not able to sometimes use those people because they cannot get the patients in front of the doctors to treat them. That is the reality.

670 Of course, it is difficult, if not impossible, to allocate costs in the middle of a pandemic, so last year we also had the costs of the year before, where we were receiving bills after 31st March 2021

in respect of spending before 31st March 2021, because in that period not everybody was invoicing as we would expect them to invoice etc.

675 He complains about recruitment expenses being £2 million instead of £900,000. What would he have done – stopped recruitment? This year there is a forecast outturn in the COVID Fund of £831,000. That is why it is there. Would he have stopped recruiting for our essential services?

680 He complains that we spent £270,000 on security services. Would he have left the labs and the testing areas shorn of security if something went wrong? Sometimes things went wrong and people got loud and had to be dealt with. So he would have left our health professionals without security but he would have brought it in in budget? And he complains about this £270,000 protecting the people who were providing that essential service. That is what he is doing. He is complaining that we spent £270,000 protecting the people who were providing the essential service. Mr Phillips tells us that morale is low in the GHA. I am not surprised. Morale must be low, seeing an Opposition that is telling us that we spent too much protecting our GHA professionals, that we spent too much giving them the tools they needed in the COVID period. Well, I believe in
685 protecting our people when they are carrying out essential roles. I believed we needed extra security at the vaccination centres. I was advised that we needed it and I approved the spending, even though it was in excess of the estimate. Is that an excess which relates, as he wants people to believe ...?

690 ‘They spent on lavish parties and travelling club class.’ The amount that they actually complained as overspent is not on any party, on any club-class travel, on any lavish project or any extravagant project. No, it is on protecting our GHA staff, on fuelling the generators, on providing the testing kits.

695 He complains about spending £750,000 more on the disposal of refuse. Where was he when we had the issue that we could not take our waste to *Los Barrios*? Where was he when we were in the middle of a pandemic and we sometimes had to replace people because they got ill and we had to pay overtime? Where was he when all these things were happening? It is all very well to complain, but what would he have done – sat on the waste? Is that his solution? He would not have paid more, and when the price was elevated, not just for us but for all who dump in that area, what would he have done? Said he would not pay the increase because it was going to
700 embarrass him when the time comes to have the Budget debate? Of course he would have paid. That is the rank hypocrisy of the approach they have taken. Of course he would have paid, or we would have ended up eating the waste in Gibraltar, or spending it in another way, sending it by boat to another country where the international conventions allow us to send it.

705 This is not about government in a bar, this is not sitting around with a few friends having a coffee and saying *por qué no lo mandas a Marruecos*; why didn't they send it to Morocco; why isn't it cheaper to ...? This is rank nonsense. The international conventions do not allow you to do things like that. That is why the overspend is there. Emergencies occur, we have to deal with them – that is why it is an estimate – and the idea that we have to be kept within the estimate 100% or otherwise it is mismanagement fails to understand the nature of government, which most of them
710 have no clue about but *he* was Deputy Chief Minister. The other one was Minister for Finance but was not allowed anywhere near the purse strings most of the time, but *he* was Deputy Chief Minister – unless he was just Deputy Chief Minister in name and nothing else and he knew nothing about the operation of these things. Of course we have to plan for Brexit contingencies and we have to spend on that; he would say we were irresponsible if we had not done so.

715 And then he tries to land a punch when he says:

To put it in sharper context, the Government is cutting the GHA's sponsored patient budget by £4.75 million this year, or over 30%, but intends to spend 50% more by way of the Chief Minister's entertainment budget than last year. The priorities are all wrong.

What does that seek to convey? It is pernicious in the worst possible way. What the Leader of the Opposition is saying is that I would sit in my office and say, 'Give me some of that money we use

720 to save people's lives sending them to the UK. I'm going to use it to have a party instead. Ha, ha, ha, ha, ha, ha!' That is what he is saying. It is rank nonsense, Mr Speaker – I am sorry to have to subject you to it, but that is what he is saying. The Leader of the Opposition suggests that *any* Gibraltarian in charge of this community would actually bring a Book to this House to deprive people who need healthcare of 30% of the moneys required and up the amount for celebration, champagne and canapés. That is what he is trying to sell. Nonsense! There are better words not parliamentary language to describe what he is purporting to say, and they relate to the excreta of the male cow.

725 Let's deal with this question of the increase in the entertainment budget. This is on page 23 of the Estimates that people can look at, under Protocol and Entertainment. That is not money to spend on parties, as the hon. Member likes to pretend. This is not about parties. This is about hosting individuals who come to Gibraltar, where we have to host them for a reason – a senior Minister, anybody who would come ... for example, a royal visit – all of the cost of that protocol and entertainment. What would he do? He would not entertain those people? He would not give them a meal? He would not treat them to a tour of Gibraltar, where we might tell them what is going on around Gibraltar?

735 He says, 'He is reducing the sponsored patients by 30% and increasing the entertainment budget by 50%.' Very easy numbers to work with. Well, last year we spent £80,000 on protocol and entertainment; this year, £120,000. It is not 50%, but it is about that. But last year there were severe restrictions on people being able to come to Gibraltar. There were times when there were no flights. There were times when, even though there were flights, people had to wear masks and get COVID certificates etc. and people were not flying. There were times when there were few flights. This year we expect more people will come. When those people come, do we completely ignore them? Do we not entertain them? Or do we put £80,000 and then overspend if more people come? And then the accusation will be, 'You've overspent on entertainment and parties'? Of course not. We estimate. But the estimate we are giving is less than in 2018-19 and 2019-20. In 2018-19 and 2019-20 it was £150,000; now it is £120,000. In 2015-16 it was £250,000. Why? Because we knew, that year, that we were going to receive a Prime Minister in Gibraltar and we were going to receive a Foreign Secretary in Gibraltar, and that requires additional cost and protocol. In fact, those visits did not go as we expected them to go, but we had other visitors on the back of the referendum etc. So rather than largesse, might he want to reconsider and realise that actually we are cutting back from £150,000 to £120,000?

750 What was the cost, when they were in government, of protocol and entertainment? Just scratching the surface, I can tell hon. Members that 14 financial years ago, when they were in government, they were spending £110,000 on protocol and entertainment. Adjust that for inflation: £148,000 is what they were spending. Unless you do that full analysis, there is no better way to describe what the hon. Gentleman tried to do than being economical with the truth, because he has not done the analysis of going back to see what they used to spend – indeed, what we used to spend before the pandemic – and see that we are still spending less.

760 He completely waved goodbye to the truth when he got up to give his speech. He completely ignored the truth when it stared him in the face and he sat down to write the speech that he then delivered. I know these are tough times, that tax is going up and utilities are going up. I am not flavour of the month – I am not flavour of the month at home, let alone anywhere else – but I trust the Gibraltarians. I know they will see through the yarns he tried to spin them, and the figures I am giving are the sorts of figures that will enable them to see that. Of course I am the one raising taxes for a short, defined period – never a popular measure – but when it comes to who to trust or distrust and they look at the counter analysis I am having to do, they will see that their numbers and their spin are not to be trusted.

765 Look at the sponsored patients budget. The hon. Gentleman has said we are cutting this by £4.5 million, down by 30%. Well, we are spending much more on sponsored patients than they ever spent, but does he want us to control expenditure or doesn't he want us to control expenditure? And does he not know that we are changing the way we do things with the United Kingdom on sponsored patients so that the cost of sponsored patients is likely to be lower – not

770 because we are going to make the cake spread more thinly across those who need the help but
because we are going to do more in Gibraltar? Hon. Members are the first to come out and say
the Government needs to move more quickly on providing the cardiology service in Gibraltar, the
Government needs to move more quickly in providing the urology service in Gibraltar, the
Government needs to move more quickly in repatriating the service: 'The charity is right, the
775 Government is wrong. This person who has come out saying something is right, the Government
is wrong. You must be doing this more quickly.' When we do it, and we therefore have fewer
people to send to the United Kingdom, should we not also cut the sponsored patients budget?
We are not going to pay sponsored patient sums to people who are treated at St Bernard's
Hospital. It does not make any sense.

780 Of course, none of what we said about repatriation etc. is going to be helpful to the hon.
Gentleman in making the analysis he wants to make, because he wants to talk about the cutting
of the sponsored patients budget even without doing the analysis, and actually it is likely to be
fewer sponsored patients because of the repatriated service. But if there are more, we will spend
more. We will overspend the budget on sponsored patients if we need to pay sponsored patients
785 more sums for them to support themselves, because it is a demand-led head. So, when you cut it,
there is no risk to any sponsored patient that they will not have the money they need if we reach
the maximum allocated amount because demand requires it. He should know that – he was
Minister for Health, or didn't they let him anywhere near the accounts when he was Minister for
Health? I would not be surprised.

790 Anyway, Mr Speaker, I made those points because I think it is fundamentally important. The
hon. Gentleman said that the whole issue was an issue of trust and I could not be trusted because
I had failed to control the expenditure by £35 million in the Departments. I have to make the point
that actually he would have done the same thing and allowed that overspend of £35 million, which
I have just analysed for him, or he would have been doing a very great disservice to the whole of
795 our community and the GHA in particular. Of course, he talked about £90 million, not just
£35 million. The £35 million was departmental overspend. What about the £90 million in total?
When you take out the £35 million, you are left with £60 million, which is the forgone revenue,
which has to come in from the fund. Well, £30 million of that is the amount I told them is the
forgone revenue on Import Duty without tobacco, and then there is another amount which, of
800 course, relates to revenue from excise duties, which includes dutiable items like tobacco and
alcohol etc.

I want to do an aside here, because sometimes in our community people feel holier than thou
and I just want to remind people that in *The Wealth of Nations*, which is a treatise on economics
which is now centuries old but is still considered to be the classical text, Adam Smith said this:

Tobacco might be cultivated with advantage through the greater part of Europe; but, in almost every part of Europe,
it has become a principal subject of taxation.

805 That is a direct quote. So there is, therefore, no shame for this community in the legitimate duties
we get from tobacco.

But coming back to the hon. Gentleman, I do not know what he has been smoking in order to
come up with the speech he came up with, but certainly, having done the analysis that
demonstrates to him that of the £90 million, £35 million – which is the overspend – relates to the
810 fuel and the GHA, £30 million relates to duties not from tobacco and the excess relates to other
such costs, I hope he is clearer now. I hope he understands that there is absolutely no
mismanagement on the part of the Government and no failure on the part of the Government to
control costs in this biggest crisis in world public health in a century.

815 Mr Speaker, when he then descended into referring to my visit to His Holiness the Pope in the
Vatican, I thought it was in very bad taste. I do not believe that I have to seek financial forgiveness
and confess economic sins. Neither would a pope be interested in hearing about Gibraltar's public
finances, I am sure. And no, I was not seeking divine inspiration, as he said, to illuminate my

financial path or request an economic miracle, which is what he says is what we need now. I thought it was in very bad taste. I wonder, though, whether his bad taste and less-than-amusing
820 sense of humour was on display in the Cabinet in 1998 when the former Chief Minister went to see St Pope John Paul II and whether he asked him whether he had gone to seek forgiveness for anything, or whether he dared to ask Sir Peter – Peter Caruana, as he then was – whether he had travelled club class. In fact, the two press releases that were issued by the GSD Government at the time when Sir Peter went to see His Holiness St John Paul II and then His Holiness Ratzinger,
825 one of which related to a Government which he was in, said that it was a great privilege for Sir Peter and a great honour for Gibraltar that the Chief Minister was being received by His Holiness the Pope. What is the difference? Is it not an honour for Gibraltar that the current Chief Minister should be received by His Holiness the Pope?

As Sir Joe Bossano says in his excellent Budget contribution, which I hope all hon. Members have read – I am sure Mr Clinton has read it; I am not sure all the others have – and which I hope we will have an opportunity to hear Sir Joe, viva voce, very soon deliver with that usual gusto and the asides that make him so excellent an orator ... As Sir Joe says, what they do in government is what they condemn us for doing in government. What they do is right when they do it; when we do the same thing, it is wrong. It is that simple and the public need to know, because what the
835 public need to realise is that every time this lot get up and say that we are doing something that is terrible, they have done it before and probably twice over. That is the reality.

Did he complain, Mr Speaker? I am genuinely interested to know. Did he jibe at Peter Caruana when he sat round the Cabinet table after he came back from seeing the Pope? Did he say, 'Did you go and ask for a miracle, mate?' Oh, no, hang on, Mr Speaker, I forgot: they did not have a
840 Cabinet table, theirs was not a collegiate Government. But we do have a Cabinet table. We do things in a different way, we do them in the right way, and people will understand that, as they have in the last decade, even though at the moment we are doing things which might be unpopular. But they will also understand the rank hypocrisy that characterises everything that hon. Members say and do.

What I am detecting is that their discourse is not even led by them. Pick up a couple of statements on social media and 45 minutes later you have got yourself – hey, bingo! – a GSD press release. Sometimes I do fear that they fall into the trap of dog-whistle politics, but a lot of the time it seems to me that Facebook is their dog whistle and they react to that. They come to politics without ideology, without argument. They come with clear ambitions to take our jobs and a box
850 of matches to ignite dissent and opposition wherever it may be. They are not leaders; this is a team of followers.

We respected the visit of the former Chief Minister, when he was leader of the GSD, to the head of state of the Vatican as a head of government. Sir Peter's religion is no secret, but his visit was not a religious visit; it was a political visit from one head of government to another head of state, and in our case it was also a visit from a head of government elected by the people of
855 Gibraltar to a head of state elected by a college of cardinals.

The difference, of course, is that the hon. Gentleman's references to that visit – which I have just referred the House to, to remind people – were dripping in malice. That is the reality, and everybody can see that: dripping in malice, like his references to TNG and the Eastside project and the Bayside project. He said:
860

This is a cash-strapped Government that is not only selling the family silver and looking for benefactors for its financial mistakes ...

Selling the family silver? When we were elected, they had sold the Eastside plot to an entity. They talk about a mortgage, I talk about an investment. They had sold 150 post-war flats. That is selling
865 the family silver. We bought back the Eastside plot (*Interjection*) – which the hon. Gentleman says, from a sedentary position, we should not have done. Okay, well, we bought it back for £28 million

and have sold it for £90 million, so I think we did a good deal. They had kept it without development for more than a decade, so I think we have done exactly the right thing.

870 But I can sense their frustration. I get it. I know they have a problem. Mr Clinton, Mr Feetham and Mr Azopardi have a problem. We may have done a very good deal for Gibraltar. The plot may be about to start taking off into development. One of the plots, the Bayside plot, is already in development, in the sense that the two schools that we get in exchange for it are starting to go up, the Earl and Countess of Wessex inaugurated the Wessex Campus and the children move in next September. They have a problem. They were planning an election with those two new
875 schools not ready. Damn it, the Government is going to do it! Of course they have a problem with TNG. They have to say everything they can to try to stop TNG from completing in the Eastside plot.

Mr Speaker, whilst I am talking about the Wessex Campus – which has become a little bit of a tongue twister for me – I want to assure the people who will have their homes next door in what was the old Westside School, at Chatham Counterguard and in Bob Peliza Mews, that of course
880 we are going to build those estates and we are entirely committed to them, we are going to see the demolition start and I have set out a timetable for it. I do, once again, recognise the heartfelt petition that I have received, so I look forward to meeting with the organisers of that petition to talk to them about why the delays have arisen, which I have explained on a number of occasions – it has been impossible to sign those contracts during this difficult period – and assure them that
885 we are going to do everything possible to ensure that their homes are ready as soon as possible and that changing government is not going to do anything to help things move quickly. I have already apologised for the delays and I look forward to seeing the work start.

In relation to the Eastside, the other TNG project, the hon. Gentleman went through a list of reasons why he said we did not do things properly. Actually, we did things exactly properly and
890 we engaged with TNG to get the best for the taxpayer. In terms of breaching any tender rules – although none were broken – can I remind hon. Members that I do not like to be the one raking up the past, because people are interested in what is happening in Gibraltar today, but the past is a guide to the future. The hon. Gentleman did his first degree in history. We cannot ignore history, even his and his party's history. They are the ones who breached European tendering rules when
895 they gave one contractor, outside of tender, a £1 billion Government contract in breach of EU rules. When I asked a question in this House, the Government did not answer, and they did not answer for a very good reason: because the answer was that they had breached EU rules, as I found out when I was elected. I was right when I asked the question, and when I looked I was right in what I had asserted. So they cannot come here to accuse us of breaching tender rules – Gibraltar
900 tender rules or EU tender rules – because we have not breached them, but if they do come here to make that allegation against us, they must do so with their fingers crossed behind their backs because they were the ones who did it in a £1 billion contract.

By the way, I am pleased that Mr Clinton has said from a sedentary position that we should not have undone the Eastside sale that they did for less money, the £28 million plot, because that had
905 a marina as well. I do not expect them to come out now and say that they are against the marina on the Eastside if they did not want us to undo the contract that they had done, which had the much taller towers and the marina on the Eastside. I want to thank Mr Clinton for that very helpful political point that he made a moment ago and remind them that a marina has been on the cards on the Eastside for many years, indeed since the time of the late, great Solomon Serruya – may
910 he rest in peace – who was the Minister for Tourism who first suggested the marina on the Eastside.

A marina on the Eastside will be developed in a manner that will not affect Catalan Bay in the adverse way that some have suggested. I look forward in coming weeks and months to meeting
915 not just with the developers but also with people from Catalan Bay who have expressed those concerns whom I have not been able to meet yet. Indeed, this year it has been some months since I have been able to go down to Catalan Bay, have lunch and enjoy Catalan Bay, because of the pressures of work, but I do hope that I will be able to do so. I will add my voice to those who say no to the marina if it is going to have an adverse consequence on Catalan Bay, because we are

920 saying yes to a marina which will not have an adverse consequence on Catalan Bay, in particular in the way that some perhaps genuinely have a fear it will have.

Mr Speaker, let's be very clear. I do not think Mr Azopardi cares whether what he says or does not say about TNG affects the possibility of TNG completing or not completing on this deal which will produce £90 million in cash for the Government but will also produce huge benefits for the rest of the community, not least another hundred affordable homes, not least a small boats marina, not least a car park that will be very useful for people going to the beaches in that area, not least all of the other benefits and the economic consequences which Sir Joe equated to a doubling of the GDP over a particular period of time, 10 years. They do not care. They will risk all of that if they think they can use it somehow to bring down estimation of the Government. He will do anything, any deal with anyone, to beat the Government. He will make any allegation of anyone to beat the Government. He will do anything to fulfil his ambition. That is the Opposition that he delivers today: all out for himself, all out for themselves, none looking out for Gibraltar.

935 He says Gibraltar is in deficit because of Picardo's lavish spending and COVID is an excuse. COVID is an excuse? A hundred and four Gibraltarians dead, millions of people around the world dead, economies closed, people in hardship: COVID is an excuse? That is absolutely shameful. For a Leader of the Opposition to have been careless enough as he got carried away writing his address to write those words is absolutely disgraceful and it says more about him than it does about anyone else.

Mr Speaker, Gibraltar was in deficit before, in the past 20 years. This is not our first deficit. We were in deficit under the GSD. That was a self-inflicted deficit. It happened in his time in office. 940 The deficit related to the period 2003-04. He was in office in 2003 in the GSD. What was it that gave rise to that deficit? Was it COVID? No. Was it Brexit? No. I will tell you what it was: it was the 2003 General Election, or the run up to it. Of course, when they have a deficit, it must be entirely excusable, entirely acceptable, entirely proper – it is the proper management of our finances that Gibraltar was in deficit under the GSD. When we are in deficit after COVID and after Brexit, it is 945 because of my lavish spending and my failure of control. Calpe lives matter, Mr Speaker, as well, you know. A little bit less of the discrimination against the GSLP Liberals simply because we did not join the blue and yellow party and we joined the red and white party.

How can they sit there and say that their deficit was fine, our deficit is bad? Their deficit was exclusively about lavish spending, about extravagance, about giving people jobs, about organising things to bring people with them, and then: General Election. That was the deficit that was. I do not know why he did not stand in the 2003 General Election. I do not deal in rumours or in gossip, but the rumours and the gossip say it is because he said he wanted to take over the leadership and Caruana said, 'How's your coco.' You don't stand a chance.' Four years later he was leading another political party.

955 But the first deficit of this millennium was a GSD deficit. He was a Minister in the Government that delivered that spending which led to the deficit. There was no world financial crisis, which came in 2008. There was no pandemic, which came in 2020. There was no Brexit, which came in 2016. And he was a Member of the Government that drove us to deficit, a Member of the Government that had no discipline, that had no control on spending, that spent public money to win a General Election, to mount up the votes under a mountain of deficit debt, as Mr Feetham accused us of doing. Of course, in those days Mr Feetham was accusing them of exactly that, because he was then leading the Labour Party. Shortly after, tail between legs, he had done the complete 180 and was with those who had incurred the deficit. And what were they doing at the time the deficit was incurred? Reining in expenditure? Five point two per cent increases to the public sector each year for three years. Inflation in those years: 4%, 2%, 1%. General Election in 960 between. Come on! Tell it to the marines.

When you look at that and you look at the argument that the question is where did we arrive at this point of departure to the pandemic and you see that at the point of departure even to no pandemic, no Brexit etc. they were taking us to deficit and at the point of departure to the pandemic we were in surpluses and we were in surpluses even after the Brexit referendum, then 970

you have to realise who are the better managers of the Gibraltar economy. It is this Government that is the better manager of the Gibraltar economy because we do no lavish spending, we do no extravagance, we do proper management and controls but we spend where we have to.

975 But then the hon. Gentleman pretends to be an advocate of the golden rule that we should not spend more than we have in revenue, but actually do we do all the things we need to do in order to have an economy that produces the revenue, that can enable us to maintain the golden rule or not? Well, actually, I think we both would. When push comes to shove, he would have done all of the things that we did to bring the economy back to normality. The first sign of our success as a Government and of our strategy as a Government is not whether we are in deficit or
980 surplus, it is that the economy has come back. Just as I told you before, Mr Speaker, the bounce back means that all of the levers we pushed, all of the money we threw into the economy beat forgone revenue of import duties etc., forgone rates. That delivered that businesses came back like this, a little bit higher than 2019-20. That is what is going to take us back to the golden rule, because those businesses eventually ... They still have pandemic losses which will be in their
985 corporate accounts for the next 18-24 months, but eventually those businesses will be producing income for the taxpayer through the tax receipts that we get from them; so will their workers etc. Then our revenue, when tourists come back and they start buying stuff in our shops etc., will be back to where it needs to be, and then we can ensure that our expenditure matches below our revenue, which has always ... In my time in office our revenue has always grown more than
990 expenditure, except for the pandemic period. So we are embarked on a process to properly comply with the golden rule, which has had to be suspended in this period with Sir Joe's agreement.

Then he says in order to comply with the golden rule, what you have to do is cut costs, but he says nothing about which costs to cut – apart from club-class travel, which they say is the thing
995 we need to cut. If we cut club-class travel, we might save £20,000 a year. We would not travel to those meetings we cannot get to without traveling club. Our rule is to travel economy, but if we have to, we travel club. If we cut club-class travel and do not travel to those meetings we might save £20,000 throughout the year. Of course it is a start, but it would not be a good start if we did not attend meetings that we have to attend because we could not travel club class. That is how
1000 shallow the Hon. Mr Clinton's analysis is: if you can save £20,000, save it, even if you do not travel. If you are going to a Commonwealth Heads of Government meeting, if you are going to meet on the Brexit issues, if you are going to meet on any of those – if you are going to meet the Prime Minister – what do you do? You do not go? You say, 'Sorry, Prime Minister, easyJet don't have a flight until the day after tomorrow – I can't go today'? That is the sort of shallow analysis you get
1005 from Mr Clinton.

But if you have to cut, you have to cut millions. Where are they going to cut? They talk about cutting but they never say where. They talk about controlling costs but they never say which service they would not provide. On that, they are quieter than a prostitute. I suppose Mr Azopardi would say that he would leave all of that cutting to his chancellor. Well, his chancellor did not tell
1010 us what they would cut either. When it comes to telling us what he would cut, he is as brave as he is charismatic. That is the reality. Would he have cut the daily LFTs for teachers, nurses, care workers and doctors? Would he have cut the fuel to the power station and turned off the lights? Which costs would he have cut? Silence. '*Mudis*', which is what my mother used to say I was when she caught me out in something and I had no good excuse. '*Mudis te has quedado*.'

1015 Mr Speaker, if you are not faced with the day-to-day pressures of running Government, it is very easy to sit there and say, 'I would have cut this, I would have cut that.' Of course it is easy to do that. Of course we accept that things are not going 100% right. Of course we accept that the Hospital and the Health Service are still dealing with the restart and recovery in a way that is not satisfactory yet. Of course we accept that. That is what we are working on. We are working to fix
1020 that. In every country in the world that is happening. Do we believe Gibraltar can be a health bubble? Of course not. Nobody is more frustrated than the professionals in the Health Service who are having the problems they are having in getting to their patients. We have to fix those

1025 things, but on the key issue of cutting costs they tell us to cut costs and provide more services –
not that there is any other way of cutting costs in the Health Service, which I will come to in a
while, because Mr Phillips told us that there is only one way to cut costs in the Health Service,
which I will come to in a while. Maybe that is why they do not tell us where to cut costs in the
Health Service or anywhere else, because they do not want to indispose themselves with anyone,
or because Mr Phillips is right. I will come to what Mr Phillips said later.

1030 One minute he tells us he believes the golden rule, the next he tells us that we have borrowed
too much and the next he tells us that we need to cut costs etc. He is just flip-flopping over
everything because he cannot stick to a direction that is required for our community, which is
difficult but which we have to make stick. This is like going to the doctor and saying, ‘I have a
problem in some part of my body,’ and the doctor, instead of saying to you, ‘I am afraid this is
something which is quite bad, it is going to require an operation, it is going to require some painful
1035 treatment and you need to prepare yourself because you are going to go through a few months
that will be very difficult, but at the end of it you are going to be back to normal’ ... That is what
they would get if they came to me, but from what he is telling us he would do to the patient, he
would spot the problem and he would prescribe Lucozade and a bit more candy, and the patient
would smile and be delighted with his doctor. We have to do the hard things and we have to do
1040 them together.

That is why I revealed the deficit immediately I got the Book, because people needed to know
and it is my obligation to tell people what the state of the finances is and how we are going to fix
it, but it is not because we built new schools or new sporting facilities or better healthcare facilities
which are not yet working as we want. That is not what led us to the deficit – unless he is saying
1045 that he would not have done any of that; or is he saying that he would have built them bigger,
quicker and cheaper? I guess that is an argument they could make for 10 minutes until everybody
saw through it, but again they do not tell us which of these things they would not have done.
Would they not have refurbished the estates? Would they not have built the affordable homes?
Which would they not have done? What are the things at the point of departure on which we
1050 spent money that they would not have done? Again, quieter than a prostitute, as the saying goes
in Spanish. Heck, his Shadow Minister for Culture is saying that it is disgraceful that we have not
built the theatre at public expense already. They are saying it is disgraceful that we have not built
the theatre at public expense already. So what is he saying? That we should have borrowed more
to do it? And he says I am the one fiddling whilst Rome burns.

1055 They are not giving us any indication of what they would not have done. What they are doing
is what they accuse us of, as usual: spin, spin, spin. They have become utter centrifuges of spin.
They should audition for the large hadron collider – they are spinning like never before. But I do
not appreciate people thinking that any of what they are saying is getting through, because people
can see through this. The counterarguments are this straight and simple. They are that clear.

1060 Of course, if you do the things that the hon. Gentleman says and you do not apply the increases
that we are applying this year, and he provides no alternative increases, what is going to happen
is that next year you are going to have a higher debt because you are going to have a higher deficit
accumulating. So he neither tells us what he would cut to reduce costs, nor does he tell us what
he would put up to increase revenue. Nothing on that – nothing. So what would happen is we
1065 would have more debt and then it would be harder to get back to the principles of the golden rule.
And then the question is what would happen: they would have to put up taxation more and they
would have to put taxation for longer.

We do have a plan to manage the debt which is prudent and sensible. I will come to him in
detail in a few minutes, but Mr Clinton says, ‘You have no plan to manage the debt, no debt
1070 management plan, but I would like more details of your very interesting debt management plan
that you have just talked about.’ I could not believe my ears, Mr Speaker, the contradiction – it
was like day and night surviving in the same speech.

We believe that in two years we cannot repay the COVID debt – of course we cannot – but we
can right the ship, we can get it back to complying with the golden rule and we can manage the

1075 payment of the debt over a longer period in a very manageable way so what we are leaving for
future generations is not an unmanaged, very high debt that is going to lumber them; actually, it
is a beautifully managed debt which will be very controlled in the costs it will give rise to, so that
the Gibraltar economy, on any day, will be producing enough to finance that cost in hours at the
beginning of each month.

1080 What do they do? Silence on cuts, silence on what to put up, navel gazing, creating a bigger
problem and just predicting doom because it is helpful to try to defeat Picardo. The right thing to
do is what we are doing: leadership, leadership, leadership, not sitting on your hands or biting
your nails, as he is now. Indeed, Mr Speaker, although when I get to him I will quote him from
1085 Mr Feetham said this year when he said that only *part* of the problem we are facing this year has
been caused by our spending. Even in resiling from his position last year, Mr Feetham accepts,
even in his speech this year, that only part of the problem is caused by us.

Now, Mr Speaker, in continuing to deal with the Leader of the Opposition, I reach perhaps what
I think is the lowest moment we have reached in this Parliament in a long time, certainly in the
1090 time that I have been here, and probably the most shameless, despicable statement uttered in
this place since its inception as a debating Chamber. The hon. Gentleman said:

This is not the people's Budget. It is to hold the people up by the side of the road like a 15th- or 16th century
highwayman [...] I know how fond the Chief Minister is of straplines ... a break with the past, a great leap into
modernity. The only relevance to his Renaissance reference is that there were plenty of highwaymen robbing the
people in Renaissance times as well. And this is all this is. This is the highwayman's Budget ...

I think I have demonstrated over the last two hours how the overspend arises, but what is a
1095 highwayman? A highwayman is a thief. If the hon. Gentleman has one iota of evidence that I have
stolen anything, he should go to the Police today. He should not wait even for the end of the
debate. He should call 200 72500 and he should report the theft to the Police. He needs to put up
or shut up. Painting the leader of this community, of whatever political complexion he may be, as
a thief in this House is a disgusting new low. It shows disrespect for Gibraltar, it shows disrespect
1100 for the office that he actually craves. I do not think that this debating Chamber has ever found
that those charged with looking in detail at the Estimates of our public finances for the future and
analysing them in detail are left with so bereft a position when it comes to finding argument that
the only thing they can say is that the Chief Minister of Gibraltar is a thief and a robber. He may
think that he can create that nuance in people's minds, that innuendo that I am a thief, and that
1105 that will help him because they will see Azopardi the holy one and Picardo the highwayman and
thief, and they will choose Azopardi at the election – that must be what he is thinking – but it is
not going to work.

We have stolen nothing, we have given everything. Every day we give everything, and if we
thought that we were giving everything after the referendum we gave more and we found more,
1110 and after the pandemic we gave more and we found more – more energy, more ability, more hard
work – but we have stolen nothing. We are thieves of nothing. We are honest workers. There is
no highwayman on these benches. We are working for our people and we are doing our best for
our people. If anything, we have added taxation in an area where they forwent it, at the top –
where they allowed those on huge salaries of over £½ million, of over £150,000, to get away with
1115 paying 5%. We have upped that and created social justice there. We are taxing Category 2
individuals who were avoiding payment, and the lapsed Category 2 individuals.

Mr Speaker, if I am any outlaw I am Robin Hood, but I am not a highwayman. I am used to
being called names. I am used to being completely deprecated and disrespected by them. It is
back to the same old character assassination. I guess because his pernicious pen was one of those
1120 that did so much work in 1995 and 1996 he thinks that he can do to me what he successfully did
with his colleagues to Joe Bossano and to others between 1995 and 1996, which is complete
character assassination. That is the GSD way. That is what they are trying to do by calling me a

1125 thief and calling my colleagues thieves. It is not going to work anymore. People can see through
it: the cheap GSD character assassinations. No allegation is too low or too outlandish for them.
You can feel them spitting poison as they write these speeches. They called me unfit to govern in
2011. Nobody would agree with that now. They are calling me a thief today. Well, we will see what
the judgement of the people really is, because none of it was true. Joe Bossano did not deserve
the things they did to him in 1995 and 1996. No one in this Government deserves to be called a
1130 thief. Scratch below the surface and you find the same old GSD, all of the '*mala leshe*' but none of
the brains that Peter Caruana brought to it.

The people of Gibraltar know who I am, they know what I do. They know that every day, every
waking moment I spend defending our country tooth and nail, like every Member of this
Government, like everybody who has the privilege to lead. We worked harder than ever in COVID.
I know that people are desperate to get COVID out of the way, I understand, but never has a
1135 Leader of the Opposition been so desperate. Perhaps it is because of his own inability to ever
break through with the public, and yet his driving ambition to get to Convent Place ... Maybe that
is what made him stoop so low as to call the Chief Minister of Gibraltar a thief for exceeding the
Budget to keep the generators and to keep the GHA testing and with all its kit. That is how low he
would go. Imagine how low he would take us if he had the levers of power, because for all of the
1140 pretence of temperance he brings to politics, actually he has behaved in more pernicious a fashion
than any other Leader of the Opposition in the past, that disgusting new low from which the
Hansards of this place will not recover.

A man who cannot persuade with facts has to fall back on untrue innuendo to seek to persuade
the masses with pure, unadulterated demagoguery. All he can do is light these dynamite sticks,
1145 hoping to create a fire in public opinion. All he can do is sling mud. All he can do is exaggerate
debt. All he can do is stoke fears. The Gibraltarian public is far too clever. Some people might
believe the nonsense talk about my villa in Portugal which is being developed by a developer who
is going to gift me the keys because they get contracts, just like they believed ideas of castles in
Portugal many years ago, but these untrue defamations will not actually really ever take off –
1150 maybe with some social media fools. But to call the senior elected representative of the people of
Gibraltar a thief ... I thought I would only ever see that from Margallo, Rosetti and Vox, not from
Keith Azopardi. Where is the Keith Azopardi I met 30 years ago? Where are those lofty ideas he
sells of who he is? It is below the dignity of the people of Gibraltar, who deserve to be treated
with more respect by their elected politicians, to come here to call the leader of the Gibraltarians
1155 a thief because he has raised taxes.

The Leader of the Opposition has taken £64,336 from the people of Gibraltar in the financial
year just gone – pocket money for him because he has another job – and he comes here and
makes that speech. Well, if anything is daylight robbery it is £65,000 for the job he does as a
second job. Together with the six Members they represent on the Opposition, that is £255,000 a
1160 year that they have taken us for. Is that value for money for the Gibraltarians? I think you must be
joking. Four out of six of them are in current legal practice and these amounts are just additional
fees for them, to fit in politics on the side of their lucrative jobs. That is why what you are seeing
there is not an alternative government. They are living an alternative lifestyle to most of the rest
in our community. They are making hay whilst the sun shines and taking home the people's money
1165 as pocket money – and he comes here and goes that cheap. His best line, the headline, is to call
me a highwayman. I hope *he* found it funny. I am very disappointed as a Gibraltarian, I am very
disappointed as a former colleague because we sat together in politics, and I am very disappointed
as a parliamentarian. Today, in this time and generation, at this difficult financial moment our
people deserve better, a thousand times better, a thousand times more serious and a thousand
1170 times more effective. And this is the man who says he should take over the Brexit negotiations?
Come on!

The good thing is that the people of Gibraltar do not need to wise up to him. They know who
he is. They rejected the PDP twice when he led it – although at least we do have to thank him
because he did help us to beat the GSD in 2011, for which I do thank him. They rejected him

1175 massively when he led the GSD at the last election and time will tell what people will do at the
next election. I never take the electorate for granted. *They* have already said that they are going
to win the next election. I do not say that we will. The public will decide when the time comes. But
in the old days, when he and Mr Feetham used to lead other parties, they used to say to Sir Joe
Bossano three strikes and you are out. Well, he has had three strikes. Doesn't he feel that he
1180 should practise what he preached? Three strikes and still trying: so desperate, so frustrated and
so incapable of winning by the rules. Indeed, he stoops low and then he deploys his parliamentary
thug, the sweeper of the Opposition, to break the parliamentary rules –

Mr Speaker: I do not think you should say 'thug'. You must withdraw that.

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Hon. Chief Minister: Mr Speaker, I will withdraw it unhesitatingly: the sweeper of the
Opposition to do parliamentary thuggery to the Rules of Parliament and to try and win an
argument outside of the Rules. The only thing I would say to them is that I can see which playbook
they are pursuing. Donald Trump would be proud of them, but their assault on the Capitol will be
1190 as successful as Donald Trump's was. It will leave a lot of casualties but it will not succeed.

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The people of Gibraltar know better. Their Chief Minister is no thief, their Chief Minister is no
highwayman, but their Leader of the Opposition is a loser – three times a loser already and
counting – with a cloud hanging over him from the time when he was last a Minister and all of the
issues that related to how he managed his business then. I would say to him one thing: I believe
1195 that he is one of our prized assets in politics these days. I know that they – some of them – want
to remove him, but he should not think he has no fans. Despite everything I have said, he does
have fans. *We* all want him to stay, even though he came 14th in the ranking at the last election.

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Frankly, even if he loses at the next election I am not going to offer him a job at £400,000 to
be Solicitor General, which is what he wanted the last time we had a conversation about that. He
1200 was not so concerned about money and recurrent expenditure then, when he thought that was
the right amount of money for a Government salary to be – £400,000.

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Perhaps one of the things he should do is amend his Wikipedia entry. Maybe it should say this:
'Keith is the first Leader of Opposition to have founded one party, become a member of three
parties, led two other parties and spent a period away from politics supporting another party in
government on Twitter. He founded the Liberal Party. He has been a member of that party and
1205 the GSD and the PDP and he led the PDP to defeat to the GSD. He supported the GSLP on Twitter
after the PDP was wound up and now he leads the GSD to try to defeat the GSLP.' You could not
make this up. '*Un trompo politico, eh*' He will go down in history as a man whose only known
consistency is his lack of consistency, really not the leader our community needs today, and
1210 everyone can see and knows that. I do venture to suggest, at the risk of being accused over the
summer of abusing him psychologically, that even he knows it, too; his party and his party
colleagues certainly do. Let me move on to some of those colleagues now.

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Let me turn to the Hon. Shadow Minister for Finance, as they call Mr Clinton. I do not think it
would be fair to allow him to get away with some of the statements he has made. He says, as I
1215 alluded to before, that we have no plan for management of debt, and then, almost in the same
breath, he says 'but I am very interested in the plan for the management of debt over 25 years
that you have talked about and I would like more details of it.' Frankly, you could not reconcile
those two things, but you can see that the whole of his speech was about stoking fear in people.
Mr Azopardi slung the mud, Mr Clinton stoked the fear – fears about debt, principally.

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A little like Mr Azopardi, he likes to pretend that he is courteous and gentlemanly in his
approach to Parliament, but then what he tries to do, using his background in banking and finance,
is to twist the hard work of our public servants in the Treasury and the Ministry for Finance. Apart
from being unfair, his actions and statements also result in the record of *Hansard* being polluted
by his inaccuracies and misleading interpretations of some of the numbers which are just not
1225 correct, even his statements as to the cumulative total of government debt and government
company debt and his mischaracterisation of the funding for our Improvement and Development

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1230 Fund. In fact, he complains a lot about the debts of government companies – we have discussed that over and over again – but did he know that when the party that he represents was in government they did not just acquire debt in government companies? Did he know that they also received funds directly into government companies, because the last premium received by the Government for the sale of the Eastside was not received by the Government, it was received directly into the company structure? It was not received into the Improvement and Development Fund.

1235 So much the for the GSD doing things on balance sheet. Not only did they do debt off balance sheet, they did receipts of sale of government land off balance sheet. Where does that leave his theories of the GSD's approach, the purity of the GSD that he represents? Will he, at least, mark a break with the past by condemning the GSD practice as much as he condemns the GSLP Liberal practice, which is identical to the GSD practice? That would at least make his position logical, although perhaps he would then have to be expelled from the GSD.

1240 I am going to go through some of his worst transgressions against accuracy and truth in my contribution, as I peel away at his monotonously delivered speech. One thing is clear. However much he might have modelled himself on him, he ain't no Joe Bossano, and neither can he pretend to be, in terms of his engaging personality or his ability to explain things. As I said in my first intervention, there is only one Joe Bossano.

1245 What is clear is that the public sector will have no hiding place from him. What Mr Clinton is seeking in all his statements is a mandate to cut, cut, cut. He is not going to be a chancellor holding the purse strings, giving pay rises to the public sector. Let's be clear, he wants to cut numbers and services to achieve the savings he wants. He wants his government to be an austerity government. He wants to be a chancellor to that eunuch chief minister who will be the man making the decision to cut government jobs, to cut government pay, to bring down the bill. The only way to do it is to cut, cut, cut. His will be the power, because as I have explained before to hon. Members, Gibraltar does not have an arsenal which is in the control of the Chief Minister to declare war with or without the Parliament and to decide whether or not to deploy the nuclear deterrent. Power, such as it may be, and I detest the word, here, is to deploy or not deploy not nukes but cash, and with the power to deploy cash passed from the First Lord of the Convent Place Treasury to a Minister for Public Finance, No. 6 Convent Place might as well become a chapel again, where people will come to pay homage to a chief minister – who, if it is him, is probably not even the guy who topped the poll – but they would have to go cap in hand to the Minister for Public Finances, whose stated objective, given everything he has said is that everything is too expensive, we have spent too much money on recurrent expenditure, the main item of recurrent expenditure is Civil Service salaries ... So all of the public sector will suffer a cut, cut, cut, Clinton cut after Clinton cut, unless everything they have said is untrue. If everything they have said is true, they cannot go into a general election pretending to do anything other than cut, cut, cut, and the cuts have to be in the public sector in terms of conditions, the growth of salaries, the numbers of people we have employed and the services that we provide. Otherwise, there is no logic to anything they have said, nothing whatsoever.

1260 If they cut all the club-class flights, if they do not organise a concert and if they never build another school again, it is irrelevant. None of that goes to the bottom line, unless they only want to save £60,000 or £70,000. We should start somewhere, yes, but he is not saying let's start there, he is saying they have to cut and they have to cut deep. Or are they only saying that we have to cut deep because it might make us unpopular and that is what they want? Are they saying that when they are here they are going to do the opposite of what they said? No. So public sector jobs, public sector pay and public sector services are all at risk with Roy Clinton in government. It is all there in his speeches. All you have to do is read them with a brain and you can see what they are trying to say. Otherwise, none of what they have said is relevant – the debt used to mount up the votes, which is what Mr Feetham says. It is all there – unless, as Sir Joe says, they are going to say one thing in opposition and do another in government.

1280 It would be quite something to see a GSD government with Roy Clinton as Minister for Public Finance with costs going up and up, because then who would he be and what would he represent? Anybody in the Chamber of Commerce who might like to see costs in the public sector come down, who might think that he is of the same mind as them, who saw him in government doing the opposite would say, 'Roy, we didn't choose you for this, we chose you for this. Go for a bit of Picardo style if we are going to see this.' At least we have style and panache. 'We got you to cut, cut, cut – to put up with this monotony and this greyness, to see the costs still going up, we do not want you.'

1285 So the public sector needs to know, every public servant needs to know that their speeches, although they are personified as an attack on me for my spending – and they try to personify that even more by calling me a thief to pretend that the £35 million overspend on fuel or on the GHA is actually in my pocket, taken home, which they then resile from because he has not got up and called the Police and told them that, and he will not – actually they are an attack on every public sector salary, on every public sector job, on every public sector service. That is what they are. And there is only one way to fix it – cut, cut, cut – according to Mr Clinton Scissorhands. That is what he would do. He would get collected and he would come and cut, cut, cut without a view to who gets hurt with the scissors as he cuts, without a view to whether the job is the only job in the household:

1295 'No. Cut, it is a waste.'

'But it is a job and providing a service.'

'No, it is a waste. Cut.' That is what we are going to see, if we ever see a Clinton presiding over our public finances.

1300 He, too, incurred in the disgraceful, Mr Speaker. He said:

yesterday the people of Gibraltar had their collective pockets picked by this Government in order to cover the mismanagement of the 2021-22 Budget, which has resulted in the need to borrow an extra £50 million.

It is a disgraceful metaphor, an allegation, again, from a second Member of the Opposition that the Ministers in the Government – myself as Minister for Public Finance – have somehow stolen. A pickpocket is a thief as much as a highwayman.

1305 This Government has given everything it has to the people of Gibraltar – some may agree with us, some may disagree with us – every waking moment working harder and harder to keep costs down but to do the right thing and sail our community through COVID. We are not stealing from our people, we are serving our people, and in these hard times the last thing that this community needs is a charisma-less character coming along to seek to ignite a match under people, telling them that the Government is stealing from them.

1310 Maybe it is because they have found that however much they try to excite the mob they cannot get the mob excited, but they think they can say anything because nobody will listen. But do they realise how dangerous it is to say that politicians are stealing, in this throwaway style? It is, frankly, remarkable that the hon. Gentleman who takes £38,221 on top of his pension, such as it may be – almost £40,000 – to come to Parliament a few times a year suggests that we are the ones stealing.

1315 I have been in opposition for eight years. I do not underestimate the importance and value of an Opposition, but of all times in our history, coming as we have from a period when Mr Azopardi, he, Mr Mena, Sir Joe and I worked together on the appropriations that have led to this deficit ... For him to come here with that all but political failure that is Mr Azopardi and accuse us of theft is really demeaning to every Gibraltarian and in particular the Gibraltarians that he represents.

1320 I do not expect hon. Members opposite to respect me as much as I respect them, but they really have let themselves down in the context of the past week in making the baseless allegations metaphorically that they have made, and I would have expected them to respect the people of Gibraltar more. Raising taxes by 2% for two years to deal with the pandemic problems we have had is no Boston Tea Party and we are not stealing anything from anyone.

1325 The hon. Gentleman then said:

One significant difference from recent years is that there is no material contribution to the Improvement and Development Fund from the Consolidated Fund. In 2021-22 it was £19.5 million; next year, merely a notional £1,000.

1330 Let me start with that quote. An estimate has to be that. It is an estimate of revenue, it is not something that is set in stone, but we have to be clear that at the time when we were doing the I&DF estimate there are many other projects which are on foot, not just the Eastside project. We do expect that we will receive the Eastside project premium during the course of this year; we do not know when. It is not impossible that we may not do the deal, but I believe we will, and there are other projects which are out for discussion with developers for final agreement on premium. If they had been in government planning the Estimates Book and they were negotiating this deal and they expected the money to come in, wouldn't they provide for that? But wouldn't they provide for that with the caution that we are providing, putting in a token rather than an actual amount?

1335 I think that this is a good project for Gibraltar that will manage to take off. Is he telling us that he does not want the Eastside project to take off, just like Mr Azopardi seemed to be suggesting that they would prefer that the premium might not be collected, and that is why they think that we should be a little bit more cautious and provide more cash into the I&D rather than await the receipt of that premium and put in a token until then? Or is it that he did know that which I thought he did not know and he knew that the last time they sold the Eastside they did not put the money into the I&DF, and that is why he wondered whether we might be about to do the same thing they did when they were in government? I do not know because it seems that he has eschewed all of the GSD's practices in government, but he does not get up and say so.

1345 Or what about one of the things he thought was one of his killer points, when he said:

we have yet to hear how the appointment of the new CEO of the Tourist Board at a salary of £140,000 is cost neutral, as was described by the Chief Minister on 17th March 2021, especially as the salary was disclosed as being £51,767 in the 2011-12 Estimates Book under the Gibraltar Development Corporation.

I think he is being a bit economical with the truth there, not giving the whole picture, because he has the facts in the Book and he is one of the people who we are led to believe by them is best able to interpret the Book.

1350 First of all, the salary of £140,000 should not be compared with the salary in 2011-12. The outgoing CEO's salary was £87,403. Secondly, he would say, 'Ah, but that is still £53,000 less.' But turn to page 155 of the Book. That is information that they have. If we look at the overall budget for tourism, it was budgeted at £2,512,000. Next year – the last column – it is projected at £2,173,000. So let's be clear. What it is going to cost to turn tourism in Gibraltar after the appointment of the CEO is going to be about £350,000 less than it used to cost before the appointment of the CEO. But you have to add the CEO's pay there because it is not provided for in the Book at the moment, so you end up with a total spend at the end of the year of £2,313,000. That is almost exactly £200,000 less than it used to be. Why? Because we know that the person we have employed has a Rolodex – these days it is probably not a Rolodex ... an electronic contact system with all of the phone numbers of all of the people we have to go to conferences to meet to obtain etc. So the number of conferences we will go to – I am sorry to tell the other Mr Bossino, who is very keen for us to go to certain conferences – will be fewer and more targeted because we will be able to rely on the expertise of the person we have employed.

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1370 So when people, spurred by him, go around saying '*que poco verguenza*' £140,000, that £140,000 save us immediately £200,000 – not just cost neutral, a saving, and the numbers are there in the Book, which he had, that he says does not show anything. It does not show anything if he does not do the hard work of looking, if he just goes to see where is the pay, is it higher or lower, add it up, it does not work out. Take a step back, look at all of the tourism budget: there it is, staring you in the grey face. And yet he did not see it. A numbers issue which he presented in one way actually is quite the opposite; another one in his area, finance, which he gets wrong, littering *Hansard* with inaccuracies and mistakes, seeking always to look at things with coal-tinted

spectacles to hurt the Government and not see the truth, blinding himself to the truth because of the way he does his exercises.

1375 Then he says he has found one of the ways we are making decisions to flatter our accounts. He did this before, on tax rebates, and got it wrong; but it does not matter, he just crashes the car
1380 against the wall again. 'You are flattering the accounts because you have not made a contribution under head 22 this year by giving yourself a contribution holiday of £7 million and not paying anything to the Statutory Benefits Fund. You are doing it next year but you have not done it this year. You are flattering the accounts.' The suggestion there is that the loss is greater than if we had acted in the way we needed to act before. He is saying 'flattering the accounts' to suggest
1385 some sort of accounting impropriety. Let's look at the reason why we did not contribute to the £7.5 million. It is very simple. We did not contribution to the £7 million because it was not needed. If you look at the numbers over the last few years, at 31st March 2015 the Statutory Benefits Fund stood at £6.9 million; March 2016, £800,000; March 2017, £46,000; March 2018, £22,000; March 2019, £798,000. In all of those years the fund needed £7 million, from 2016. In March 2021 the Statutory Benefits Fund was at £6.3 million. In March 2022 it had £4.7 million. It does not need the £7 million. We have always considered and they always considered that a healthy balance of the Statutory Benefits Fund was £5 million, so with that money in the fund it does not need to be given the £7 million. The numbers guru got it wrong again because he ain't no guru. He keeps getting it wrong, and all with numbers – in particular in relation to tourism – that he has.

1390 He says it is insane that we should tax people by an increase of 2% without first using the rainy-day funds. He says the Estimates Book, on page 254, shows that the reserve account of the Gibraltar Savings Bank is £56 million:

Should this not be used first, before taxing workers? [...] We have a rainy-day fund that we cannot touch, even today at the height of monsoon season.

1395 I can assure everyone in this House and outside that before we raised taxes, which we are always loathe to do, we explored all other options, but spending the rainy-day funds now would really mean that we end up with nothing left in the event that we need it. We have £100 million cash, the £56 million in the Savings Bank, Community Care has about £55 million or £60 million: £200 million. What he is saying is spend it. That is what he is saying. They come here to say we have spent too much. They come here to say we have raised debt too much, that the deficit is too
1400 high. What do they come and then tell us to do: to spend more; to take the saving in the Savings Bank and spend it now. So if something goes wrong in the Savings Bank, if we are unable to pay interest or whatever, he does not want us to take it from the reserve of the Savings Bank, he wants everything to be back at zero.

1405 What we are starting to see are the cracks that show us that actually it is the same old GSD. They left us the Savings Bank at zero, with the thousand pounds it had in the account. They left us Community Care at zero. That is who they were, that is who they are. That is why he will not condemn the previous GSD administrations, because he believes in the same things. He says that we should be cutting costs, but then he says that actually we should be spending the savings fund. It is remarkable.

1410 Indeed, he has something in common with Mr Reyes. Mr Reyes said 'You should have built the theatre already and you should have paid for it from taxpayers' money,' and so did Roy Clinton. Roy Clinton said, 'It is terrible that you are going around seeking donations to build something which is public. You should pay for it yourself. It is terrible, because it was in your manifesto.' Okay, well, never mind the fact that we have said ... given the fact that we cannot deliver our
1415 manifesto is something which Mr Feetham invited us to do and I think Mr Azopardi invited us to do, but despite that, he is now saying, 'You must build it with taxpayers' money.' What about Carnegie Hall and the Radio City Music Hall, or the Lincoln Center, or most of the theatres in London? Yes, there is a National Theatre in London, but there are more theatres which are not owned by the public and there are theatres which are run for the public but which have been built

1420 by donations. What is wrong with that? How can he come here to tell us that we have spent too much and then tell us that we should be spending on the theatre?

1425 All of this nonsense just to try to capture public opinion by saying, 'In effect, the problem you have, Gibraltar, is that Picardo enjoys his parties and Picardo and Vijay travel club class. That is the problem Gibraltar has. Get rid of Picardo, get rid of Vijay, get rid of the whole team. They are the ones who have the parties and travel club class and will be fine.' Does he think that I travel because I want to, because perhaps when I was in my early 20s and I was asked as a young lawyer to travel for the first time I thought it was glamorous then? I do not travel for pleasure. I do not raid the mini-bar. I do not even have the meal on board, most of the time. The fact is that we travel because we have to. In doing so, I and my colleagues, in most instances, leave our children behind, we leave our spouses behind. We lose the time that we would have with our families to travel for Gibraltar because it is the right thing to do. We do not travel for pleasure at all, but he has to go for it every time, the most pejorative attempt to try to show people that he is right and that we are wasting money. So now we know – because he was nodding in agreement – what he believes we should do, whatever meeting we may have, is not travel; we should say we cannot make the meeting because there is not an economy seat available. That is Roy Clinton's politics. That is how Roy Clinton would run Gibraltar. Good luck to Gibraltar should Gibraltar ever have to suffer being run in that way, because it would not get many meetings put back on the agenda based on when there are economy fares departing Gibraltar or Malaga.

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1445 Knowing, as he should know, that you can talk down an economy, he does it anyway. He does it all the time: debt is too high, your spending is too great. He does it all the time, not caring what it might do to Gibraltar as a government. It is not seditious of him to act in that way because he owes no duties to me or to us. He is free to say whatever he likes, but with consequences – consequences that can be replied to, and if there are consequences for Gibraltar, then consequences that can be visited on him. It is that simple. He is free to say what he likes and I am free to say what I like.

1450 All of his analysis seems to be driven by an attempt to simply pull the wool over people's eyes, saying that COVID is not the reality of what has hit us like a brick wall, saying simply that it is an excuse that we are bringing. I suppose that actually, in their heart of hearts, they are pleased we have not used the rainy-day funds as they have suggested and they are pleased that we have put tax up, because they think that makes us unpopular and they think it opens the door for them to win an election. I suppose they wish we had put tax up even more because that would help them even more. They have no difficulty feeding off the misery of people. If they saw that this opened an opportunity for them to win a general election, they would be delighted to do that. By now, if they had won the General Election in 2011, the utility bill would have gone up 55%.

1455 I, Mr Speaker, am not persuaded by Mr Clinton at all. I really do believe that despite the things he says, Gibraltar's future is extraordinarily bright. I think our economy coming back is a demonstration that our public finances will come back – in a period, it will not be immediate – and that the rainy-day funds, which Joe Bossano has always advocated and the GSD advocate one day and now no longer advocate, are something that we must maintain and ensure we keep for future generations.

1460 I would just say that in a lot of what he says Mr Clinton actually speaks about things which are contrary to the positions that Peter Caruana took in government, but there is one thing that is in common with him and Peter Caruana. When it came to spending the rainy-day funds, Peter Caruana stood here once ... When he was being told by Joe Bossano, 'You are spending the rainy-day funds,' he said, 'Well, it is raining, I am spending them.' No pandemic, no Brexit and they spent the rainy-day funds. Well, that is the GSD for you. You cannot trust them even to keep the rainy-day funds intact. Well, Mr Speaker, the economy is bouncing back and the public finances will follow – with a delay – but we have to ensure that we protect ourselves against any future where there is any difficulty again with the rainy-day funds.

1470 Mr Speaker, I turn now to the sweeper of the Opposition. He said he was not quite on the graveyard shift but then he was going to proceed to do the parliamentary thuggery that he did to

the Rules. Thank you, therefore, for your ruling today, which I think has been very helpful in re-establishing the Rules and how they should be observed.

1475 But at least I am starting to understand why it is that Mr Feetham, like me and like all Members of this Government, and like Mr Azopardi, is such a proponent of the rainbow of Pride. It is the only badge he can wear that has all the colours of all the political parties he has been in. He might be good at Pride, but his approach to you, Mr Speaker, on the view of the Government, was simply unacceptable, and the use of that unparliamentary language was not something which, on reflection, Mr Feetham will be proud of. He behaved in a way that was designed to deliver for his ratings, as he always does. He knew that he perhaps was not live on GBC at that time and he needed to get on to *News Watch*, so he pushed it, to make sure that his ratings were there and people would see him outside of this place.

1480 It was disgraceful to say that you were stopping him from reading his speech. You were stopping him from reading an unparliamentary part of his speech; that was what was behind it. The reality is he does not care about respecting the Chair, he does not care about respecting Parliament, he does not even care about the people who sit alongside him on either side. He only cares about one thing: sitting in this Chair. Even now, when you think he has finally bled himself of the ambition, there it is burning in his belly. At least it burns brighter than in anybody else's. That is the reality. Even if he tries to put it out with fireman's foam, it comes back, that burning sensation.

1490 I think he really was the person most pleased in this economy to see us raise taxes – of course, because he believed, at last, that the pandemic and this Budget were coming together to enable him to get his audience, to say, 'For 10 years in the wilderness I have been right, my people.' Maybe that is what the badge he told us about in a magazine interview 15 years ago, I think, has inscribed on it in Aramaic: 'Set my people free from the taxes that will be imposed by Picardo.'

1495 Government's mismanagement of the finances have placed Gibraltar's way of life in jeopardy, says Mr Feetham. Actually, in my speech it said the opposite: it was the protection of the Gibraltar way of life that we were going to ensure. But didn't he hear that, in Spain in particular, holidays are up 30% and, as a result, 30% of people have cancelled their holidays? Didn't he hear that 30 flights a day are being cancelled at Heathrow because they cannot get the passengers through the airport? For him to say that he was right all along when nobody could have predicted Brexit or indeed the pandemic is really quite impossible to believe, but I would have expected some such drama, I suppose, from the artist formerly known as Michael Bain. I am not surprised that there are so many people on social media who appear to support them; it must be them frantically logging in and out of different entities and identities.

1500 He almost seems happy that there is a deficit because it has enabled him to say I told you so. He said we could not use COVID as a get-out-of-jail-free card. He is using it as a get-out-of-my-incorrect-predictions card. We do not use it as an excuse; we use it as an explanation. But then he says:

1510 Of course no one denies the challenges of Brexit or COVID or the Ukraine war, no one on this side belittles or underestimates the pandemic or the economic crisis that they have brought in their wake. Yes, these are unprecedented events. Yes, the immediate deficit in the public finances has been caused by COVID – I stand by everything that I said last year – but ... [the Government's mismanagement of the finances is what has placed Gibraltar's way of life in jeopardy]

1515 Come on! At least make each speech not inherently contradictory. Maybe we could just settle that Mr Feetham will, from now on, give speeches that contradict earlier speeches but that within one speech there are not going to be a morass of contradictions. I have to spend a lot of time unravelling these things.

Remember what he said last year, Mr Speaker? In honour of him, today my notes for my Budget speech actually include his quote last year, on the front page, in case anyone had forgotten:

Of course, no one on this side of the House is saying that if they had been prudent with the people's money over the last 10 years we could have avoided a £157 million deficit which is, of course, COVID-related. No one could have predicted the pandemic ...

And then throw in a war. And then thrown in inflation at the highest rate since the Second World War, and fuel prices at the highest rate in the past 20 years.

1520 I do not think he realises the consequence of what he says. He writes it ... 'Sounds good, I'll say it.' He does not have to worry about whether or not the things he is saying are consonant with logic or indeed with the truth. He is dealing – in saying that the management of the finances by the Government has placed Gibraltar's way of life in jeopardy – in exactly the thing that Kipling warned us not to deal in. Exactly that. He has become a merchant of untruth and an alien to
1525 honesty and parliamentary integrity.

My sympathy with him: he regards himself as the greatest Chief Minister Gibraltar never had. His fans put it to me that he is still – well, they do not just put it to me, they put it out there – the true leader of the GSD, who undoubtedly is the person who should have been and should be the Chief Minister of Gibraltar. It must be tough to be so great and not be recognised as such. I send
1530 him my deepest solidarity in absence of recognition by the rest of the community of his innate greatness, that greatness which he sees every day in the mirror when he shaves. He is the permanent Marlon Brando. My next meeting with him I shall have at the Waterfront. He could have been a contender, he says to himself every day. Of course, that is if you do not accept democracy. That is only to suggest that the Gibraltarians have failed to choose the golden person.
1535 They have failed to choose the golden team because the terrible Picardo and the terrible GSLP Liberals have pulled the wool over the majority, who can be easily duped into choosing the wrong person and failing to choose the great person.

I know that he could not have put it better himself, but I take a different view. I say the
1540 Gibraltarian cannot be duped, that we have many faults but they have seen that we want to do great things and we bring honesty and integrity to what we do. I say that when the Gibraltarians elect us, when they choose us, the sweep of history will show they were right; and when they do not, disappointed though we might be – as we were in 1984, as we were in 1996 and as we were in every year until 2011 – we do not say that we were the best people for the job and the Gibraltarians got it wrong. We say that the Gibraltarians made the choice and that we have to try
1545 harder for next time, but we remain ready to give everything and ready to do more. I do not say that Chief Minister Peter Caruana was not a great Chief Minister in many ways but not in others. I do not say that Sir Joe was and should have been Chief Minister from 1984 until he chose to step down in 2011. We accept the verdict of the political jury. That is the reality. That is what the hon.
1550 Member should do, and reconcile himself to the reality that he is the unchosen one. But he insists that he has always been right and that the electorate have been wrong every time they have failed to accept his arguments instead of ours. He said so explicitly. Look at what he said on *Viewpoint*:

I have held a line for many, many years in relation to debt, in relation to spending,

– let me do it like he does –

in relation to the expectations that the way that the Government has conducted itself, particularly in relation to spending and debt, is created in this community in the way that they've structured public debt through off balance sheet vehicles.

That is entirely untrue. How can he say that we invented a new system to borrow with debt in
1555 off balance sheet vehicles? 'Vehicles' in this context is not cars, it is lawyer-speak for companies. How can he say that? He said it on television with a one-on-one interview with Jonathan Scott to the face of our people: 'in the way that they've structured public debt through off balance sheet vehicles'. *They*, the Government. In other words, the GSLP Liberals have structured public debt through off balance sheet vehicles. How can he say that *we* have structured it in that way? He

1560 knows it is not true. That can only amount to wanting to pull the wool over people's eyes *again*.
They used company debt. *They* structured public debt through off balance sheet vehicles, taking his definitions. We did not structure it that way. We inherited it from them.

I am grateful that from a sedentary position he has said, nodding, it is true. I am grateful. It must be true. Of course it must be true, and not only must it be true, he said in his speech here that it was true, because he said last week:

In 2011, when gross public debt stood at £540 million, inclusive of debt in Government-owned companies ...

1565 The number is wrong, but what he says is a direct contradiction of what he told the people on *Viewpoint* a month ago. When was he telling the truth, on *Viewpoint* or here? He cannot have been telling it on both occasions, and therefore on one of the occasions he was doing the thing that Kipling says one should not deal in. Don't deal in lies, says Kipling. That £540 million excludes a lot of the other company debt that they had and it excludes the hospital debt as well. It excludes
1570 the Kings Bastion Leisure Centre, which was bringing £1.4 million of costs. This is ridiculous.

I really had many issues with Peter Caruana when he was Chief Minister of Gibraltar, and Sir Joe Bossano's speech sets out all the contradictions going back and is worth studying in detail. At least in each speech Peter Caruana gave he had no inherent contradictions. I hanker over the seriousness of those debates, I really do. When he does things like this and he brings this sort of
1575 level of invective to the House, saying to the public that it is Government's mismanagement of finances that place Gibraltar's way of life in jeopardy and he uses those examples, and then he says the per capita debt now is £60,000 per person – not £16,000 as the hon. Gentleman said in 2011 – he really is failing to tell people the whole picture. What I said in 2011 was this is a meaningless measure of debt. The per capita debt is meaningless, but it is a measure that
1580 Mr Freddie Vasquez, when he was as a Member of this House, used in 1995 to present that debt was out of control. He came up with a figure then – I do not know whether it was £6,000 or ... In fact, on net debt the figure was zero in 1995-96 if you included the rainy-day funds. But what I was doing was saying, 'This was meaningless, but if it was meaningless then, look at where it is today, £16,000, and you, the GSD, said that this meant something in 1995. I put no store by it.' I
1585 assume that he read that when he read my contribution in 2011. Yes? Good.

Really, Mr Speaker, to see him adopt and channel Freddie Vasquez in this House, who spent four years hitting the GSLP Government of 1992-96, including his paterfamilias, using that nonsensical measure, and to see him use the same measure and channel the same things ... The tale of Anakin's journey to the dark side is a fairy tale compared to the scale of his political
1590 treachery of his family's socialist roots. It really is a tale without precedent in modern politics. This is like Nelson Mandela's son leading a new apartheid against the black population of South Africa, treachery of biblical proportions which will forever be associated with his lust for power. It is so epic that it is going to become a parable in his own lifetime. The parable of the prodigal son? No, because in everything he says, he presents himself not as a prodigal son, he presents himself as
1595 Mystic Meg with a crystal ball that showed him everything that was going to happen in the 10 years. Come on! Pull the other one.

He cannot have given the speech he gave without having failed to read Sir Joe's speech, because if he had read Sir Joe's speech – and he professes adherence, on occasion, to Joe Bossano's theories ... Sometimes it is Peter Caruana's 'it's raining, let's spend', sometimes it is Joe
1600 Bossano's golden rule. Of course, logic does not matter and consistency is irrelevant, so he can do this, right? He can be any religion and none when it comes to the finances. He cannot have read Sir Joe's speech.

I cannot go through everything in his speech, Mr Speaker; otherwise, we will be here until tomorrow and I know hon. Members will want to get on, but he said:

I have always admired the Chief Minister's energy, more than he knows.

1605 Mr Speaker, I feel the pinpricks of his admiration every morning in my spine as he stabs the voodoo doll harder and harder.

Mr Feetham said:

The Chief Minister said that underpinning this Budget was ‘the spirit of prudence and responsibility’. It is a real shame that he was not possessed of that same spirit when we were urging prudence and responsibility over the last 10 years ...

1610 It is what they have all said, Mr Speaker. They have said the same thing every time. But what does he say now that I have explained again, as I explained in my first speech, that the overspending was to keep the GHA operating and to keep the generators with fuel? What does he say now? Of course he has no arguments whatsoever, because when faced with the reality that the testing was of teachers and GHA staff etc., there is nothing they can say.

Over the last 10 years, and all for the sake of piling on the votes – not just winning but winning by landslides – they have played Russian roulette with those public finances ...

1615 He is making the bald assertion that we have set out to buy votes, but also the bald assertion that everybody in this community who voted for us sold us their vote because by playing with the public finances, using the money, we have got the votes. This Opposition genuinely believes that the people of Gibraltar are there to be bought and sold at election time. It is just remarkable.

1620 Compare the two statements that he is responsible for delivering in this House on successive Appropriation Bills – compare and contrast, the same speaker. He said, this year, that instead of being prudent, ‘Over the last 10 years, and all for the sake of piling on the votes – not just winning but winning by landslides – they have played Russian roulette with those public finances’, and last year he said:

Of course, no one on this side of the House is saying that if they had been prudent with the people’s money over the last 10 years we could have avoided a £157 million deficit which is, of course, COVID-related. No one could have predicted the pandemic ...

1625 He cannot have forgotten that, because I quoted it at him in my main speech, and yet he still delivered the other line. This is the same speaker. It does not make any sense. When was he telling us the truth on this, as in on the issue of the company vehicles? Was he telling us the truth on *Viewpoint* or here? Was he telling us the truth this year or last year? And when he was not telling us the truth, what was he doing?

1630 A strong economy, sound public finances, money in the bank to see us through difficult times – that is what he wants. So then he obviously disagrees with Roy Clinton, who does not think that we should have money in the bank, who does not think that we should have the Savings Bank reserve, who thinks that we should spend it. Another disagreement between them.

In 2011, when gross public debt stood at £540 million, inclusive of debt in Government-owned companies ...

1635 No! The number is completely wrong, and not least ... and this is the only part I am going to concentrate on because I have already dealt with this issue in successive years. The number is completely wrong on the measure that he is the one who has consistently said since 2003 should be added: the £110 million of the Hospital. So by his measure – because he was the one who was going around saying, ‘*esto es una poca verguenza*’ It is terrible. I can’t believe it. You shouldn’t do it. Public finance, it adds to the debt. Public finance is debt; it should be on the balance sheet,’ – he needs to add £110 million to the number he ascribes to the 2011 position.

1640 And has he forgotten that by the time we got there, when we came to this House the then Chief Minister was offering us a resolution of the House to exceed the ceiling of debt, which was what was going to happen? Exceed the ceiling of debt on the basis of the debt as it was under the

GSD, and the GSD projects running, and he said, in the official opening of this House, 'With the projects that are on foot the public debt will be exceeded and we offer you a resolution with our support.' And what did we do? Stop the projects. We did not exceed the ceiling. We stopped the projects.

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He then went on to say:

the difference is that we never mortgaged working-class housing estates in order to secure that debt.

No, they did not, it is true. They did not work out that they could bring in investors instead of selling the housing estates. That is what they did. He has no defence that we have either brought an investor or a mortgagee, depending on whose side you want to fall. They did worse. They alienated the family silver forever. They did not say, 'Lend me £10 in exchange for the pen and I will pay you over the next 10 years, and then the pen is still mine and I have the pen throughout the period.' They said, 'Give me a pound and the pen is yours.' That is what they did. They sold 150 flats that today could be churning and could be for the people who need them on the housing waiting list. They alienated them forever. That is half a housing estate. And at what rate did they sell it? Almost a quarter of the value. *Mal vendido*. Badly sold, as they say in Spanish. And why did they do it? To raise money. What they did was mad and bad in equal measure.

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In many instances I see people who do not want to understand, but with the hon. Gentleman I am starting to wonder whether he *can* understand, because I have told him too many times. These are not issues of opinion, where you can have different opinions; he is making mistakes on the facts – on what he likes to call the fact matrix. He said:

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That is why the people of Gibraltar should believe the discourse of the Opposition, because we have been consistent and, despite the fact that it came at an electoral cost, we never deviated from what we thought was right.

The electorate are not stupid. They know what you have been saying, they have understood what you said, they rejected it and they will know that you were not right and that this 'our chickens are coming home to roost' ... They will know that this is COVID and a war etc. Or at least have the courage of your convictions – you tend to have that – and even though Mr Azopardi will not tell us and Mr Clinton will not tell us, tell us what you would have cut and what you would not have built. Is it the schools, or is it the primary care centres? Which are the civil servants you would get rid of to cut the bill? You could make it clear. You have always said that you are prepared to stand up and after the whole thing is said and done you will stand up and be counted. Tell us who are the people you would sack. It is remarkable.

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And then, Mr Speaker, he said:

The Gibraltar Savings Bank Act at that stage, pre amendment, only allowed the proceeds of Gibraltar Savings Bank debentures to be invested in money or moneys-worth investments ...

We amended it to permit the Savings Bank to invest in Gibraltar. 'We have no problem with this Bill as it stands.' That is in the contribution of Mr Clinton to the amendment of the Gibraltar Savings Bank Act. They voted for it. They voted for the amendment to the Gibraltar Savings Bank Act. *(Interjection)* Well, Mr Speaker, when we made the amendment to the Savings Bank Act to permit the Savings Bank to invest in Gibraltar they voted for it, and when, in 2012 or 2013, they made the earlier amendment, I do not think they even voted, in the end, on the Third Reading. *(Interjection)*

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He said that in 2013, in the by-election, even when they found indisputable evidence that the Government did use the proceeds of the Gibraltar Savings Bank debentures through Credit Finance for the purpose of loans to the *Sunborn*, we did not admit it until after the election. That is what he said. Well, we admitted it when I was interviewed and asked. It was an admission. But we cannot have been that wrong about it, can we, because we made a lot of money on the

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Sunborn for the Gibraltar Savings Bank? That is why they no longer talk about it, and indeed they must be extraordinarily fond of it, because they now shoot their videos there.

1685 But what happened when we admitted it? We admitted it after the 2013 by-election. We admitted it, okay? What happened afterwards? He said:

When it was then admitted, it was justified on the absurd basis

– the *absurd* basis –

that Credit Finance Company was some form of sovereign fund.

Okay, so then it was not hidden.

1690 And then what happened in 2015? We got 68% in the General Election after that alleged admission of an absurd basis for justifying something, which they obviously set out to the people of Gibraltar was totally wrong. Sixty-eight per cent. So the idea that we won the by-election because we did not admit something until after the by-election, when the margin on the by-election was not as great as the margin in the General Election, is nonsensical. You might have paused to think about that before you wrote it down.

1695 And then the allegation is:

a year later, in 2016, they came to this House and altered the legal borrowing limit by delinking it from recurrent revenue and linking it to a percentage of GDP [...] they never said to the people of Gibraltar, 'We not only defend the levels of public debt but we are going to change the legal borrowing limits in order to allow us to borrow more.' That would have been the honest thing for them to have said at that election ...

1700 That is what he says against us. Mr Speaker, they changed the borrowing limits three or four times and it was never featured in their election manifestos that they were going to change the Borrowing Powers Act. It is all there in Joe Bossano's speech. I commend Joe Bossano's speech to the hon. Gentleman.

1705 Then he said 'Mr Phillips, in his quite terrible speech' – that is not a direct quote – 'did make a point about e-scooters and criticised the Government for the time it has taken for that legislation to come to the House. It is not the Government's fault. I have told Mr Phillips it is my own delay because I represent the Motor Insurance Bureau, which has been in contact and in talks with the Government of Gibraltar and they wish to make some amendments. That is the reason why it is taking so long.' Thank you for the honesty, Mr Speaker, to the hon. Gentleman. At least on that, which explains the Government's delay, the hon. Gentleman fessed up and accepted that he is the one who is responsible. Hon. Members might see that in this case a Member of the House has
1710 accepted that the Government is not delaying, itself. There are other delays that are occasioned where we do not have the Member in this House to tell us that it is their problem.

Mr Speaker, finishing now in respect of Mr Feetham:

I would urge those listening to this debate to prefer the discourse of my learned and hon. Friend the Leader of the Opposition over those of the Chief Minister.

1715 What has that got to do with the price of eggs? We are having a debate in the Parliament about how to vote on this Bill in the Second Reading. We want people to know what we are doing. We want people outside to understand what it is that we are doing and how we are going to spend their money. I published the Book. This is an admission that all of their speeches – exactly as I was saying to your earlier – are about a general election, not about a vote in this Parliament on a Bill. That is the reality: blatant electioneering.

At the end of his speech he said:

I stood in a minority of four in this House when I introduced a Private Member's Bill seeking to equalise the age of consent in 2009-10.

1720 That is true. Of course he stood in a minority. It was shameful that the Government then, the
GSD, were seeking to rely on a Private Member's Bill to equalise the age of sexual consent. In
effect, they were trying to get a progressive Opposition, the GSLP Liberal Opposition, to do a
centre-right conservative Government's dirty work for them. That is what they were trying to do.
1725 It was transparent, like everything he does, completely transparent, and that is what we refused
to do. That is what we refused to bail them out of, not because we did not support the principle
of the equalisation of consent; we did it immediately we were elected, on a Government Bill.

Hon. Chief Minister: Mr Speaker, he is no hero of the progressive cause. Let's be very clear, he
was the dupe of the conservative cause. That is the reality. They tried to use him to lubricate the
1730 change and the legislation failed.

He said:

When the legislation for same-sex partnerships was introduced by hon. Members opposite in this House, everybody
on this side of the House voted in favour of it, including my hon. and learned Friend Mr Bossino. When they
introduced same-sex marriage, it was supported unanimously from this side of the House. There is no question of
a GSD government going in reverse gear in relation to any of that.

Does he sit next to Mr Bossino in this place? The unanimity he talks about in respect of equal
marriage happened because Mr Bossino was not in this House at the time. That is the thing that
he tried to hide in the way he presents it. He mentions Mr Bossino when he talks about voting for
1735 civil partnerships, then he talks about unanimity without saying that Mr Bossino was not in the
House anymore. He says he has said no reverse gear, that the GSD has no reverse gear, which is
the direct opposite of what Mr Bossino said and how he said we should consider the effect of
cancel culture and the meaning of elections – the direct opposite.

Debates on finances matter, they matter hugely, but parties define themselves by ideology,
1740 and as I will show later when I deal with Mr Bossino's contribution, which I think is the right place
in which to deal with it, we have heard, I think, four different positions on a fundamental issue
such as equality. So many different positions have we heard that frankly I can understand why he
got up to say, 'I want to clarify that there is absolutely no intention of reverse gear on any of the
measures I have referred to, or any other measure that the Government has introduced in the last
1745 10 years that they have been in government.' Of course, because they can see that actually all of
those who are concerned about equality in our community can see that Mr Bossino said, 'I have
the reverse gear in my hand ready to take to the people. I am ready to persuade them, and if I
persuade them, reverse gear it is.' That is the reality. Talk about getting your political knickers in
a twist because Mr Feetham did not know how to find a way out of the difficulties in which they
1750 find themselves on equality.

Mr Speaker, it is half past one. I estimate that I will take about another 30 minutes to finish,
but I am in your hands. You and I are the ones who are not able to move during the course of this.
If you wish to have a break in a moment, I am happy to break.

1755 **Mr Speaker:** You may continue with your speech.

Hon. Chief Minister: Mr Speaker, Mr Phillips delivered a loud address – not surprising, we all
know he likes a microphone. When we were in the depths of the pandemic dealing with all the
issues we were dealing with, one of the few moments of levity was Mr Phillips – whilst we were
working – on TikTok, doing his karaoke impression of *Don't Stop Believin'*. It is time to stop
1760 believing that there is any chance that Mr Phillips is going to be finding himself on this side of the
House.

Hon. E J Phillips: You've blocked me on every other site.

1765 **Hon. Chief Minister:** I do not think I have blocked him, Mr Speaker, have I? Well, it must be by mistake because he does amuse me, so I will ensure that I unblock him. I do not always do these things myself. Perhaps I was laughing too much when I was looking at his latest tweet. Maybe I have not blocked him; maybe it is just that the algorithm does not allow his paid-for advertising to get through to me.

1770 Anyway, Mr Phillips's speech was forthright in delivery in order to try to hide the absence of any substance, but in fact Mr Phillips's speech was not just devoid of substance in itself. In one throwaway line, those dangerous throwaway lines, he deprived his colleagues of what they pretended was the substance of *their* speeches – Mr Feetham, Mr Azopardi and Mr Clinton, who talked about the overspend in the GHA. He said one thing that completely disembowelled the
1775 submissions and arguments made by Mr Azopardi, Mr Clinton and Mr Feetham. They all said this thing about us overspending in Health, but Mr Phillips, to his credit, has a different view. I want to quote him exactly, so nobody suggests that I am traducing what he said:

The only way, in my view, in getting down the collective weight of our community is by increasing our activity levels, putting healthy eating at the forefront with exercise.

The next sentence reads:

This is the only way we can bring down the cost of healthcare and the burden that poor choices can have on the public purse in the long term.

1780 **Mr Speaker:** There is an issue with your microphone and the Clerk is going to bring it towards you.

Hon. Chief Minister: His theory of this Budget is that the overspend, which was principally on Health, can only be addressed if we all go on a diet, and that is how the public debt will come down. People might think I am making a facile point that the public debt is going to come down
1785 and that the cost of the GHA is going to come down if we all go on a diet, but I am actually reflecting what the hon. Gentleman said. Those were his exact words: 'This is the only way we can bring down the cost of healthcare and the burden that poor choices can have on the public purse in the long term.' Well, so much for our overspending being a fault. I am already on a diet, but unfortunately I am constantly on a diet. Losing weight is a good thing – it is good for diabetes, it is
1790 good for obesity, it is good in every respect in relation to healthcare – but it is not the solution to the public finance problems that this community has. He has identified that the only way to control spending in the GHA is for people to go on a diet and lose weight. He might like to tell Mr Feetham, Mr Azopardi and Mr Clinton that that is his theory of how we deal with things. It also puts the rest of his shouty lament on overspending in the Health Service into context. It is utter
1795 tripe.

It was particularly tripe to suggest that Samantha Sacramento had been fired, because she had been reshuffled. She had not been reshuffled to the back bench. The only person sitting on the back bench chose to sit on the back bench and would be very welcome on the front bench. Nobody has been fired here. Neil Costa left the Government because he wanted to. The last Ministers to
1800 be fired were fired by the people, and they were fired on 9th December 2011. Nobody in this Government has been fired. Being moved from one Ministry to another to do the business of the people of Gibraltar is not being fired, it is a privilege. I have moved portfolios that I had – that is to say I have fired myself because I have given responsibilities to Samantha Sacramento.

1805 Where does this man get these ideas, Mr Speaker? Where do they sit when they write their speeches? I know that some artists have written their best work high on LSD, but it is not a way to write a Budget speech.

Hon. K Azopardi: That is not parliamentary.

1810 **Hon. Chief Minister:** Well, check the language in the index and see whether it says it is not. I bet you will find it is parliamentary.

The one portfolio that has eclipsed all others in respect of public complaint and engagement is Health. He is right, of course he is right, because it is the Department that has suffered most of the consequences of COVID; the weight of COVID fell on that Department. Mr Azopardi says we
1815 have not had a lockdown for 17 months. We have not had a lockdown in 17 months, but the GHA has been fighting COVID. Even now, COVID is blunt-force trauma to the GHA. We have to fix it. The professionals in the GHA have to fix it, and fix it they will and fix it we will by giving them the support they need to have the ability to book a GP quickly and easily. All of that has to be fixed. We are in the process of fixing it, not because Albert Isola has a silver tongue – well, he has silver
1820 hair, so I assume he has a silver tongue – but we will do it without speaking with a forked tongue, which is what hon. Members do. We will fix it with the professionalism of the medical profession and nursing staff in Gibraltar with a new general manager and without a Minister running the show. How can they say that it is their policy to do that? How can they say that? How can he, in the same speech, say, ‘You fired the Minister for Health because you took her off the Hospital then you reshuffled her,’ and then say, ‘We are the ones leading on the policy’? They do not have the policy of taking a Minister out of the GHA; they had their Minister *in* the GHA.

These things are not going to be done overnight, I acknowledge that. People might say, ‘The Government is terrible because I still cannot get an appointment.’ Well, we are working very hard to make sure that you can get an appointment. What he is trying to do with all the rhetoric is simply to light a match again under the people, Guy Fawkes style, to try to get people to turn
1830 against the Government – not to persuade his colleagues to vote for or against the Bill but to try to get beyond this place, to persuade people to vote against the Government in a General Election which is not due until October next year, say things like this: access to life-saving medicines will be curtailed, people who cannot obtain medication will get the medication that they need. Access to life-saving medicines will be curtailed ... Where did he get that from? There is absolutely no
1835 question of everybody getting the life-saving medications that they need. There is no question of curtailing life-saving medicines. That is happening in places with austerity. That is not happening here, because there is no austerity. It is ridiculous, utterly ridiculous, designed to make people think, ‘Oh, my goodness, what is happening in Gibraltar?’ but it is not true. It is the thing that Kipling told us not to deal in that he deals in when he says this.

Mr Azopardi came to this House and said in Question Times passed, ‘I am very concerned about the over-medication of patients.’ That is one of the things we have to deal with, which we all said we were concerned about. Mr Phillips seems to want everyone to have everything they want, whether or not they need it, but no question of life-saving medication being curtailed – *never* –
1845 and, I bet, never even under them or any other Government of Gibraltar would life-saving medical medicines ever be curtailed. How dare he raise that allegation against the Government when it is untrue and it can make people who have a need for life-saving medication, in the worst moments in their life, have a concern because of the nonsense that this man comes here to utter, to create fear in people. They just sling mud. They just create fear. That is the Opposition that we have. What has this got to do with supporting a Bill or not supporting a Bill? It is all about getting people to turn against the Government.

And then, when he turned to the environment and said that John Cortes had no interest in protecting the environment, I should simply have said I am not listening to another word that this boy is saying because it does not deserve to be replied to. To say that John Cortes has no interest in protecting the environment is something that *no one* is going to believe. John Cortes wishy-washy on the environment? Come on! I am going to have to tell him the same thing I told Mr Margallo: wake up and smell the coffee. Come on! People expect more. Do you forget that you have just been chastising us because we have developed another park? Do you forget that? Parks are not everything, but they improve the quality of the environment of life and they take trees, which are important parts of protecting the biosphere and the environment. Come on! And on air
1855 quality, how can he pretend that our air quality is bad? It is not as good as we want it to be. It is
1860

much better than it was under them, and we are on the road to improving it even more, but it is demonstrably better than it ever has been since records began, not least because *they* did not win the election and there was no grimy, smelly, diesel power station.

1865 If he does not like the volume, this is what he was subjecting us to, a lot of volume – and very little substance – so he is going to get it back because they are the people who represent the Government that did absolutely no solar in Gibraltar, although solar was a technology that existed in their time. Come on! He said we are doing nothing about vehicles. Did he not hear the measure I announced that puts even more pressure in respect of second-hand cars, in respect of LCB and buses? Come on!

1870 No other government in the world has withdrawn from environmental commitments, but we have? No, we have not withdrawn from environmental commitments. Does he not read the news? Doesn't he know that Germany is going back to coal-fired stations? When he says what has happened elsewhere in the world, does he not check?

1875 He said that we spent money on the Alameda, but it was not in a good state and the cemetery was not in a good state. The complaints are down because we are investing in Alameda and we are investing in the cemetery. The ill-conceived closure of Line Wall Road cost – and this was his killer punch – £300,000, wasted by the Government of Gibraltar. Killer punch? Straight back at you, mate. The hole in the ground where the Theatre Royal used to be was our throwaway of £10 million – £10 million of taxpayers' money buried in a hole by the GSD makes everything else pale into insignificance. They are the heavyweights of one thing and one thing only: waste, waste, waste. So how can he complain that we are not doing enough to resurface the roads? How can he complain about that? Is he urging us to spend more money? Is he sitting next to the people who are urging us not to even have spent what we have spent on Health and the power station, let alone on resurfacing roads? You could not make this up. Next time, instead of standing there pretending to channel Marcus Aurelius he should channel Benny Hill; it would be more in keeping with the things he says.

1885 And so, Mr Speaker, I turn now to Mr Bossino. Mr Bossino, to his credit, did not feel that he had to descend into insult during the course of his Budget speech like the others felt they had to do. He was obviously approaching his address from a different standpoint and a different point of view to that which we represent – of course entirely proper, acceptable and accepted because we have a Government-and-Opposition, Westminster-style, adversarial mechanism of government. Absolutely right. There are perennial differences between us, in particular about the value of attending conferences like FITUR in Spain to attract Gibraltar tourism, which comes at great cost. That is a clear distinction between us. There is also another distinction between us – in fact, between us and between him and me, which we have known for many years and which does not affect our friendship: we have different ideological positions. We represent the left, and he has finally come out: he represents the centre right of the political spectrum, which is what everyone on the right says to try to sugar-coat the fact that there are on the right – that they are on the centre right. It is fine. We represent different points of view. That makes for a healthy political debate. Whereas most of his teammates stand for nothing and have no ideological position that they can point to as their lodestar, Mr Bossino clearly has an ideological position that he believes and that only he represents. That is why when the loser of the Opposition says that as long as he is there the GSD will never change its attitude to Pride etc., he means as long as Damon does not become the leader. That is the underlying reality. Mr Azopardi is using the shield of equality to protect himself from Mr Bossino's potential leadership challenge.

1900 I know that he and I have had a very competitive approach to each other since we were young, but in a healthy way, and I do hate to have to say it but his speech really was exactly the sort of engagement that we should have across the floor of this House in a debate: a different point of view in a democracy about doing things in a different way because we each believe in the best interests of our country and we would deliver the best interests of our country in a different way. The sort of thing that we should be talking about.

I was not surprised that he described himself as right wing – centre right; I have watched his journey to the right since we were in school together – but I did not quite expect the vehemence from him. I really did not expect that level of vehemence. Let’s face it, he is not somebody who is known for speaking with passion or conviction on any particular topic, so I was surprised to see him more into *Monty Python’s* Spanish Inquisition in the approach he took. He did it very convivially. We did it in the warmth of a summer’s afternoon and in our comfy chairs as he spoke, exactly like the threat in the *Monty Python* sketch, but I do have to challenge him and say it is not cancel culture to say that we will fight to preserve the positions that we have delivered. Cancel culture is not to allow a person to speak their views if it is contrary to the view that those who are progressive would consider is the appropriate view. He said what he wanted. He said that he represents the opposite view and he explained it in the length, or not length, that he chose, and if ever he wants to put a motion in this House he will have, of course, the right to speak for as long as he wishes on any motion on any such subject as he wishes, and he will hear me speak against him on the subject and tell him that as I have led the Government to where I have led it I will fight anybody trying to take that Government and the position in the statute book back from where it is. He would expect nothing less from me, but he knows that I would not seek to silence him, which is what cancel culture is.

1930 He said this:

Whatever happens in the future with abortion or any other issue should be decided by the people of Gibraltar in democratic elections, and they will cast their vote in one direction or another. That is the way democracies operate: the voice of the electorate expressed here in Parliament in general elections.

I agree, that is what democracy is about. I will be speaking in those general elections to ensure that people make the choice that does not see a reverse, and he might be speaking to deliver a different outcome, but what his leader has said, and indeed what Mr Feetham has said, contradicts what he said. The remarkable thing here is that he faces more contradictions from his side of the political divide than he does from us. He said this business about whatever will be decided by elections, and Mr Feetham has said the opposite. Mr Feetham has said, ‘No reverse gear. What this GSLP Government has achieved’ – Mr Feetham talking about the GSLP Government – ‘will not be reversed by a GSD government, even if the people, at an election, have chosen the GSD government that goes into an election seeking the opposite.’ Will he accuse Mr Feetham of cancel culture, or Mr Azopardi, who says that while he is the leader of the GSD there is no reverse gear either?

What I will say is I think that Damon Bossino represents GSD values. He represents the GSD that the GSLP Liberals fought against in 1995 and 1996 and in every other election under Peter Caruana. I do not know what *they* stand for anymore. I know that *he* continues to stand for what he stands for, and I appreciate that. I think it is healthy for us to have a debate. If we do not have a debate about the differences between us, we end up calling each other names because the only thing that we are left with is saying, ‘If it is the same thing we are going to do, I will do it better than you.’

1945 ‘No, I will do it better than you.’

1950 ‘No, I am taller than you.’

‘I am shorter than you.’

He stands for something different, so he needs to persuade that what he stands for is the right thing to do, and we persuade that what we stand for is the right thing to do, and then it does not matter who of us is taller or shorter and we do not have to call each other names; we just talk about the thing that we believe we should do or not do.

1955 Mr Azopardi has represented all values. Mr Azopardi represented Liberal Party, National Party values, he has represented GSD values, he has represented PDP values, which are supposed to be progressive values, although he has represented conservative GSD values, and now he is back to representing GSD values, but the GSD values seem to be progressive values, so it is more like diet

1960 GSD, or GSD zero, rather than GSD. Mr Feetham says that he is progressive and that he brings laws
 about equalisation of age of consent, and he was the GSLP, he was the Labour Party and now he
 is the GSD zero as well. *That* is cancel culture. When you do not know what you stand for, you
 cancel yourselves out, and I commend Mr Bossino for being, in my view, mistaken in his views but
 1965 and I encourage him to continue to put his views because that is the plurality of opinion. That is
 diversity. Diversity cannot only mean that people who were ignored and shamed before now
 come to the fore and everybody else disappears. Diversity is because everyone who was there
 before still is, and others who were shunned before are now part of it. I think he and I, ironically,
 1970 are probably a wider measure of agreement in that respect, because I think we actually deeply
 understand these issues more and we do not use them for political purposes, as others do.

I think he is *completely* wrong on housing allocation. I understand the issue of means testing. I
 understand that there are abuses on issues relating to housing – don't we know it, and we try to
 deal with them as often as we can – but the policy that the Hon. Mr Bossino has set out is, in
 effect, to tell every public servant of Gibraltar over a particular salary that they will not be eligible
 1975 for a Government home. That is the reality. So not only, if there was a GSD government would it
 have Scissorhands Clinton cutting the number of public servants, cutting the cost of the public
 service and cutting public services, it would have a new housing allocation scheme which would
 have to have a figure for means testing, and public servants in particular, and indeed the working
 class who receive a wage from an employer and are the ones who have their wages declared at
 1980 the Income Tax Office, would immediately be the prey of that, wherever you decide to throw the
 line. Say you are saying anybody who has a household income of over £28,000 will not be eligible
 for Government housing, every public servant who has that income, clear, off the housing waiting
 list. If you throw it at £50,000, say – £75,000, wherever you throw it, £12,000 ... You have to throw
 a line. If you do not, then you are just playing a game. You are making its objective ... You are just
 1985 going to allow Ministers or civil servants with the ear of Ministers to do Ministers' bidding to allow
 people in if they like you and not if they do not. You cannot do that here; you have to have an
 objective number. So if you are going to do means testing, you put that objective number. First
 victims: those who are on PAYE, public servants and working-class people. You are going to throw
 a line. You are going to create what you say is justice by throwing the line there and everybody
 1990 else will be off, regardless of the circumstances. Okay, so you are going to allow some element of
 discretion by doing other means tests etc. That is the wrong way to deal with something that is a
 problem. There is a problem, both side agree there is a problem. There is some abuse of the
 housing allocation rules, but that is the wrong way to deal with it, and although I am grateful for
 his honesty in setting out what their policy would be, I think it is very dangerous, in particular for
 1995 the public servants of Gibraltar and the working people of Gibraltar, because we do not know ...
 They are going to keep quiet until after the election on where they are going to throw the line,
 and then you might find that you are on the wrong side of that line.

On the question of travel spend, £28,000 is the cost of a one-page advert in *The Times* travel
 section, and yet it is the Budget for the year for travelling that Mr Daryanani has spent.
 2000 Mr Daryanani can be targeted very easily by hon. Members, as they do. They say, 'He's travelling.
 It's terrible. He's spending money.' Easy to persuade people that that is something that should
 not be happening because they imagine Mr Daryanani in club class drinking champagne and eating
 nuts and they say it is terrible – none of which I am sure he does. Certainly on the few times we
 have flown together, Vijay does not eat the nuts and he tends to drink water. I drink Coke Zero –
 2005 imagine how big I would be if it did not! If he does not travel, drink water and go to the meetings
 and bring in the new business, he will say, 'It is terrible – the hon. Gentleman is sitting in his ivory
 tower at Europort not bringing in any new business.' So which is it to be? The hon. Members have
 an attack arsenal which they will deploy painting the negative whether we travel or whether we
 do not travel.

2010 I do not understand his obsession with FITUR, Mr Speaker, because, frankly, if there is one
 place we do not need to go to market Gibraltar and remind them that we are here, it is Spain.

They have an unhealthy obsession with us; we do not need to tell them to come and visit. We tried FITUR. They insisted on FITUR. We tried FITUR when we came into government. We did not think that it made sense. There may be instances in the future where it makes some sense. If there is a deal which provides Schengen fluidity, we may want to go there one year to explain the benefits of the deal, that sort of thing, but no need for the obsession he has.

In the month of May this year we have had more new cruise calls than ever before in May. The figures are already 162 booked for 2023. We had 197 calls before the pandemic, in 2019, and with 184 this year already – as he knows, the calls are booked later – so on cruises we are doing very well indeed. Our Airport is working better than most airports and we are back to pre-pandemic levels. We have problems with airlines that have gone but come back, but what a bounce back. I think the hon. Gentleman should be congratulating Mr Daryanani. And neither is Mr Daryanani now not going to be involved because Mr Bossino is coming to be the CEO. They are going to work in partnership. They are going to work together to get the best for Gibraltar. We are saving £200,000 for the Gibraltarians already by appointing the £140,000 CEO, so it is a net saving – put up more money but save more money in the long term. I am sure Mr Bossino will do an excellent job in tourism – not him, his brother.

One thing is clear: if he were to become Minister for Tourism, or a Minister in this Government, I assume he would eschew the efforts we are making to attract the pink pound to Gibraltar, which is also extraordinarily important in the context of international tourism, and I suppose he would not fly the Pride flag over No. 6 Convent Place, if he became Chief Minister, on 28th June, which would be a pity because most other governments fly it, but with him in government it would not fly. In fact, there is one thing that he will never have, of course, in the photo sticker album of Saturday mornings in Main Street 2022-23 ... The hon. Gentleman has more stickers than any other Member of this Parliament because he goes to everything down Main Street on a Saturday and has his picture taken with every charity. Laudable though that is, he is not going to have the sticker for Pride events. It is a pity because he is not going to complete the album. The one picture he is missing. He talks about hon. Members just wanting photographs. Well, none of us have as many photographs as he has down Main Street on a Saturday – except that particular Saturday, when he was nowhere to be seen. I thought – ‘Y Damon viene?’ (A Member: No.) (Laughter)

On planning, he was completely wrong. What is not independent about the DPC? The Government has had its own projects rejected by the DPC: extra floors on housing estates rejected by the DPC; new Port Office turned back on several occasions by the DPC; the expansion of New Harbours again. Even before we changed the rules we faced rejection in a public DPC, so how can he say with a straight face that people there just vote with the Government, and Ministers vote with the Government? Ministers are asked by the Chief Minister to be independent in the DPC. There is no government whip in the DPC. They sometimes just have to go back to the minutes, which are now public – Ministers vote in different ways in the DPC. So he cannot make out that what he is saying is true, and therefore the whole premise that he brings here about the DPC, to try to curry favour with those who are against development – but, by the way, when you open the development, people love it ... He says the DPC is a puppet in the hands of the Government. It is not true and it is disrespectful of the members of the DPC who are not Ministers, who are civil servants and public servants, and, indeed, all the other members of the DPC. Mr Speaker, remember that the DPC which they presided over approved a development plan for the Eastside, Sovereign Bay, with a marina and huge towers, so I really do not think that they can make out the arguments they are making.

I thought his arguments on the Caleta Palace were really not sound arguments. The Caleta Palace has had an outline planning permanent subject to redesign. In other words, they have been told, ‘We don't like your design, it needs to be different.’ I do not know what it is he says that the existing Caleta Palace, the one that is going to be demolished, has in keeping with Catalan Bay as it was before the Caleta Palace was built. When you look at Catalan Bay when it was an empty rock on the southern end, what did the Caleta Hotel that is there now have in keeping with the

Caleta? Nothing. He made the argument about doing something that was in keeping with Catalan Bay – it does not make any sense.

2065 Mr Speaker, my good friend Chris Riddell is not a David in front of any Goliaths. He has a good slingshot ready, no doubt, and therefore he will be one of the people I trust we will be able to engage in relation to the issues that relate to the marina, which I mentioned earlier already, but I was surprised to see him trying to curry favour in that way.

2070 Finally, the idea that John Cortes is not trusted because the historian Joseph Garcia is continuing with the Northern Defences that he started with and working with the Royal Engineers etc. and doing the Mount and Landport is nonsense. Do they make this up as they go along? John Cortes has delivered Ocean Views, he has delivered two parks, five schools and he is working on three others. Do you think I do not trust him? Really? They know I trust him, Mr Speaker, so there is no need to make those points. We have done so much work on heritage that had lain abandoned and on heritage buildings, like the Social Security building that we have already told him we will consider very carefully.

2080 Mr Bossino I actually believe was also more genuine and fairer in relation to the treaty than I believe Mr Feetham, Mr Azopardi or the others who mentioned it were, who are behind the door with the axe, waiting for us to arrive at the treaty, ready to pounce. I genuinely believe that Mr Bossino, although his original reaction was not as I expected it to be in this House a couple of years ago, has had a Damascene return to where he was after the New Year's Eve Agreement, and I do genuinely believe that he wants us to succeed on the treaty. I am grateful for that and I think he has a job to do in persuading his stable mates to take the same constructive and positive approach he is taking. The Leader of the Opposition has said that we have a referendum on the treaty. I have already said when I think a referendum on the treaty should be held, but I do not think we should hold up the treaty because of a referendum. I have been very clear about that as well.

2090 Mr Speaker, I turn now to Mr Reyes, whose contribution was short but, as usual, when analysed, far from sweet. He said that this year the Budget allocation represents £63 million, £39 million in respect of payroll charges, which is an increase but on the payroll subheads a small saving. Mr Reyes himself is demonstrating that there is no austerity. Mr Feetham was at pains to try to persuade everyone that there is austerity in Gibraltar, Mr Clinton was at pains to say that there is not enough austerity in Gibraltar, and Mr Reyes demonstrated that there is no austerity in Gibraltar because the fact that there is the sum necessary to pay not just for the numbers of teachers we had before but for more teachers, who were being paid under relief cover and now will be paid directly, is a demonstration that we will be putting the money where it needs to be put.

2100 On temporary cover, the reason there is a thousand pounds is because we have taken all of the new teachers and so there needs to be a new assessment as to what a temporary cover will be, and as we run through the next couple of financial years, this and the next Government after the next General Election, which I hope will be of the same political complexion, will be able to see, with the full complement, how the relief cover plays out. That is why we have put a token, so that we can assess it as we go. With a full complement there should be a lot less relief cover. Of course there will be pregnancies, of course there will be maternity and paternity leave where relevant, of course there will be serious illness, but teachers do not take time off. Teachers have time off if they are ill or if they need it, but otherwise their leave works in a different way. That is why we have put in the token.

2110 The £8,000 that he asked us about for compulsory professional supervision is for the school counsellors, which is the compulsory requalification or checking that they do, which is required to keep up their registration through periodic assessment, and the increase of almost £400,000 in respect of facilities management is the contract for the new schools. I am not going to reply on whether or not teachers have been involved in the planning process because Mr Licudi, who actually ran the planning process and the building process for some of our new schools already gave a magnificent reply when he spoke on Thursday.

2115 Mr Speaker, I do not agree that giving teachers full-time jobs, instead of keeping them as supply, makes their future insecure in any way, but I do strongly agree with him that those who have not been successful at interview should be given meaningful feedback so that they know what they have to improve for any future interviews they have.

2120 On the Housing Works Agency, the hon. Gentleman was surprised to see lower numbers. What they cannot do is pretend that they are surprised to see the Housing Works Agency being run down when they are the ones who signed the deal that ran it down. They signed a deal that said for every two people in this agency, only one will come in. That is a law of diminishing returns. You have turned the pyramid, in effect, on its head. The Housing Works Agency is going to zero because the GSD confined it to go to zero under the agreement it signed and said it was confining it to go to zero. This is like a doctor or a gaoler who, executing capital punishment, injects the lethal injection, leaves the patient and then comes back and says to the nurse standing next to him, 'Why is he dead?'

'Well, because you asked me to stand here whilst the poison you had injected into his veins had the effect.'

2130 Anyway, it is not true that hon. Members here have heard excuses for the reason why sporting facilities are not completed. Of course we were waiting too long for that and of course it is lamentable, but reasons are not excuses. Excuses are designed to exculpate somebody who should have done something and was able to do something and has failed to do something. Reasons set out why something has happened and I think everybody will understand the reason behind why we have not been able to finish those facilities – although they will finish very soon, as the Minister for Sport told us. I do join him in wishing all the best to our athletes at the Commonwealth Games and any other Gibraltarians competing internationally this summer before the House is able to meet again. I know that we have a number of Gibraltarian football teams in our league and they will be playing the knockout stages of qualification for the Champions League and the Europa League, and I know that every Member of this House will join me in wishing them all the best.

I do appreciate that the hon. Gentleman said this:

once again, this year I wish to reaffirm my personal conviction that, through the collective celebration of social events, participating Gibraltarians contribute to reinforcing our identity, culture and history as a people and a community.

2145 The parties that hon. Members say we should not be funding I assume are the ones that Mr Reyes was telling us are very welcome because they gel us as a people, and our identity, and I know all Members, on this side of the House, at least, are very much looking forward to celebrating a Gibraltar National Day in the normal traditional way down at Casemates, which the GSD stopped and we brought back, this year after two years of not being able to do so.

2150 All mysteries are sometimes resolved, except perhaps the mystery of Fátima. Now we know who created the culture of entitlement. Mr Reyes said this:

Our local performers, entertainers and audiences are entitled to ask for a theatre which is fit for purpose and available throughout the year without them having to exclusively raise the funds themselves.

2155 'Entitled' – the culture of entitlement, the entitlement to culture, the entitlement for the Government and the taxpayer to pay for the infrastructure of culture. Thank you, Mr Reyes, for having spilt the beans and having explained so clearly that it was the GSD that created the culture of entitlement as already set out. What we are seeing is benefactors wanting to invest in this theatre and wanting to make it a reality for our people, but if we go around talking about people being entitled to things we are doing none of the things that the rest of his team say and agree with the Government we should all be doing. When hon. Members write their speeches, they need to look at every word. Every word matters.

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2165 Finally, Mr Speaker, the only Member I have not had to deal with this year is Ms Marlene Hassan Nahon, who has not been with us for this session. We have had our fair share of disagreements this year, in this House and outside it, but I want to associate myself with the words of the Hon. Minister Sacramento on the disgraceful WhatsApp anonymous attack that was circulating and to associate myself with the words of the Hon. Mr Licudi in wishing Ms Hasson Nahon all the very best and looking forward to welcoming her back to this House in order to continue to disagree with her in the parliamentary way. We are all human, Mr Speaker, and it is not an indulgence to grieve a parent.

2170 There is one other speech that I have to deal with this year. It is the undelivered speech of Sir Joe Bossano. Having had an opportunity to read that speech ... I usually read Sir Joe's speech after he has delivered it, when the *Hansard* comes in, because I enjoy it. I have been, like everybody else, deprived of the opportunity of hearing Sir Joe deliver his speech with his asides and his quips at hon. Members. I must say, having read it, I really do think it is the most brilliant analysis of the current economic climate affecting the whole world, an excellent prediction of the issues that can affect the Gibraltar economy, and in particular it sets out in stark Technicolor, black upon white on the page, the contradictions that hon. Members have fallen into in the attacks that they have made on the Government in the past years. I do hope that we will be able to see Sir Joe deliver that speech in some way, so that those who prefer to watch it rather than read it will have an opportunity of doing so. In that speech he talks about a new system of social security which will enable people to retire as from the age of 60 – which I very much welcome – in keeping with our manifesto commitments, and he also sets out a number of predictions which I think all should see.

2180 Mr Speaker, I am sorry to have gone on for a little longer than I expected, but I am now coming to my concluding remarks and I will not keep the House for much longer. When I first arrived at Oxford University, not as a student but to interview, on the door of the man who was to become my law tutor, where I was going for my first interview, there was pinned a poem by Rudyard Kipling. Since then, I have tried to live my life according to the maxims set out in that poem. I do not deal in lies, I do not deal in hate, I do not lose my head in difficult moments. I tell it like it is. I treat popes, earls and countesses like I treat union leaders, workers and those who need to see me on any issue: with respect and friendship. They know that, because whenever they need me I am there to help them, also.

2185 Today and this week I have told it like it is, like I always do. I have told the truth to our people. I have worked for the past two and a half years since the election like never before, and so have all of my Government colleagues. I thought we had worked hard on Brexit, but combining Brexit and COVID was *really* difficult. I think we have proven ourselves to our people, we have proven ourselves in this House and we have proven ourselves to the world. Yet I come here this week to be called a knave and a thief, a highwayman and a pickpocket by an Opposition that has nothing to contribute but mud, debt and fears. They have slung mud, they have miscalculated and misrepresented debt and they have sought to exploit fears. Mud, debt and fears – that is all they have. That is what they have shown in this House in the past week. We have listened out of respect for the parliamentary process and out of respect for them, but not out of any respect that they display for us. I have not called them any names in my original intervention. I have kept to the hard facts. The public needed a serious debate, no frivolity, no name-calling, but they came here with nothing but insult, miscalculations on our national debt and rising fears for our people. They leave the blood, sweat and tears to us. We leave the mud, debt and fears to them. What I have been forced to do today is to hold up a mirror to them, to show them who they really are, to show them that their offer of mud, debt and fears is not what the people of Gibraltar want, that they are wrong, and to show them that even in these toughest of moments we are ready to give our best, so that when we look back on what we did in this time and generation we will say that this was our finest hour.

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2210 When people look back on this debate, they will say, 'What was the alternative that the Opposition presented?' Although they do not say it explicitly, if you vote for the GSD in the next election, given that they want to make this debate about votes outside this House, not here, what

2215 they are going to get is Scissorhands Clinton cutting jobs, cutting wages and cutting public services,
or centre-right Damon trying to undo the progressive advances that we have delivered. At least
Mr Bossino was honest about his position and the things I have said about name-calling do not
apply to him, as I set out. Cuts with Chancellor Scissorhands Clinton; loss of sexual rights and
freedoms with right-wing Bossino.

2220 With the GSLP Liberals in government, Gibraltar is safe politically, it is safe financially; Gibraltar
remains that safe haven for our people. There is no highwayman here. What there is on the other
side is a group of unfunny comedians who make up an Opposition that is no alternative
government. This is a time for serious politics and serious people. It is a time for serious arguments
and serious solutions. It is not a time for highwaymen or *bandoleros* or bandoliers. It is time to
2225 work hard to put our society back on track, a time to work and argue seriously to ensure that
through argument we improve things. It is not a time for populism, for opportunism or for
Trumpism and petty politics, but that is all we have got from them – and the threat of those
serious, deep and damaging cuts to public services whilst at the same time arguing for more public
services and more costs and more theatres, etc. In fact, they are quite divided in terms of cuts on
jobs and services, as they are divided on equal rights and reproductive rights. I do not think they
2230 are a party; I think there are six parties in the skin of one snake.

As the people see the effects of our Budget, as they understand that these measures are
designed to protect them from the huge increases in electricity costs that we have seen
elsewhere, as they see that the tax increases are temporary and designed to make us stronger
and that we will never surrender to their cowardly approach to the problems that we face today,
2235 many people will say, 'I didn't like the Budget, but it was the right budget for Gibraltar.'

I have told them about the many messages I have received. I am going to read one of these
messages because I think it is important that I should. This is what I received. This is a person who
is not a member of my political party, by the way:

Man, I just heard the Leader of the Opposition. You guys have built a beautiful park, great modern schools, great
beaches with great facilities, the estates with new cladding etc. *Es una gloria* Gibraltar that you have worked for,
man. 'Vanity projects' – what the BLEEP? ... vanity una BLEEP. Don't they remember the Bayside vaults? We had
classes cancelled *porque se llovía* and you could not get into the classrooms *porque estaban encharcado*. *Y ahora*
Bayside/Westside is like a modern university in the best city. Legacy projects, not vanity projects. L-e-g-a-c-y.

2240 I am not going to read the many hundreds of messages that I have received.

Mr Speaker, I am an old cynic, but that Llanito message almost brought a tear to my eye. It is
not lost on me that the people opposite actually want the malevolent commentators on social
media to hit us hard, and that if we had not built Bayside they would be hitting us really hard now
2245 for not having built Bayside. If we had not built a new PCC they would be hitting us for not having
built a new PCC. You cannot work with some people. We cannot win and we cannot do it to win.
We do it because it is the right thing to do, and as the summer advances and the dust settles the
people will see a Government acting in its best interests, acting in the interests of our people, and
they will decide who deserves to be supported and who deserves to be rejected at the next
2250 General Election. That is for the General Election. What we have to do now is decide how to vote
on this Bill.

No one likes to pay higher taxes, no one likes to raise taxes, but when we have finished working
with our partners in the unions, in the Chamber, in the Federation and with Action on Poverty, we
will have done all these things and ensured that we have protected those of our businesses that
2255 need protection and those who are the most vulnerable in our society as we build a bridge to
recover our public finances.

If you are a teacher, if you are a fireman, if you are a police officer or a GDC employee, if you
are a GHA employee or if you are a prison officer or a customs officer, if you work in the Port or
in the GSLA or if you work in the Civil Service in any capacity, today we have been told the GSD is
2260 going to vote that you should not be paid. If you need medical services or the assistance of the
Police, if you are due a rebate on tax, if you need your welfare payment, your disability payment,

2265 your state pension, if you need a passport or an identity card, whatever government service today you need, the GSD today is going to vote for you not to have that service. They are voting against the Budget and that is what that means, because they are not leaders. They are men with no shame, men with no clue and men with no plan. Gibraltar would have to be very irresponsible indeed to give the reins to the gentlemen opposite now, and Gibraltar is not irresponsible, far from it.

2270 So, having heard nothing to persuade me otherwise, having watched an Opposition shorn of credibility and short of ideas, having heard even the most basic and sacred rules of parliamentary debate bent to destruction by Members opposite, and having the comfort that in everything I have said in this debate I have not dealt in lies, bearing to hear the truths that we have all spoken in this debate twisted by knaves to make copious traps for fools, I have no doubt that this is the right Appropriation for Gibraltar, that it will be passed with GSLP Liberal votes. Once again, we will vote to pay our public service and fund our public services, and once again, just like for the past
2275 five years, these will be provided to our people only because the GSLP Liberals are prepared to vote to keep paying them and to keep providing the services. We are going to keep our heads about us, although they insist on losing theirs. We trust ourselves despite their doubting. We will not fret about being lied about and we will not deal in lies, and, what is most important, we will not give way to hating. Therefore, Mr Speaker, it is a privilege and an honour to once again
2280 commend the Bill to the House. *(Banging on desks)*

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I now move that the House should adjourn until tomorrow to consider the Committee Stage. The reason for that is that hon. Members will want to know that Sir Joe is able to be tested tomorrow, and, if he were to test negative, it would be possible for him to join us for the Committee Stage of these proceedings, which I know everyone
2285 would consider would be helpful and would be welcome.

So, instead of taking the Committee Stage today, we will take it tomorrow. I would propose, Mr Speaker, that we therefore come back at 11 o'clock tomorrow and then be able to determine how best to continue.

2290 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Tuesday, 5th July at 11 a.m.

I now put the question, which is that this House do now adjourn to Tuesday, 5th July at 11 a.m. Those in favour? **(Members: Aye.)** Those against? Passed.

This House will now adjourn to Tuesday, 5th July at 11 a.m.

The House adjourned at 2.29 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11 a.m. – 12.45 p.m.

Gibraltar, Tuesday, 5th July 2022

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The Gibraltar Parliament

The Parliament met at 11 a.m.

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

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

Order of the Day

Appropriation Bill 2022 – Debate concluded – Second Reading approved

Clerk: Meeting of Parliament, Tuesday, 5th July 2022.
The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I believe you have to put the question on the Second Reading.

Mr Speaker: Yes. I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the year ended on the 31st day of March 2023 be read a second time.
10 Those in favour?

Hon. Chief Minister: Mr Speaker, I call a division.

Mr Speaker: A division has been called.

Voting resulted as follows:

FOR

Hon. P J Balban
Hon. Prof. J E Cortes
Hon. V Daryanani
Hon. Dr J J Garcia
Hon. A J Isola
Hon. G H Licudi
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento

AGAINST

Hon. K Azopardi
Hon. D A Feetham
Hon. R M Clinton
Hon. D A Feetham
Hon. E J Phillips
Hon. E J Reyes

ABSENT

Hon. Sir J J Bossano
Hon. Ms M D Hassan Nahon

Mr Speaker: The result of the division is as follows. There are 9 votes in favour, 6 against and 2 absences, one through sickness and one through family bereavement. The Bill's Second Reading is carried.

**Appropriation Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

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

**Legal Services (Amendment) Bill 2022 –
First Reading approved**

20 **Clerk:** A Bill for an Act to amend the Legal Services Act 2017. The Minister for Digital, Financial Services, Health Authority and Public Utilities.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Legal Services Act be read a first time.

25

Mr Speaker: I would like to advise the Parliament that the Hon. the Chief Minister has certified that consideration of this Bill is too urgent to permit the expiry of six weeks after the date on which the Bill was published before proceeding on the same. I have the certificate and we can now continue the process.

30 I now put the question, which is that a Bill for an Act to amend the Legal Services Act 2017 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Legal Services (Amendment) Act 2022.

**Legal Services (Amendment) Bill 2022 –
Second Reading approved**

35 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

40 The Bill amends the Legal Services Act 2017 (the Act). This had been partly commenced, with some parts coming into force on 1st July 2019. The parts that have already been commenced are mainly those that established the Legal Services Regulatory Authority (LSRA), but not those that enable it to commence its statutory functions of regulating the profession. Currently, the LSRA is carrying out many regulatory functions as agent for the Registrar of the Supreme Court, who remains statutorily responsible.

45 The Bill amends both parts of the Act that have been commenced and parts that have not yet been commenced. The amendments in the Bill had been requested and prepared by the LSRA and approved by its board, which is chaired by Sir Peter Caruana QC and of which David Dumas QC is the CEO. The board includes the Chair and Vice-Chair of the Law Council, previously called the Bar Council. I am assured by the LSRA that insofar as the proposed amendments touch on matters that are currently the responsibility of the Chief Justice, he, too, has been consulted and has approved them.

50 The LSRA has requested these amendments to rectify shortcomings that it has identified in the Act as it is prepared to fully assume its intended functions and responsibilities under it. Once

amended as sought by the Bill, the whole amended Act can be commenced at a date to be agreed with the LSRA, whereupon the LSRA will fully take over the regulation of the legal profession on the terms of the Act.

55 The amendments are wide-ranging but do not depart from the intended regime created by the Act. Many of the amendments correct unintended consequence of the Act's drafting, introduce necessary structure, clarity and consistency to the regime created by the Act to permit it to be coherent and effective, correct errors in cross-referencing and definitions, and endow the LSRA with the necessary corporate powers and procedures to enable it to discharge its functions.

60 The Act currently lacks a clear, structured or effective basic regulatory spine in keeping with current regulatory principles, namely prohibition, authorisation and the offence of carrying out without the authorisation. The Act contains contradictions as to who is eligible to apply to be registered in a way that makes registration impossible, since an applicant would need to possess that which he can only obtain after registration. The proposed amendments cure these defects by introducing a clear, coherent regime comprising (1) the prohibition against the carrying out of the
65 prescribed reserved legal activity unless the person is authorised by registration, or exempt; (2) what enables a person to carry out a reserved legal activity, namely registration as an authorised person and the holding of a practising certificate; and (3) the offence of carrying on or holding himself out as providing a reserved legal activity without being entitled to do so, or exempt.

70 Mr Speaker, I have discussed this Bill with the Hon. Mr Feetham, and, as a result of the shortness of time that has been given for the passing of this Bill, have agreed to enter into discussions with him on any issues that provide him with any difficulty and to meet with the LSRA to ensure that we are able to reach consensus on what is the best way forward. I know there are a number of Members opposite who have an interest, not just political but personal; I would be
75 very happy to meet with them and talk these things through with the LSRA, and the drafters in particular, to ensure we arrive at a Bill that is fit for purpose, as indeed is obviously the intention.

The Bill would render the LSRA a fit-for-purpose regulator of the legal profession, enabling the general public to be adequately protected whilst ensuring the independence of the legal profession.

80 Mr Speaker, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any Hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Daniel Feetham.

85 **Hon. D A Feetham:** We will be supporting the Bill.

Sir Peter Caruana reached out to me yesterday in order to discuss this Bill. I know that he is one of the individuals who have been involved in the drafting of the Bill. The Bill is essentially a product of the work of the LSRA and should not be controversial, but of course, because of the shortness of time, as the Minister has indicated, we would like an opportunity to meet with the
90 Minister and also to meet with those who have drafted the Bill in order to ask any questions and clarify any issues that we may have some concerns about.

I, myself, am not certain about the amendments that are proposed for section 5 and, for example, what the implications are in terms of catching out or excluding consultants who may be employed by a firm. It says 'as a partner, director, consultant to' ... must be a consultant to a local
95 firm. There are a number of firms that employ consultants and I just wonder the extent to which that goes. I know that my learned friend Mr Phillips has some concerns in relation to the use of paralegals. Many firms use paralegals, for example, in order to do research. I suppose the answer in relation to that is they are not holding themselves out to offering legal services from Gibraltar because they are doing research for somebody else and that person is licensed to provide legal
100 services. These are the types of issues that we would appreciate the opportunity to be able to discuss with the Minister and also to discuss with the drafters of the Bill in order to ensure that Gibraltar has the best possible product. Subject to that, Mr Speaker, we will be supporting the Bill.

Mr Speaker: Does any other hon. Member wish to make any contribution?
The Hon. Albert Isola.

105

Hon. A J Isola: Mr Speaker, thank you. I am grateful to the hon. Members for their support and, as I mentioned earlier, I would be happy to meet with them to see if there are any issues that require clarification and ultimately, if necessary, amendment by discussing the same with the drafters.

110

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Legal Services Act 2017 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Legal Services (Amendment) Act 2022.

**Legal Services (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

115

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

120

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

**Traffic (Amendment) Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to make changes to amend the Traffic Act 2005. The Hon. the Minister for Transport.

125

Minister for Transport (Hon. P J Balban): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Traffic Act 2005 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

130

Clerk: The Traffic (Amendment) Act 2022.

**Traffic (Amendment) Bill 2022 –
Second Reading approved**

Minister for Transport (Hon. P J Balban): Mr Speaker, I have the honour to move that the Bill for the Traffic (Amendment) Act 2022 be read a second time.

135 This Bill amends the Traffic Act 2005 and introduces provisions that will allow for an improved service at the DVLD and change the composition of the Traffic Commission, with focus on the addition of a representative from the Gibraltar Cycling Association as part of this Government's continuing commitment to a greener Gibraltar. In addition to this, changes are being made in order to enhance enforcement powers held by the RGP to ensure that our roads continue to be safe to use, with appropriate deterrents being put in place as part of the first phase of a review of traffic offences in Gibraltar.

140 I will now move on to the clauses of the Bill, which give more detail on these amendments. Clause 3(2) amends section 6 of the Traffic Act 2005 in order to allow temporary examiners to be appointed for the purposes of examining drivers. The DVLD experienced a backlog of appointments due to the pandemic, and should similar issues arise in the future the Licensing Authority would, for example, be able to engage retired examiners on a short-term basis to deal with the workload.

145 Mr Speaker, I have given notice that I will, at the Committee Stage, move an amendment to the Bill to amend clause 3(3) and to insert new subclauses (4) to (6). The amendment to clause 3(3) will allow for the composition of the Traffic Commission to change, in line with the Government's continued commitment towards a greener Gibraltar. The change will allow for the addition of a transport planner, an additional member to be appointed by the Government and a representative of the Gibraltar Cycling Association.

150 The new clause 3(4) amends section 65(2) of the Traffic Act 2005 to address the concerns raised by the Royal Gibraltar Police that a police officer has no legal power to require a person to provide a blood sample unless the police officer has first been advised by a medical practitioner that the condition of that person may be due to a drug – section 65(2)(c) of the Traffic Act 2005. As the law currently stands, this requirement adds to the time and expense to process an individual. That is because a medical practitioner would need to conduct his own impairment tests rather than rely on the RGP's preliminary drug tests which the RGP are empowered to conduct under section 63D of Traffic Act 2005. Moreover, the Gibraltar position can be contrasted with the UK, where, pursuant to amendments to the UK Road Traffic Act 1988, the Police are permitted to request a blood sample without a medical practitioner having first conducted his own impairment tests. This difference puts Gibraltar at a relative disadvantage to the UK in eradicating the problem of driving under the influence of drugs. This amendment is intended to bring section 65(2) of the Traffic Act 2005 in line with the amendments made to section 7(3) of the UK Road Traffic Act 1988.

160 Mr Speaker, the amendments introduced by the new clause 3, 5 and 6 are a first step to a wider exercise of reviewing traffic offence penalties and the level of fixed penalty notices. The Royal Gibraltar Police have raised concerns that the level of some of the fixed penalty notices for traffic offences has been too low to act as a deterrent. A review has been conducted to make appropriate amendments and this is the first stage of the process, designed to ensure that there would not be a discrepancy between the level of FPN and the underlying penalty for the offence. The general penalty for traffic offences, which applies where no specific penalty is provided for, is being increased from level 1 to level 3 and from three months' to six months' imprisonment. Whether a penalty should be higher or lower than that or where it is already expressly provided for within existing legislation, amendments will be made, as necessary, at stage 2 of the process.

175 Mr Speaker, I commend the Bill to the House.

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

180 **Hon. E J Phillips:** Mr Speaker, we welcome the amendment to the Traffic Act, particularly in relation to the functionality and the operation of examiners in our jurisdiction, but also welcome the enhancement of powers due to the RGP, so this will have the full support of the Opposition.

185 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Traffic (Amendment) Act 2022.

**Traffic (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Traffic (Hon. P J Balban): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

COMMITTEE STAGE AND THIRD READING

Clerk: Committee Stage and Third Reading. The Hon. the Chief Minister.

195 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Appropriation Bill 2022, the Legal Services (Amendment) Bill 2022 and the Traffic (Amendment) Bill 2022.

In Committee of the whole House

**Appropriation Bill 2022 –
Consideration of clauses**

Clerk: A Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2023.

Clause 1.

200 **Mr Chairman:** Clause 1 stands part of the Bill.

Clerk: Head 1, Treasury.

205 **Mr Chairman:** Clause 2, head 1, Treasury.

Hon. R M Clinton: Can we stop, Mr Chairman? We are on the Treasury detailed expenditure at the moment?

Mr Chairman: Let's restart. Let's say clause 2, head 1, Treasury, subheads 1 and 2.

210

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

If could ask, on head 1, Treasury, subclause 2, item (16), the item is headed 'Government office rent and service charges' with an outturn of £10,535,000 for 2021-22 and £10,700,000 for 2022-23. I would be grateful for an analysis.

215

Mr Chairman, I would just point out that the schedule I was given in answer to Question 270 last week adds up to a total of £2.3 million. I would be grateful if the Government could advise what the bulk of the £10 million is.

220

Chief Minister (Hon. F R Picardo): Mr Chairman, yes, if the hon. Gentleman looks at the Book, he will see that this is a reduction from £19 million of the actual in 2019-21 – in fact, that is the double year – going down to £10.3 million per year, and this year £10.7 million. The exact figure is £10,692,579 and it is made up as follows: World Trade Centre, £217,486; 323 Main Street, £109,584; Blake House, £69,752; New Harbours, £11,683; Leanse Place £282,994; Suite 6, 57-63 Line Wall Road, £142,862; Suite E, Regal House, £94,114; Euro Towers, £30,887; John Mackintosh Hall, £125,000; Units, ICC 9.3, £91,435; and then all buildings, £9,516,178.

225

Hon. K Hon. K Azopardi: Mr Chairman, can the Chief Minister just repeat ...? We did not hear it. Did he say 'all' buildings or 'old' buildings?

230

Hon. Chief Minister: No, in the breakdown I have it is 'all' buildings. I am just trying to find out what 'all' buildings is. Mr Chairman, I can endeavour to provide a breakdown, if hon. Members want. We are just finding it very difficult to see the list that we have, because it is in very small print. It would appear that those are the buildings that hon. Members, when they were in government, put into a company subjected to a loan and we pay rent in respect of that, which is the Gibraltar car parks loan which they obtained, but I will give him, if he wishes, the breakdown building by building – which I think is what he wants – of the £10,700,000.

235

Hon. R M Clinton: Mr Chairman, it might speed things up if he could just give us a schedule, and then that would be acceptable to us.

240

Mr Chairman: Anything further on head 1, Treasury?

Mr Clerk, you may proceed to close this.

Clerk: Head 2 –

245

Mr Chairman: No, hold on. We need to say that head 1, Treasury, subheads 1 and 2 stand part of the Bill.

Clerk: Head 2 ... *[Inaudible]*

250

Mr Chairman: Mr Clerk, as soon as the Members of the Opposition have stopped asking questions, then we must proceed and read out the head and subheads, so we can give this a bit of a push.

255

Clerk: Head 3, Office of the Chief –

Mr Chairman: No, head 2, subheads 1 and 2 stand part of the Bill.

You can proceed to head 3.

260

Clerk: Head 3, Office of the Chief Technical Officer, subheads 1 and 2.

Hon. Chief Minister: Mr Chairman, I am sorry to be very technical about this, but it is important. No. 6 Convent Place is three subheads because it has the COVID subhead in, exceptionally. For the *Hansard* we need to, just technically, have that subhead 3 in as well. Although it is going to zero this year, it is still in the Bill.

265

Clerk: Head 2, No. 6 Convent Place, subheads 1 to 3.

Mr Chairman: Head 2, No. 6 Convent Place, subheads 1 to 3 stand part of the Bill.

270

Clerk: Head 3, Office of the Chief Technical Officer, subheads 1 to 3.

Mr Chairman: Head 3, Office of the Chief Technical Officer, subheads 1 to 3 stand part of the Bill.

275

Clerk: Head 4, Customs, subheads 1 to 3.

Hon. K Azopardi: Can I just ask on that one ...? Can there just be an explanation on subhead 2, item (15), 'ASYCUDA expenses'? That is in relation to what in particular? What new expenses would be necessary?

280

Hon. Chief Minister: Mr Chairman, this is actually not a new expense. It is a transfer of the expense which hon. Members used to see at subhead 1(1)(d), which was the temporary assistance head. This is an individual who provides a service. He is not an employee of Customs, he provides a service. The view we took when we were looking at this in detail this year is that it is not correct to book somebody who is contracted to provide a service under the temporary assistance head; he should be provided for as an expense of the thing at least that he is providing the contracted service for, which is the ASYCUDA system. This is the person who maintains the ASYCUDA system.

285

Hon. K Azopardi: On the same head, on item (19), can I ask also about the further clarification on the rise from the forecast outturn of £180,000 to £425,000 in respect of leasing arrangements and what that could be?

290

Hon. Chief Minister: Mr Chairman, this is the full-year effect of the leasing arrangements for the *Scimitar*. Hon. Members will have seen, the year before, £180,000, which is a part-of-the-year effect, and the full-year effect is the £425,000 – *HMS Scimitar*.

295

Hon. K Azopardi: So we are leasing the *Scimitar*? On what terms? I do not understand.

Hon. Chief Minister: I think we have announced before that we are leasing the *Scimitar*. It is leased from Damen Shipyards, which means that we are able to replace it should something go wrong with it. We do not suffer the capital cost of having to acquire it and put up the capital, and there are different terms as to maintenance etc., all of which is included in the cost of the lease and is, in the long term, cheaper to the taxpayer than an outright purchase and suffering the cost of the maintenance.

300

305

Hon. K Azopardi: Can I just ask, Mr Chairman, on that – unless they have announced it; and, if so, I have certainly missed it – what is the length of the lease?

Hon. Chief Minister: The length of the initial leasing arrangement is three years, Mr Chairman, and I think we announced that when we did the event at the launch of the *Scimitar*.

310

Mr Chairman: Head 4, Customs, subheads 1 to 3 stand part of the Bill.

Clerk: Head 5, Income Tax, subheads 1 to 3.

315 **Hon. Chief Minister:** Before we carry on, I have just been told it is 42 months, not three years – just to be clear in respect of the earlier answer.

Hon. K Azopardi: Can I ask, on Head 5 subhead 2(9), Contribution to GDC Staff Services, £144,000 compared to £106,000 on the outturn – what is the reason for that?

320

Hon. Chief Minister: It is the increase, Mr Chairman, which hon. Members will see reflected on the cover page for head 5, of an additional GDC officer for this financial year.

Mr Chairman: Head 5, Income Tax, subheads 1 to 3 stand part of the Bill.

325

Clerk: Head 6, Parliament, subheads 1 to 3.

Hon. K Azopardi: On subhead 1(1)(a), less on salaries expected this year – what is that represented by?

330

Hon. Chief Minister: Mr Chairman, there is one member less in the complement of the Parliament and the senior grade in Parliament has changed from senior officer to senior executive officer and that explains the saving.

335 **Hon. K Azopardi:** And then, on subhead 2(8), CPA Expenses, the rise to £100,000 – is that to cover the possible conference that the Minister was talking about last week, or is it something else?

340 **Hon. Chief Minister:** Yes, Mr Chairman, and the hon. Gentleman will see that there is a footnote to that effect at the bottom of the text. I do appreciate, Mr Chairman, that at our age footnotes become harder. If only Sir Joe were here – he spots them immediately.

Mr Chairman: Head 6, Parliament, subheads 1 to 3 stand part of the Bill.

345 **Clerk:** Head 7, Human Resources, subheads 1 to 3.

Hon. K Azopardi: At subhead 2(6), Rents and Service Charges, it is £161,000 this year, as opposed to £33,000 for last year, so, again, could we have a clarification of that?

350 **Hon. Chief Minister:** Mr Chairman, the Public Sector Support Unit, which was the human resources resource for everything that was not the Civil Service, was accounted for separately before; it is now accounted for here, also. All of the costs of human resources for the Government are now consolidated in this place, so that it is easier to see the cost of that, and those are the costs for rent and service charges for the PSSU coming from elsewhere in the Book – it used to be under the GDC.

355

Hon. K Azopardi: And then, just further down, the line at item (10), the Early Exit Schemes, £2 million, as opposed to £1.6 million. That projection is based on, I guess, an assessment, by the Department, of early retirement, is it?

360

Hon. Chief Minister: In part; in particular, the Housing Works Agency and the cost to the Housing Works Agency as the age profile shifts there towards the deal that hon. Members did, which we need to fund.

365 **Hon. K Azopardi:** Entirely a Housing Works Agency cost?

Hon. Chief Minister: No, it is all the early exit schemes. The one which is the one that we have the greatest visibility over is the Housing Works Agency. Others are demand led, in some instances.

370

Hon. K Azopardi: Is there an assessment by the Department of how the possible £2 million would be made up?

Hon. Chief Minister: Mr Chairman, down to the names and dates of birth of the individuals – information which I am afraid I cannot share across the floor of the House. But yes, it is a very accurate assessment of the cost, principally based on the Housing Works Agency because that is the one where we see the age profile and allowing a small estimate to be able to fund those that otherwise might also be agreed during the year, not broken down by Department but by individual.

380

Mr Chairman: Head 7, Human Resources, subheads 1 to 3 stand part of the Bill.

Clerk: Head 8, Immigration and Civil Status, subheads 1 to 3.

385 **Hon. K Azopardi:** I can see there is an increase in GDC staff, but the increase in salaries in Immigration, which is about ... There is a £130,000 difference there, more or less, that does not seem to be reflected in an increase in establishment, so perhaps there can be a clarification. Is that just like a ...?

390 **Hon. Chief Minister:** Mr Chairman, there is an additional higher executive officer in the Department, there is additional executive officer in the Department, there is an additional AA in the Department, one less AO and there are two or more GDCs in the Department. I know that he was asking about the top, but I have told him also about the GDC because we will come to that, and the contribution will also have to cover that.

395

Hon. K Azopardi: I understand the increase in the GDC posts, but that would be reflected, I assume, at item (12), Staff Services, so taking that out ... If you look at the establishment, as it were, on page 36, I can see it is the same number. I understand what the Chief Minister is saying, that there is one more executive officer – because I can see that – one less AO, one more HEO and booked as two less EOs. It is the same number of staff, 25, but the adjustments of the posts accounts for the difference of around £130,000 – that is what we are talking about?

Hon. Chief Minister: Yes, I believe that is exactly right, Mr Chairman. The hon. Gentleman needs to see that he is looking at the outturn and the estimate for the year before in the eight hundreds, and the estimate this year. The estimate this year is more precise because I think, from what I understand of this Department, those posts have been filled. The estimates in previous years would have included a half-year provision in some instances, rather than a full-year provision, and therefore, when you do the full amount for the payment of the 25, you will get to the figure that is there now. And, as I told him, the GDCs are reflected in the increase below.

410

Mr Chairman: Head 8, Immigration and Civil Status, subheads 1 to 3 stand part of the Bill.

Clerk: Head 9, Financial Secretary's Office, subheads 1 to 3.

415 **Hon. K Azopardi:** At item (10), where it says 'Supervision of Financial Businesses (Anti-Money Laundering)', I assume that is a notional figure. I just wanted to ask the hon. Members to perhaps

explain the thinking there. Is that a new unit that is being set up under the Financial Secretary for a specific task? What is the thinking behind that?

420 **Hon. Chief Minister:** Mr Chairman, I have not got my earlier Books, but I understand that this has been there for years – it is a provision made in case there is a requirement for supervision of financial businesses, which I think is one of the obligations in statute of the Financial Secretary – but it has never, in the past, been called upon since the financial obligation was there. As most
425 hon. Members will know, where you have a thousand pounds in, it is usually, but not always, a token, and that is a token in the event that the Financial Secretary were to be required to become engaged in the execution of his statutory obligations.

Mr Chairman: Head 9, Financial Secretary's Office, subheads 1 to 3 stand part of the Bill.

430 **Clerk:** Head 10, Government Law Offices, subheads 1 to 3.

Hon. K Azopardi: Can I ask. on item (24), which is professional fees – is that where they book briefing-out fees by the Government Law Officers, or is it is booked somewhere else?

435 **Hon. Chief Minister:** Yes, Mr Chairman, and that is a central vote, so all Departments come through there and all of their private sector legal fees are paid for there.

Hon. K Azopardi: That is litigation, or is it drafting as well?

440 **Hon. Chief Minister:** It is everything, Mr Chairman – litigation, advice, drafting. Anything which is done externally is booked through there and the breakdown is provided online. All his firm's fees are booked through there when paid.

Mr Chairman: Head 10, subheads 1 to 3 stand part of the Bill.

445

Clerk: Head 11, Office of the Deputy Chief Minister, subheads 1 to 3.

Hon. K Azopardi: On item 2(7), the Brussels Office, I notice that the £260,000, which is the estimate for this year, is the same as last year's estimate but quite different to the outturn, so
450 perhaps the hon. Members can explain that issue.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Chairman, yes. I explained during my contribution on the general principles of the Bill that there had been less work in the context of involving people going to Brussels and all of that will be taken from the Brussels Office, but we do
455 expect that work to spike or to increase in the financial year to come, whether there is an agreement or whether there is not one, and that is why the level of the estimate has been kept at £260,000, even though there was a considerable saving down to £150,000 in the last financial year.

460 **Hon. K Azopardi:** This is a follow-up to that. I assume that these are not salaries, or are they? Are they a contracted service as part of the projection of £260,000, or is this just simply a budgetary provision, for the Brussels Office to do whatever it needs to do in the course of its work, that amounts to possibly £260,000; or are there, built into that, fixed costs because they are subject to contracts, for example?
465

Hon. Deputy Chief Minister: Mr Chairman, this includes the salaries of the office. It also includes the operating costs. It includes, for example, things like transport and travel, protocol

when they organise receptions, visits, meetings for Ministers who might be visiting. It includes all that.

470

Hon. K Azopardi: Yes, Mr Chairman, and then, on (9), Government Communication, Information and Lobbying, is there a similar explanation, so as a result of increased lobbying or communication ...? Can the Deputy Chief Minister perhaps give us an explanation of that? Is that linked to the Brussels Office in any way, or is this a separate provision? Again, the same questions: 475 is this a general provision, or are there fixed costs that are part of the £300,000?

480

Hon. Deputy Chief Minister: Mr Chairman, this is a general provision. I outlined in my contribution that there had been less lobbying in person, for example, in places like Washington, New York, London and Brussels, and that is the reason why, although we had estimated £350,000, we actually only spend £130,000 of it and are now estimating another £300,000 for the coming financial year in the expectation that these things will now start to pick up again.

485

Hon. K Azopardi: So this is a head that is used for international lobbying? The Minister has talked about New York and Washington; I think he mentioned Brussels in the context of this answer. That is what it is for, presumably – is that right?

490

Hon. Deputy Chief Minister: Mr Chairman, yes, this is for the lobbying done by the Department or by my Office. That is generally international, but it could also be local in the sense that an event can be organised in Gibraltar rather than being organised outside Gibraltar.

Hon. K Azopardi: Does that, for example, take into account things like the United Nations, or is that separate?

495

Hon. Deputy Chief Minister: My understanding is that the United Nations is separate and comes from a different vote under the Office of Chief Minister if I am travelling with him. If there are things which my Office is doing where I am the senior Minister present, then that will be paid from my Office vote.

500

Mr Chairman: Head 11, Office of the Deputy Chief Minister, subheads 1 to 3 stand part of the Bill.

Clerk: Head 12, Civil Aviation, subheads 1 to 3.

505

Mr Chairman: Head 12, Civil Aviation, subheads 1 to 3 stand part of the Bill.

Clerk: Head 13, Environment, subheads 1 to 3.

510

Hon. K Azopardi: Can I just ask the Minister – in terms of the posts in Enforcement, they are going down by five, in effect, so is this going to, in any way, affect the enforcement capability of the Department in respect of environmental matters?

515

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): No, Mr Chairman. These are, in fact, now being filled by GDC posts. Although they remain the same in number, some of them were not actually filled at the time. So, de facto there has been no decrease over the last year or two, but the complement has been adjusted as a result of vacancies that have now come in through the GDC.

Hon. K Azopardi: So, if I understand the answer, if we look at the GDC provision, it is exactly the same numbers – 15, and 15 last year – but this year, in Enforcement you have five people

520 fewer. Do I take it from the Minister's explanation that he is saying that even though there were 15 establishment posts under the GDC last year, some of them were not filled; now they have been filled and they have basically taken over the enforcement functions. Is that right?

Hon. Prof. J E Cortes: Yes, that is exactly what I meant.

525

Hon. R M Clinton: Mr Chairman, if I could take the Minister's attention to subhead 2, item (12), Contract Officers, I notice in 2021-22 it was £31,000 and came in at £124,000, and for 2022-23 it is now £54,000. Can I ask the Minister what that is in relation to? Is he confident the number is actually at the right level?

530

Hon. Prof. J E Cortes: That is correct. The work related to that will be assumed by people in the establishment, so that the figures are correct.

Hon. R M Clinton: Mr Chairman, I notice, in the list of retitled subheads, that contract officers, according to the reallocation, would relate to the commission of sustainable development. Is that correct?

Hon. Prof. J E Cortes: That is correct.

540 **Hon. R M Clinton:** So, if I understand correctly, you are envisaging the cost of the commission of sustainable development being well over half what it was for the outturn of 2021-22.

Hon. Prof. J E Cortes: Yes, that is correct.

545 **Hon. K Azopardi:** Can I ask, on (14), Cleaning of Streets, envisaged to be approximately £400,000 higher this year – is that head entirely made up of the main contract, or are there other contracts? Is this the one contract; and, if so, what is the reason why that is going up this year?

Hon. Prof. J E Cortes: Yes, the is that street cleaning contract, that one contract.

550

Hon. K Azopardi: My follow-up was what is the reason for the increase of £400,000? If it is a contracted service, is there a built-in contractual increase of £400,000?

555 **Hon. Prof. J E Cortes:** There are the annual increases that are given by the contract, but also there is ... In fact, there was a question about this not long ago, about extending *el turno* to some other blocks as well, so this is a readjustment and an increase in the cleaning of some areas.

Hon. K Azopardi: I see. To what extent can the Minister provide information as to how much of the £400,000 is a built-in increase under the contract and how much is an expansion of services?

560

Hon. Prof. J E Cortes: From what I have in front of me, kindly provided by the Financial Secretary's team, an increase in frequency of cleaning during the summer season will account for £161,760; a new area which we have included is another £22,000; plus another area in the North District, another £14,000; and another area in the South district, another £36,000. We are actually increasing beyond what had been provided in the contracts, so obviously we have to provide additional funds for that.

Mr Chairman: Head 13, Environment, subheads 1 to 3 stand part of the Bill.

570 **Clerk:** Head 14, Collection and Disposal of Refuse, subheads 1 to 3.

Hon. K Azopardi: On the clearing of refuse there is an increase of around £250,000 on wages. Can we have an explanation on that? Is that new posts, posts that have been filled? Is it other increases?

575

Hon. Prof. J E Cortes: Yes, there is full provision for all the wages, whereas last year there was not provision for those posts that had been vacant. Therefore, this rectifies that.

580

Hon. K Azopardi: So when the Minister says there is full provision this year for all the posts, for the wages, as he said, and last year there had not been, have those posts been filled, or are some now vacant? If so, how many are vacant?

585

Hon. Prof. J E Cortes: They are in the process, but the hon. Member will see, Mr Chairman, that overtime is expected to decrease as a result of the posts being filled, so we are providing more in wages and filling those vacant posts, which means there is less need to cover and overtime, so the net effect is down.

Hon. K Azopardi: Sorry, I missed the end – the net effect will be down?

590

Hon. Prof. J E Cortes: The net effect is a decrease.

Mr Chairman: Head 14, Collection and Disposal of Refuse, subheads 1 to 3 stand part of the Bill.

595

Clerk: Head 15, Upper Rock Tourist Sites and Beaches, subheads 1 to 3.

Hon. D J Bossino: Thank you, Mr Chairman.

600

If I can take the Minister to subhead 2(16), which is Sites Management Systems, the estimated amount, as he will see, was £550,000 and has shot up quite drastically to £940,000, and the estimated amount for this year is maintaining itself. Can he provide an explanation for that and whether that figure is likely to remain the same going into the future?

And also, if I may, in relation to the establishment, there is also a quite – Okay.

605

Hon. Prof. J E Cortes: Sorry, I did not hear the second part. On the first part, I can say that this is now a full-year effect, whereas the first entry was introduced about halfway through the year. *(Interjection)* In fact, this is the system for our access to the Upper Rock. The higher it is, the more income we get. There is a sliding scale in relation to that. But I think the initial question is why that difference, and that is it was not a full-year effect the first time round.

I did not hear the second part. He asked another question.

610

Hon. D J Bossino: If I may remain with subhead 2(16) for a moment, can he tell us how long that contract is for?

615

Hon. Prof. J E Cortes: I do not have that information here, but obviously I would be very happy to give it to the hon. Member. Probably I will get a message within the next half hour, if I send it.

620

Hon. K Azopardi: Can I just ask for a follow-up on this? Did I understand the Minister said this is the full-year effect, but he said something like the higher it goes, basically there is then some kind of revenue stream for the Government? Is that right?

Hon. Prof. J E Cortes: Yes, this is in relation to that part of this which is related to St Michael's Cave and the cave experience, and there is a sliding scale that the Government gets money back. The more it costs us the more we get back because it does mean that there is a bigger flow.

625 **Hon. D J Bossino:** I think this has been the subject of questions and answers from the Minister, so I think he has provided that information previously.

Hon. Prof. J E Cortes: Yes, I have indeed.

630 **Hon. Chief Minister:** If it is helpful to hon. Members, Mr Chairman, there is a counter to this. Head 15, subhead 2(16) has a counter in the blue pages. If they go to page 7, Tourist Site Receipts, they can see that consequent on the increase in the cost is a massive increase in the receipt. So £550,000 arose from £1.7 million of receipts, £940,000 from £2.4 million of receipts, and £950,000 delivers £3.5 million of receipts – so there is a counter to it. The equation the hon. Gentleman is telling them about is there in the blue pages as well.

635

Hon. R M Clinton: Mr Chairman, just a quick question on subhead 2(27), Contracted Beach Services. I was wondering if the Minister could advise us what that is for and for which entity this contract is in place.

640

Hon. Prof. J E Cortes: It is for the lifeguard service and its supervision.

Hon. R M Clinton: And who is this contracted with?

Hon. Prof. J E Cortes: I am informed it is ALS Telematics.

645

Hon. E J Phillips: Mr Chairman, just in relation to subhead 2(11), Leasing Arrangements I think appears twice, in section 25 as well, £5,000 and £9,000. Can the Minister explain that, given the new entry?

650

Hon. Prof. J E Cortes: Did he say item (11)?

Hon. E J Phillips: ... *[Inaudible]*

655

Hon. Prof. J E Cortes: Yes, and in fact it appears in several other heads. This is leasing of vehicles. The old vehicles had reached the end of their life and they are now being leased, and that is the provision for that.

Hon. E J Phillips: These are the older vehicles that you are leasing out from ...? *(Interjections)*

660

Hon. Prof. J E Cortes: And leasing new ones. It includes, I think, a couple of electric motor cycles. I could give him the full list, if he wants it, but it is leasing vehicles to replace old ones that have reached their end of life.

665

Hon. R M Clinton: Mr Chairman, may I ask, on that particular point, with which entity are these vehicles leased?

Hon. Prof. J E Cortes: I believe it is Bassadone.

670

Mr Chairman: Head 15, Upper Rock Tourist Sites and Beaches, subheads 1 to 3 stand part of the Bill.

Clerk: Head 16, Education, subheads 1 to 3.

675

Hon. E J Reyes: Mr Chairman, on subhead 1(1)(b)(i) under Payroll, it says 'conditioned' overtime. The estimate is zero, whereas the forecast outturn is £47,000. Knowing that teachers

are not subject to being in receipt of overtime, how did we incur £47,000 last year, for which we do not foresee any expenditure need for the coming year?

680 **Hon. Prof. J E Cortes:** If I may just say, in answer to the previous question, I have been reminded that in relation to the vehicles, an exercise was carried out and the maintenance of the older vehicles was, in fact, more expensive than leasing new ones. I thought I would give that for completeness.

685 There are a lot of staff in Education, as the hon. Member knows, who are not teachers and who do overtime – technicians, caretakers, a wide variety of staff.

Hon. E J Reyes: Which leads me to the second part of the question. Other than £1,000 token figure for emergency overtime, we do not foresee in the next academic year the need for any overtime at all from these technicians, caretakers and so on?

690 **Hon. Prof. J E Cortes:** The hon. Members will see that, in general, we have removed conditioned over time and we are trying to reduce levels of spending to more urgent provision, and that is where we will then have to deal with it.

695 **Hon. Chief Minister:** In fact, Mr Chairman, the analysis that we did was to look at what type of overtime was being booked as conditioned overtime, and it was not conditioned overtime. For many years – indeed, before our time and beyond – some overtime has been booked as conditioned when it is not conditioned. To be conditioned overtime, it has to be a condition of employment that that person does that overtime, otherwise the overtime has to be because it is needed on a particular day – in other words, an emergency; otherwise, the working day should provide for the job that needs to be done. And so that is why Members will see throughout the Book we are booking it as emergency, unless we have found that there are contracts which have a condition in them which binds the Government to provide the overtime.

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

705 I can understand the reason behind what he is saying, yet it does not make that much sense when we see that under industrial wages, which I take it is what cleaners and so on will come under ... I can understand the Chief Minister will say that it is wrong to have just conditioned overtime, so we have the £1,000 token figure for emergency, whereas looking at the previous year's expenses there was £135,000 that was incurred by the industrial staff, which could have been cleaners. I am not entirely certain if the caretaker falls under industrial or non-industrial, but it seems too much of a difference.

715 **Hon. Chief Minister:** But the hon. Gentleman is not looking at the wages bill. If he looks at the wages bill, Mr Chairman, he will see that in the year where the overtime was £135,000, the wage bill was £2.6 million. This year, there is a full complement, new people employed and added, and there is £3.6 million, and so there should be less need for people to do work that others would do on overtime, because the complement is filled.

720 **Hon. Prof. J E Cortes:** It is a similar point to the one on the refuse. We are trying to, obviously, reduce expenses, and one way we are doing it is by having the complement and reducing the overtime. The hon. Members will see this right across the Book.

725 **Hon. Chief Minister:** With the caveat that you have also opened two new schools here, which are larger than the schools that they were coming from. So it is exactly that and the two larger schools.

Hon. E J Reyes: If I can go further down, to Payroll, subhead 1(2)(c), under Allowances there is Temporary Assistance, which I understand will be the cover or whatever, but these allowances refer to exactly what?

730

Hon. Prof. J E Cortes: They are for supply cover and there has been a reduction because, as the hon. Member is aware, we are taking on more teachers and learning support assistants. They will be part of the complement and therefore we will require less expenditure and supply.

735

Hon. E J Reyes: Yes, Mr Chairman, I can understand that, but that, I think, is charged to Temporary Assistance. 'Allowances' is when you give a particular allowance for undertaking some sort of responsibility or whatever. I do not understand what 'allowances' covers.

740

Hon. Prof. J E Cortes: You mean (c) Allowances? Okay. Sorry, I thought you were referring to another subhead. In relation to industrial, the industrial complement has a series of allowances which are built into their terms. I am sure the hon. Members are aware.

745

Hon. E J Reyes: Allowances to undertake duties which are not part of the contractual obligations and the basic wages – is that what the Minister is trying to explain?

750

Hon. Chief Minister: No, Mr Chairman. For example, you could have acting allowances, so if you fill the complement you have fewer acting allowances to be paid because people will be ... And here we are dealing with industrials, not with the professional complements, so there are fewer acting allowances to be paid. There will be other allowances that will have to be paid, but they will be down slightly from the £180,000, to about £160,000 on the calculation that we have made to date as an estimate. As I said yesterday in my reply, these are the estimates that we believe will be the amounts paid.

755

Hon. Prof. J E Cortes: But there will be some acting ... A caretaker may be away for a period and somebody has to act, and that is an acting allowance or substitution.

760

Hon. E J Reyes: I am going down to subhead 2(10), Special Education Abroad. We know from the past that this is because of specific needs. Is the Minister aware how many pupils this expense relates to? Is it just one, or have we got two or more pupils?

Hon. Prof. J E Cortes: Yes, it is two at the moment.

765

Hon. E J Reyes: And then on subhead 2(43), the Chief Minister kindly answered that the facilities management was to do with the facilities contract for new schools. I do not think this is the cost of actually building the schools. Is this fees given to manage, or something? Can he expand further? The Minister's explanation was a facilities contract.

770

Hon. Prof. J E Cortes: Yes, in fact I can go a little bit further. This is in relation to a maintenance arrangement for the two new secondary schools, Bayside and Westside. The hon. Member mentioned during his Budget speech the cyclical maintenance, which is sub-subhead 2(35), and that is a similar arrangement for the primary schools, but clearly the new comprehensives are much larger and therefore they require, and it is important that they should have, a maintenance programme, and that is what that is for.

775

Hon. E J Reyes: Thank you, Mr Chairman, that is useful, but just for my own clarification, does the £450,000 estimated cover both labour costs and materials?

Hon. Prof. J E Cortes: Though there will be somebody resident there to deal with reactive maintenance, it is pre-emptive maintenance, making sure that the systems are checked and remain in good condition.

780

Hon. Chief Minister: And, Mr Chairman, for a period the facilities management contract manages items – lifts, air-conditioners – that are in guarantee and are supplied by the same entity that has the facilities management contract, so there should ... In answering the hon. Gentleman's materials point, as long as those materials are items that enjoy a guarantee, there is no cost to the spare parts or other items that may be necessary.

785

Hon. E J Reyes: And then, Mr Chairman, on subhead 2(44), in respect of security services, there is a forecast outturn of £152,000, yet we estimate only half the amount for next year. And whilst we are explaining that, does that refer to just the secondary schools, which is where, walking down the street, we can actually see the security officers, or does it entail other schools as well?

790

Hon. Prof. J E Cortes: This is in relation to the secondary schools. We had provided a certain level of security with a certain number of people there, but in reviewing it after the experience of the first two years we realised that it was actually being overprovided and therefore we were able to reduce it. There is still security, but the level of manpower is lower and we have been able to reduce the expenditure there – but we are satisfied that it is enough.

795

Hon. Chief Minister: It is also no longer a site with materials on it, which is one of the reasons why we were providing the extra security. Now that all of that has gone, we are providing, exceptionally, security at the door of the two comprehensives because of the nature of the comprehensives and the size of them, rather than having to provide the additional numbers of people we were providing before when we were providing it for a comprehensive and the place where there was storage of materials etc.

800

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

805

There is a provision for lunchtime supervision, but is there anything in respect of hot lunches? Is the Government committing itself to that, which has been spoken of previously in this House?

Hon. Prof. J E Cortes: Well, yes, item (41) makes a token provision. We are actually currently in discussions with our preferred bidder after the exercise we did some time ago, so we will know exactly what we need to provide, but the head is there.

810

Hon. E J Reyes: Yes, and that could or could not have a knock-on effect on item (36), which is the lunch supervision?

815

Hon. Prof. J E Cortes: Not really, because we need the lunch attendants anyway, whether they are eating the food that is provided there or the food that is brought in by the children, so I do not see that ... In fact, there was not during the period when we were providing hot lunches before the entity went into administration, so I do not think that is a consequence.

820

Hon. K Azopardi: Can I just ask, as a follow-up to that ...? The Government is in discussions with a preferred bidder, so the intention would be to reintroduce a system this year – and the kind of likely cost? Does the Minister have an idea, or does he not want to say because of the discussions?

825

Hon. Prof. J E Cortes: No, because we are in discussions with the preferred bidder, and if those do not go ahead we may have to fall on another. So it is an active discussion going on at the moment.

Mr Chairman: Head 16, Education, subheads 1 to 3 stand part of the Bill.

830

Clerk: Head 17, Gibraltar University, subheads 1 and 2.

Mr Chairman: Head 17, Gibraltar University, subheads 1 and 2 stand part of the Bill.

835

Clerk: Head 18, Heritage, subheads 1 to 3.

Hon. D J Bossino: Mr Chairman, can I take the Minister to subhead 2(13)? I am sure it is capable of easy explanation, but I just do not know what that ... It has 'Heritage' and then it has that amount of £1.21 million. I just do not know what it is.

840

Hon. Prof. J E Cortes: That is the contract fee for the running of the Gibraltar National Museum.

Hon. D J Bossino: Does he also have an explanation – if I can take him back up to subhead 2(7), Garrison Library Trust – as to why there was an increase in terms of the forecast outturn for 2021-22 of about £23,000, and then it goes back to the previous figure?

845

Hon. Prof. J E Cortes: I believe it was related to water ingress. There were some additional works that had to be done as a one-off, which incurred an overspend, but it was an emergency. We are now back to the original figure, now that that has been dealt with.

850

Hon. D J Bossino: And finally, Mr Chairman, in subhead 2(9), 'World Heritage Site Expenses', an explanation as to – which is a good news, I suppose – a decreasing figure.

Hon. Prof. J E Cortes: Yes, it is running smoothly. The initial expenses in setting up the whole system were higher, but now, fortunately, we are able to run it at a slightly lower cost and it is working well.

855

Mr Chairman: Head 18, Heritage, subheads 1 to 3 stand part of the Bill.

860

Clerk: Head 19, Culture, subheads 1 to 3.

Hon. E J Reyes: Mr Chairman, in subhead 2(6), in respect of repairs and maintenance, it is repairs and maintenance of which cultural facilities?

865

Hon. Prof. J E Cortes: Many and all. Remember, this includes a whole range from the Central Hall, the Ince's Hall and some of the art galleries, so it is a general provision – City Hall as well, which includes art galleries as a general provision across the whole of the cultural estate.

Hon. E J Reyes: So, then, accepting that, Mr Chairman, under subhead 2(12), Premises, Clubs and Associations, it was my understanding that a lot of the maintenance was actually charged to that, so what would the £80,000, which is a very substantial increase, be related to?

870

Hon. Prof. J E Cortes: Because in addition to the cultural premises per se, we also look after premises for other clubs and associations – say the retrenchment block, the recreational rooms in South Barracks, there is another set in Town Range for the dance groups and so on, and Jumpers Bastion, so that is what that refers to. These are premises of clubs and associations, as opposed to the cultural premises which are the ones that are run centrally for cultural purposes. They are different buildings.

875

Hon. K Azopardi: And so the increase in the Premises, Clubs and Associations?

880

Hon. Prof. J E Cortes: The increase is that there are more and there are some that are in need of considerable investment due to, again, issues of water ingress that have not been dealt with for a while, and therefore we have had to increase the provision.

885 **Hon. K Azopardi:** Can I, then, ask on subhead 2(13), Music Concert: that provision, I assume, is notional and envisages what?

Hon. Prof. J E Cortes: Yes, it is there so that we do not lose the subhead, but at the moment – as we have said before, very recently, here, in parliamentary questions – there is no intention of
890 us organising a large music concert, although there are others that may be organised by private entities, which we will support but we are not expecting to support financially. But we thought we should keep a token provision there. Hopefully, in the future, things will change and we will be able to do something like that again.

895 **Hon. Chief Minister:** And if there are any costs, Mr Chairman, which are associated with assisting a third party – for example, the provision of GSLA facilities – where expense arose, we would book it here, so it would be visible as the Government’s contribution, small as it may be, to any third party organising such a concert. But the Government is not going to organise such a concert.

900

Mr Chairman: Head 19, Culture, subheads 1 to 3 stand part of the Bill.

Clerk: Head 20, Driver and Vehicle Licensing, subheads 1 to 3.

905 **Hon. E J Phillips:** Mr Chairman, just in relation to establishment, there seems to be a decrease in human resource, and then if you look at ... Obviously, the Bill that we have just passed in this House that will go on to receiving Assent envisages the appointment of temporary examiners. I am just wondering where that is provided for in the context of payroll.

910 **Minister for Traffic (Hon. P J Balban):** Mr Chairman, the actual temporary examiners either come from ... The testers themselves will be able to cover. This was due to issues during COVID, when we found ourselves quite stuck, with a lot of people wanting to pass their exams and tests and we did not have the throughput or the capacity. It will either be the testers themselves who will be able to work as driving examiners or they will bring in temporary, retired officers. That will
915 come in through Contracted Services.

Hon. E J Phillips: Thank you for the answer. Would the Minister also explain the spike in the forecast outturn of £44,000 for 2021-22 on Payroll (1)(ii)?

920 **Hon. P J Balban:** The hon. Gentleman is referring to why the increase. Obviously, there is more demand at the counter for counter services, so the increase in overtime there has been due to people coming to the counter to have the fast-track services that we provide for roadworthiness certificates and, mainly, logbooks. When people purchase new cars the expectation is that they will be able to take these cars quickly, so we have an express counter which has to be manned
925 and able to provide throughput of newly bought cars.

Hon. E J Phillips: Did that also, for a time, include the issuing of international driving licences?

930 **Hon. P J Balban:** It could include it, if there is a need. When we were not sure what was happening in terms of our responsibilities because of Brexit, there would have been a time when there was a lot more demand at the counter, and that would reflect on that sum as well.

Hon. E J Phillips: Also, just in relation to subhead 2(17), Incentive Scheme – Importation of Hybrid Vehicles, obviously the Government has a commitment to incentivising the import of hybrid vehicles. Why does the Government anticipate a reduction in that amount?

935

Hon. P J Balban: Mr Chairman, we do not envisage a reduction; in fact, it is a token amount. We do not know what people will be purchasing henceforth, so we just provide an estimate based on previous years, and that is the estimate provided in the Book.

940

Hon. E J Phillips: The reason I ask that is it is helpful to understand the answer, because obviously recent statements by one commercial entity put the figure for hybrid and EV at 65% of new purchases. That is why I was asking that question.

945

Hon. Chief Minister: Mr Chairman, the reality is that last year we saw the figure go up to £115,000. It is impossible to accurately predict how many vehicles that are sold locally will be eligible for this support and, indeed, will claim the support, so the Government considered that we should provide for 60 vehicles and see if there were more that were registered and claims made, but it is very difficult to provide an accurate estimate here. It would be wrong, however, of us to book just £1,000, because we know it is going to be more; but it would be excessive to simply follow last year's amount, because the number of electric vehicles is going up. So there are a lot of factors, but I think the prudent thing is just to put in a figure like 60 – which increases the figure we provided for last year, which was 50 – and see where we get to.

950

955

Hon. R M Clinton: Mr Chairman, just one question on the charges: comparing 2(1), General Expenses, with 2(19), General Office, I would be grateful if the Minister could explain the difference between these two heads. Why does this particular Department have two heads for 'general'?

960

Hon. P J Balban: Mr Chairman, the General Office is actually the GDC staff, so that reflects their pay as a separate entry.

965

Hon. R M Clinton: Mr Chairman, I could be wrong but I would have thought they would come under Payroll somewhere and then be a recharge by the GDC, rather than have a line as another charge.

970

Hon. P J Balban: Mr Chairman, the £649,000 is the total and the difference between (19) and (20) is the salaries of General Office, which is £76,000, and the Transport Inspectors, which is £573,000. If you go to page 193 in the green pages you can actually see the breakdown reflected there, the £573,000 and the £76,000, which is above, for the General Office.

975

Hon. R M Clinton: Mr Chairman, I am grateful for that. May I suggest that perhaps in future they adopt the same presentation as other Departments, which show a payment to, for example, the environmental contribution, Gibraltar Development Corporation staff services? That may be an easier way to make sure that we can follow the numbers through the Book.

Hon. Chief Minister: We are happy to consider that, Mr Chairman.
I move that the House should now recess to four o'clock this afternoon.

Mr Chairman: The House will now recess to four o'clock this afternoon.

The House recessed at 12.45 p.m. and resumed at 4.04 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.04 p.m. – 8.29 p.m.

Gibraltar, Tuesday, 5th July 2022

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The Gibraltar Parliament

The Parliament met at 4.04 p.m.

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

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

Order of the Day

Appropriation Bill 2022 – Consideration of clauses concluded – Clauses approved

Clerk: We continue with the Committee Stage of the Appropriation Bill 2022.
Head 21, Technical Services, subheads 1 to 3.

5 **Hon. E J Phillips:** Mr Chairman, just in relation to Other Charges, 2(6) Rent and Service Charges, at £81,000 it seems to have crept up reasonably significantly and I wonder whether the Minister might be able to explain.

10 **Minister for Transport (Hon. P J Balban):** Sorry, could you repeat the head? I did not catch it.

Hon. E J Phillips: Subhead 2(6) on page 79, Other Charges – Rent and Service Charges.

Hon. P J Balban: Mr Chairman, that is the rent for the offices I presently use at Europort.

15 **Hon. E J Phillips:** Thank you very much for the answer. Can the Minister explain why the increase? Is that in relation to those offices? I assume he has always been based at those particular offices, or are they new?

20 **Hon. P J Balban:** No, Mr Chairman, that used to be the office of the Minister for Transport when I was Minister prior to 2019. Then I moved, with Employment, down to New Harbours, and when I was appointed as Minister for Transport I came back to the old offices that were in Europort, so that is why it has been up and down.

25 **Hon. E J Phillips:** Apologies, I did not get the answer to the question in relation to why the increase in rent and service charges.

Hon. P J Balban: Because that office was not in use. I was not using those offices when I was Minister for Employment, I was using the offices down at New Harbours. When I moved out of Employment and their offices I went to Europort, which is where my offices are today.

30 **Hon. E J Phillips:** So, in essence, it is a new rental arrangement with the landlord?

Hon. P J Balban: Mr Chairman, the expenditure will be in a different head, as those offices were occupied by some other Minister previously.

35

Mr Chairman: Head 21, Technical Services, subheads 1 to 3 stand part of the Bill.

Clerk: Head 22, Social Security, subheads 1 to 3.

40

Mr Chairman: Head 22, Social Security, subheads 1 to 3 stand part of the Bill.

Chief Minister (Hon. F R Picardo): Mr Chairman, as you are going through the next few sections of that one can I just remind the House that unfortunately Sir Joe is not able to join us this afternoon for the Committee Stage. I know that he will be watching assiduously. These are the heads that are his ministerial responsibility, so we shall do our best to assist the House in his absence.

45

Clerk: Head 23, Statistics Office, subheads 1 to 3.

50

Hon. R M Clinton: Mr Chairman, in relation Payroll, Personal Emoluments, subhead 1(1), in relation to the actual salary grades, which are on page 268, I notice that, unlike last year, most of the grades for the Statistics Office are now described as 'personal to holder'. I was wondering why that would be.

55

Hon. Chief Minister: Because we have got rid of the ring-fencing, Mr Chairman.

Hon. R M Clinton: Mr Chairman, I am grateful to the Chief Minister for his answer. I am afraid I do not follow what he means by 'ring-fencing'.

60

Hon. Chief Minister: Well, Mr Chairman, when they were in government they entered into an arrangement – in fact, in some instances it may go back even further but they extended it to some other Departments – whereby individuals were given an amount in respect of an uplift, and I think it was 12%, but in exchange for that 12% they were not permitted to move to other Departments. We do not think it is in the interest of public servants that they should not be able, throughout their careers, to move to other Departments, so we no longer require them to stay in the Department and therefore we no longer pay new entrants a 12% uplift in respect of the penalty they are suffering in not being permitted to go to other Departments.

65

Hon. K Azopardi: Mr Chairman, can I ask on item (9), on the Census ...? The estimate was £176,000 last year, and the same this year. I guess COVID interrupted the work and this is now projected to happen – is that the case?

70

Hon. Chief Minister: Yes, Mr Chairman.

75

Mr Chairman: Head 23, Statistics Office, subheads 1 to 3 stand part of the Bill.

Clerk: Head 24, Economic Development, subheads 1 to 3.

Mr Chairman: Head 24, Economic Development, subheads 1 to 3 stand part of the Bill.

80

Clerk: Head 25, Procurement Office, subheads 1 to 3.

Mr Chairman: Head 25, Procurement Office, subheads 1 to 3 stand part of the Bill.

85 **Clerk:** Head 26, Justice, subheads 1 to 3.

Hon. K Azopardi: Can I just ask Government to clarify the increase in complement and what the thinking is behind that?

90 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Chairman, there is no increase in the complement. It will relate to people who will probably appear in other pages in the Book, but there are certainly not more people. This will be as a result of the reshuffle since the last Book.

95 **Hon. K Azopardi:** Is it that certain functions have been absorbed under the head of the Justice Ministry which were not previously there? Is that the reason for these people to appear here?

100 **Hon. Miss S J Sacramento:** They may well have appeared under the Equality head last year, because last year I think Justice and Equality appeared as one head and this year it is separate. There are certainly not more staff and there are not more people, Mr Chairman. It is a question of presentation; they would have been in other heads previously. When we look at head 30 on page 102, Equality, the hon. Member will see a decrease of four there, so it is an adjustment but it is most certainly neutral.

105 **Mr Chairman:** Head 26, Justice, subheads 1 to 3 stand part of the Bill.

Clerk: Head 27, Gibraltar Law Courts, subheads 1 to 3.

Mr Chairman: Head 27, Gibraltar Law Courts, subheads 1 to 3 stand part of the Bill.

110

Clerk: Head 28, Policing, subheads 1 to 3.

Mr Chairman: Head 28, Policing, subheads 1 to 3 stand part of the Bill.

115 **Clerk:** Head 29, Prison, subheads 1 to 3.

120 **Hon. D A Feetham:** Mr Chairman, just one question that we are debating here. If one looks at the estimate for 2021-22, it is £180,000, as indeed the estimate for this year, but the forecast outturn was £215,000. Could the Minister perhaps provide us with a reason why the forecast outturn is higher than the estimate? And, therefore, is the estimate for this year, £180,000, realistic in the light of the forecast outturn? *(Interjection)* Payroll – I beg your pardon, it is Manning Level Maintenance.

125 **Hon. Miss S J Sacramento:** Mr Chairman, there were incidents last year which required deployment of prison officers outside of HM Prison and that contributed to the effect of the recurrent expenditure. For example, there was an inmate who was in hospital. If someone is taken out of the Prison and is out for a considerable period of time, it will have ... That was not forecast at the preparation of the Estimates and that had an impact on the recurrent expenditure in that regard.

130

Hon. D A Feetham: Is that overtime? In other words, if you have somebody in the Hospital, there has to be a 24-hour, round-the-clock guard there? I do not quite follow the point the Minister is making. *(Interjection)*

135 **Hon. Chief Minister:** Exactly. Mr Chairman, that is not the head that he is looking at. If you were looking at the individual having 24-hour security outside of the Prison, then that would not

140 be Manning Level Maintenance; you would be looking at overtime, which would be demand led and would be emergency overtime. What is happening is that in the period when some people have to be in the Hospital, you may be down on manning level in the Prison so you have to call people into the Prison. That is the head that he is looking at – Manning Level Maintenance.

145 **Hon. Miss S J Sacramento:** Mr Chairman, if I can add to that as well, in relation to retaining the manning level in prison, last year had the cost of COVID factored in, so if officers were away from work because they were either positive with COVID or in isolation for any other reason – for being in close contact – then somebody had to come in and cover in order to maintain the manning levels. That is why last year is additionally high, because it was not something that could be foreseen, nor could the manning level maintenance be avoided in any other way.

150 We also have to bear in mind that the Prison, as the hon. Gentleman will recall from my Budget speech, was exceptionally full last year as well, therefore it was even more important to ensure that the manning level was maintained.

Hon. K Azopardi: Can I ask, on item 2(11), the Multi-Agency Public Protection Arrangement – what is that?

155 **Hon. Miss S J Sacramento:** Mr Chairman, I explained this at length in my speech last week. The Multi-Agency Public Protection Arrangement is abbreviated to MAPPa and is the management of sex offenders, and that amount will be in relation to training.

160 Mr Chairman, the hon. Gentleman has referred to MAPPa in 2(11), but that is actually head 30 and I thought that we were –

Mr Chairman: We have jumped the gun here. (**Hon. K Azopardi:** Sorry.) Yes, we are still on head 29.

165 **Hon. K Azopardi:** I apologise.

Hon. Miss S J Sacramento: ... [*Inaudible*] MAPPa, being multi-agency, appears in various of the heads.

170 **Mr Chairman:** Head 29, Prison, subheads 1 to 3 stand part of the Bill.

Clerk: Head 30, Equality, subheads 1 to 3.

175 **Hon. K Azopardi:** The answer you gave me when you mentioned the management of sex offenders applies to this as well – is that right? Okay.

Mr Chairman: Head 30, Equality, subheads 1 to 3 stand part of the Bill.

Clerk: Head 31, Civil Contingency, subheads 1 to 3.

180 **Mr Chairman:** Head 31, Civil Contingency, subheads 1 to 3 stand part of the Bill.

Clerk: Head 32, Gibraltar Regulatory Authority, subheads 1 and 2.

185 **Mr Chairman:** Head 32, Gibraltar Regulatory Authority, subheads 1 and 2 stand part of the Bill.

Clerk: Head 33, Town Planning and Building Control, subheads 1 to 3.

190 **Hon. D J Bossino:** On subhead 2(60), Rent and Service Charges, can the Minister explain why the increase in 2021-22 and then the decrease, which seems to accord with the estimated figure for last year?

Mr Chairman: Who is dealing with Town Planning?

195 **Hon. Miss S J Sacramento:** Mr Chairman, I am advised that the rent was increased but then it was renegotiated and therefore decreased, which is why we see the reduction back to £205,000.

200 **Hon. D J Bossino:** I am sure for completely different reasons, but we see a similar increase and then a back-to-normal, it seems, decrease in the same subhead att (13), which is an employment matter, clearly, but it is 'Contribution to GDC' – if she can explain why that is the case?

205 **Hon. Chief Minister:** Mr Chairman, I believe that this is because, as a result of the lockdowns, we actually brought somebody in for a short period last year to assist, but did not add them to the complement, so they were just literally brought in from the GDC and they are no longer there. I am talking from memory, because as that person will have come in and out in the previous financial year, I do not have the details here for the spend for this financial year.

Mr Chairman: Head 33, Town Planning and Building Control, subheads 1 to 3 stand part of the Bill.

210 **Clerk:** Head 34, Office of Fair Trading, subheads 1 to 3.

Mr Chairman: Head 34, Office of Fair Trading, subheads 1 to 3 stand part of the Bill.

215 **Clerk:** Head 35, Fire and Rescue Service, subheads 1 to 3.

Mr Chairman: Head 35, Fire and Rescue Service, subheads 1 to 3 stand part of the Bill.

Clerk: Head 36, Airport Fire and Rescue Service, subheads 1 and 2.

220 **Hon. K Azopardi:** Mr Chairman, can we just ask about the increase from the outturn of about £350,000 to the Fire and Rescue Service and what that is for?

225 **Hon. Chief Minister:** Mr Chairman, this is a settlement of an outstanding part of the contract – or the arrangement; it is not a contract – entered into with the MoD, which, when it was resolved, left outstanding the issue of migration of some pensions. There was a migration, in effect, to people from the MoD pension scheme of those who were going to continue. There had to be an adjustment made and it has taken us some time to negotiate, but that is the effect of it going forward.

230 **Hon. K Azopardi:** Sorry – it is the effect of it going forward, so it is not a one-off, it is a going-forward cost?

Hon. Chief Minister: No, I do not ... it continues.

235 **Mr Chairman:** Head 36, Airport Fire and Rescue Service, subheads 1 and 2 stand part of the Bill.

Clerk: Head 37, Housing, subheads 1 to 3.

240 **Hon. D J Bossino:** This is a very important question and it may be challenging to answer, but there is an overall increase in the Salaries section, which is 1(1)(a) – although I see that the total payroll actually goes down, so I am not sure why there is an increase at the top of the tree there, from £574,000 to £610,000, and yet the overall summary complement in the Department goes down by £5,000, from £29,000 to £24,000.

245 **Hon. Chief Minister:** That is because we are filling the vacancies, Mr Chairman. What will happen is people will qualify for the higher salaries and therefore the cost of the full complement is the £610,000. Even though you might see a reduction, when you put people into those existing vacancies, which are, in effect, promotions, that is the full-year effect.

250 **Mr Chairman:** Head 37, Housing, subheads 1 to 3 stand part of the Bill.

Clerk: Head 38, Employment, subheads 1 to 3.

255 **Mr Chairman:** Head 38, Employment, subheads 1 to 3 stand part of the Bill.

Clerk: Head 39, Youth, subheads 1 to 3.

260 **Mr Chairman:** Head 39, Youth, subheads 1 to 3 stand part of the Bill.

Clerk: Head 40, Sport and Leisure, subheads 1 to 3.

Mr Chairman: Head 40, Sport and Leisure, subheads 1 to 3 stand part of the Bill.

265 **Clerk:** Head 41, Digital Services, subheads 1 to 3.

Hon. K Azopardi: Can I just ask, firstly on the salaries at Personal Emoluments, Payroll 1(1)(a) ... an explanation of that increase, given the overall establishment seems to be lower?

270 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Chairman, it is the same as the last answer: filling in vacancies that were not in last year.

Hon. K Azopardi: Does the Minister know how many vacancies have been filled for that difference?

275 **Hon. A J Isola:** No, Mr Chairman, I do not have that information with me.

Hon. K Azopardi: Can I, then, ask about item 2(7), Consultancy Services, and what is envisaged? What is the scope of that, for what purpose, and so on?

280 **Hon. A J Isola:** Mr Chairman, these are five individuals on consultancy agreements.

Hon. K Azopardi: So five separate consultancy agreements for individual names, not companies? Am I right to assume that these were all entered into during the course of the last year and therefore account for the increase in the forecast outturn? And also, £224,000 would be the full-year effect – is that right?

Hon. A J Isola: Yes, that is right.

290 **Hon. K Azopardi:** And what is the scope of the services these individuals are providing to the Ministry?

295 **Hon. A J Isola:** The scope is varied. Some of these individuals are working with contractors, whom we then reach agreement with to have consultancy arrangements directly, which is far cheaper. Hence the switchover from [inaudible] – some of them, not all of them – to directly consulting at a significantly reduced cost.

Hon. K Azopardi: Yes, but I am trying to understand what they are actually doing for the Ministry. What kind of services are they providing?

300 **Hon. A J Isola:** Mr Chairman, it varies across the scope of different services, from software developers to ...

305 **Hon. K Azopardi:** Can I just pull a thread so I understand it? Are these individuals providing services on a focused basis in respect of the proposed rollout, say, for example of e-government or digital services, or is it outward-facing services? Is it in relation to that – client-facing services? Or is it in relation to support for internal government administration?

310 **Hon. A J Isola:** No, Mr Chairman, it is not internal government administration; it is in respect of the design of the services, and as and when those services are completed the consultants' arrangements will then cease.

Hon. R M Clinton: Mr Chairman, just one additional on that point: these consultants, are they located in Gibraltar, or could they be elsewhere?

315 **Hon. A J Isola:** I think they are all located in Gibraltar. They could be elsewhere, but I do not think they are.

Mr Chairman: Head 41, Digital Services, subheads 1 to 3 stand part of the Bill.

320 **Clerk:** Head 42, Information Technology and Logistics Department, subheads 1 to 3.

Mr Chairman: Head 42, Information Technology and Logistics Department, subheads 1 –

325 **Hon. D A Feetham:** May I just ask one question?

Mr Chairman: Of course.

330 **Hon. D A Feetham:** What is the difference in consultancy services that appear under this head and the consultancy services that appeared in the head we were just discussing a few minutes ago?

Hon. A J Isola: Mr Chairman, they will be similar, providing software design and services to ITLD for specialists.

335 **Hon. D A Feetham:** Providing support, aren't they, to the local, Government-employed IT Department, if I can call it that, in Gibraltar? Some of them are providing support. I am asking the Minister because I am familiar with somebody who is a consultant and is employed under a consultancy agreement.

340 **Hon. A J Isola:** Mr Chairman, there is one individual in particular who is and has been working with us for a very long period of time and is critical to the work that we do, for example, for the Income Tax Office. He has been involved in most of the transition from what we have to where we want to go. Others are directly supporting ITLD in the development of software that they

345 require to provide for some of the services they are rolling out for Government. So it is varied, but obviously all within the Government network.

Hon. D A Feetham: But some of these contracts will be directly between the Government and the individual consultant, rather than between the Government and an organisation that then essentially employs these people? That is correct, is it? Or is it a mixture of both?

350 **Hon. A J Isola:** Mr Chairman, it is a mixture of both. The individual I mentioned who works with us on the Income Tax and a number of other critical data systems that we operate is an individual, but one of the other contractors ITLD works with is a company and we have had the same two individuals working with us for some time from that same company.

355 **Hon. K Azopardi:** Can I just ask on that point, is it the same individuals or some of the same individuals under this head as in the previous head, or are they different?

Hon. A J Isola: Mr Chairman, they are different.

360 **Hon. K Azopardi:** Can I just understand ...? In view of the answer he has given my hon. colleague it is slightly confusing. Who is spearheading the rollout of e-government services? Is it that both Digital Services and Information Technology and the Logistics Department are both doing that in different areas? Is that right?

365 **Hon. A J Isola:** Yes, Mr Chairman. One cannot work without the other. You have the back end and you have the front end, and the two different parts come together when the rollout happens.

Hon. K Azopardi: I understand that, but in terms of the overall rollout, does the Government not think it should perhaps be in some way merged in the planning and then rollout? Let me explain my question. I am just not understanding why there are two different Departments planning e-government, both of which also have consultants engaged to do that. Why isn't there one Department driving all this?

375 **Hon. A J Isola:** I think if I talk about the gentleman who is helping us with the Tax Office, who has been working with us for many years – long before the e-government project ever happened – within ITLD he is critical to the transition because he is an individual who knows how to write what requires to be written to create the API to link the two services together.

380 So there are two separate and distinct functions that each one of those two teams is dealing with. As you know, ITLD is responsible for the entire government network, for the network itself, its maintenance, for our entire email system. Without that backbone, or spine, whatever you put on the front cannot work. So they are very different but they are interconnected.

Hon. K Azopardi: To help me understand, ITLD is, as you say, running the backbone – if I can use that analogy – and making sure that the Government system works, so to that extent I can understand their involvement in the planning of e-government. Would it be right for me to think, then, Digital Services is the more client-facing, consumer-led role, and that is what they do, and it is the interface between those two Departments that then allows the rollout of e-government? Is that what the Minister is saying? If he is not saying that, I am not understanding why there need to be two Departments; I am just not understanding.

385 **Hon. A J Isola:** Mr Chairman, there is a design and build of e-services; that is what Digital Services does, the design and build of the e-services. You are working out what each Department requires. You have analysts going in to see what each Department requires and how that can best be delivered, then you design it, and then you build it with the relevant Department. Once you

get through that process, you then plug into the back end. There could already be databases that we have in other parts of Government which we want to link an API to, to link it up so that we link up the old and the new. You have to censor the data that you have, to make sure it is consistent, and then you put them together and they are rolled out. So both parts are critical to the development we are doing, but they are totally different to each other.

Hon. D A Feetham: Yes, I understand all that, but what I do not understand is if this particular company has a contract with the Government in order to undertake these services, why is the Government paying extra in order to employ extra consultants? I thought that these consultants might have been people the Government is employing in order to help them implement whatever strategy the company the hon. Gentleman has mentioned essentially provides for the Government. In other words, it is extra manpower but with a consultancy for the Government itself, rather than essentially people under the umbrella of a company, which it seems logical to me would have been included within the original contract they have with the Government.

Hon. A J Isola: Mr Chairman, in respect of the contract that the providers of servicing ITL deal with, that is a far shorter term and that is in the process of being terminated. The job is done and now they are being terminated. The other consultants, the individuals like the one who is helping us with the tax and the billing of the API will continue. So, some have a job to do and then they move on – that is the reason why they are in the way that they are.

Hon. R M Clinton: Mr Chairman, I am still trying to ... just developing the point my colleagues are discussing, ITLD seem to have in their establishment a large number of technical people, but if you look at the establishment for Digital Services you have a lot of administration officers. What kind of project development can these people do? What skills do they bring?

Hon. A J Isola: I have just referred to the business analysts who go into each of the Departments to understand exactly what each Department does, what their forms look like if what we are doing is transitioning from paper to digital. If you do not understand in some detail what that is and engage with the Departments to a huge degree, you cannot begin to build what they are going to need in a digital format for it to work, so the administrative officers are actually business analysts.

Mr Chairman: Head 42, Information Technology and Logistics Department, subheads 1 to 3 stand part of the Bill.

Clerk: Head 43, Broadcasting, subheads 1 and 2.

Hon. K Azopardi: Again, Mr Chairman, the increase in the contribution to GBC of £250,000 – what is the scope of that? What is the intention there?

Hon. A J Isola: Mr Chairman, the majority of that is rental of property, which is now being picked up by GBC – rental in respect of the new premises.

Hon. K Azopardi: Thank you for that. The majority of the increase is the rental – is that what he said? So what is the rental for the new premises?

Hon. A J Isola: Mr Speaker, the rent is £300,000 per annum, so it accounts for the increase and some has been cut off.

Hon. K Azopardi: And I assume the lease is in the name of GBC – is that right? And if so, what is the length of the lease?

450 **Hon. A J Isola:** Mr Chairman, the lease will be in the name of GBC. It has not yet been completed. Rent is being paid – we are in the process of finalising that. It is a long-term lease. I cannot remember exactly how long it is. There is an option to purchase from the developers at the end of a period of time, during which the rents paid to date will be set off against the price, so that could be looked at in the coming period.

455 **Hon. K Azopardi:** And the intended lease is with the developer – is that right? And the developer entity, do we know who that is?

460 **Hon. Chief Minister:** The developer entity is the entity to whom they gave the tender for the site, which was Sharrock Shand The lease is being negotiated for Sharrock Shand by Triay Stagnetto Neish.

Mr Chairman: Head 43, Broadcasting, subheads 1 and 2 stand part of the Bill.

Clerk: Head 44, Financial Services, subheads 1 to 3.

465 **Hon. R M Clinton:** Mr Chairman, on subhead 1(1)(f) there is reference to ‘Central Register’ and in the establishment numbers on page 132 there was one HEO there and there is obviously no real expense in the outturn. I was wondering what the ‘Central Register’ refers to and what is the alternative provision for it.

470 **Hon. A J Isola:** Mr Chairman, I believe – and I will be corrected shortly, if I am wrong – that we had a person specifically looking after that register last year, and this year it is somebody from within the Finance Centre office who covers that.

475 **Hon. R M Clinton:** Mr Chairman, just to be absolutely clear, the register we are talking about is the Register of Beneficial Owners?

Hon. A J Isola: Yes, Mr Chairman.

480 **Mr Chairman:** Head 44, Financial Services, subheads 1 to 3 stand part of the Bill.

Clerk: Head 45, Gambling Division, subheads 1 to 3.

Mr Chairman: Head 45, Gambling Division, subheads 1 to 3 stand part of the Bill.

485 **Clerk:** Head 46, Health and Social Care, subheads 1 to 3.

490 **Hon. E J Phillips:** Mr Chairman, in relation to Appendix F, on pages 224-25, just insofar as relief cover, whether the Minister could explain the estimate of £1 million? Clearly there is a huge difference between the actual [inaudible] 2019-21 and the forecast outturn for 2021-22 was £11.1 million. Can the Minister explain the £1 million provision at item (12) on page 225?

Hon. A J Isola: Mr Chairman, could I suggest we deal with that when we get to those pages?

495 **Hon. E J Phillips:** Yes, because I think that the hon. Member [inaudible]

Mr Chairman: Head 46, Health and Social Care, subheads 1 to 3 stand part of the Bill.

Clerk: Head 47, Gibraltar Health Authority Elderly Residential Services Section, subheads 1 and 2.

500 **Hon. K Azopardi:** The same point arises here, Mr Chairman, that we may have questions but they are on the green pages – so when we get there.

Mr Chairman: Head 47, Gibraltar Health Authority Elderly Residential Services Section, subheads 1 and 2 stand part of the Bill.

505

Clerk: Head 48, Care Agency, subheads 1 and 2.

Mr Chairman: Head 48, Care Agency, subheads 1 and 2 stand part of the Bill.

510

Clerk: Head 49, Drug and Alcohol Awareness and Rehabilitation Services, subheads 1 to 3.

Hon. E J Reyes: Mr Chairman, on subhead 2(18) there is £10,000 set aside under the heading 'Youth Service'. Can we have some clarification on what 'Youth Service' actually does?

515

Hon. A J Isola: Mr Chairman, it relates to programmes, drugs related, for under-17s, to create more awareness and support for young under-17-year-olds.

520

Hon. E J Reyes: And the section in subhead 2(20), Secondment, £242,000, is that in respect of salaries? It does not appear under Payroll, it just appears under Secondment – whether it is human resources or whatever it is.

Hon. A J Isola: Mr Chairman, this is a provision for seconded Care Agency personnel for the Rehabilitation Centre – Bruce's Farm.

525

Mr Chairman: Head 49, Drug and Alcohol Awareness Rehabilitation Services, subheads 1 to 3 stand part of the Bill.

Clerk: Head 50, Utilities, subheads 1 and 2.

530

Hon. K Azopardi: Can I just ask on item (6) Salt Water System – Contract – AquaGib Ltd, and on (5) ...? These are AquaGib contracts. In view of the proposed purchase of AquaGib, is that going to in some way impact on these arrangements?

Hon. A J Isola: Mr Chairman, no, that would continue.

535

Mr Chairman: Head 50, Utilities, subheads 1 and 2 stand part of the Bill.

Clerk: Head 51, Business, subheads 1 to 3.

540

Mr Chairman: Head 51, Business, subheads 1 to 3 stand part of the Bill.

Clerk: Head 52, Tourism, subheads 1 to 3.

545

Hon. D J Bossino: Mr Chairman, the overall staff complement has reduced by four. Can the Minister explain why that is the case and whether that is the intention going into the future? Is that the direction of travel?

550

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Chairman, this is part of the restructure that we are looking at, at the moment, within the Tourist Board. The decrease in complement ... There are some people who have retired and some who ... we took the decision that they were surplus to requirements within the Tourist Board and that they would be better

off in another Government Department. Insofar as the future is concerned, I hope to discuss the final part of the restructure with the new CEO of the Tourist Board when he starts on 1st September.

555

Hon. D J Bossino: In relation to that particular individual, is he within the 14 under the GTB staff? Is the CEO of the GTB one of the 14 in number which the Hon. Minister has envisaged will continue to be employed under (4) which is the GDC staff?

560

Hon. V Daryanani: Mr Chairman, he is not part of that complement, as the contract was done after the Book was published. (*Interjection*)

565

Hon. R M Clinton: Mr Chairman, I note, in terms of the estimate for next year, that in fact total tourism costs are expected to go up by £271,000. I was wondering if the Minister could indicate what particular values – I notice that most of it seems to be in marketing – he intends to extract from this additional expenditure, which is obviously not a reduction.

570

Hon. V Daryanani: Which additional expenditure is the hon. Member referring to, Mr Chairman?

Hon. R M Clinton: Sorry, Mr Chairman, yes, on subhead 2(13), Marketing, what is the intention there?

575

Hon. V Daryanani: Mr Chairman, the intention is to market. If he looks at the estimate of 2021-22, it was £850,000 and we have estimated it will go down to £700,000, so £150,000 less than it was the previous financial year.

Mr Chairman: Head 52, Tourism, subheads 1 to 3 stand part of the Bill.

580

Clerk: Head 53, Postal Services, subheads 1 to 3.

585

Hon. R M Clinton: Mr Chairman, in relation to subhead 1(1), Postal Emoluments, there is quite a large increase in salaries, and I do note on page 156, on the establishment side, it is going up from 58 to 79, of which I notice 22 seem to be in respect of messengers. I am just wondering why the Post Office now needs 22 messengers, and is the increase of salary entirely due to that?

590

Hon. Chief Minister: Mr Chairman, the hon. Gentleman, in his detailed analysis, will have noted that there are no messengers anywhere else in the Book and that, therefore, all the messengers are now coming under the head of Post. So there is not an increase in salary, there is just a centralisation of all the messengers in the Government in one place.

595

Hon. R M Clinton: Mr Chairman, I am grateful to the Chief Minister for his answer. Is there any particular logic in that? Is there some efficiency gain anticipated to have them under the Ministry of Postal Services?

600

Hon. Chief Minister: Yes, Mr Chairman, because messengers in the Government deliver letters and that is what a postal service is, the delivery of letters. And so if it was felt that it was a better and more efficient way to record the service that is being provided, even if it is being provided in Departments, under the head of Postal Services, which is what our messengers do. Although they will continue to be deployed in the Departments and they will continue to do the excellent work they do, the way we account for them will be through here.

Mr Chairman: Head 53, Postal Services, subheads 1 to 3 stand part of the Bill.

Clerk: Head 54, Port, subheads 1 and 2.

605

Mr Chairman: Head 54, Port, subheads 1 and 2 stand part of the Bill.

Clerk: Head 55, Maritime Services, subheads 1 to 3.

610

Hon. E J Phillips: Mr Chairman, just in relation to the establishment on page 161, it appears that the assumption remains the same whilst salaries appear to be lower at £687,000, even with the forecast outturn 2021-22 at £800,000, which seems to be consistent with the two years 2019-21. If the Government could explain how they intend to make those savings there?

615

Hon. V Daryanani: Mr Chairman, I have not heard the hon. Member's question. Speak louder, please.

620

Hon. E J Phillips: Sorry, I just thought everyone was fed up of my loud voice over this long period of time, but I will repeat the question. The establishment appears to remain the same, whilst the forecast outturn for 2021-22 was at £800,000, which is pretty consistent with the actual previous two years. I am just wondering how the Government intends to achieve those savings on the £687,000 at Salaries in head 55, Payroll, page 162.

625

Hon. V Daryanani: Mr Chairman, we had one vacancy last year and we have four vacancies this year. That is why the cost in general will be lower.

630

Hon. D A Feetham: Mr Chairman, may I invite the Minister to look at 2(14) in the first instance? The Minister will see the estimate for 2021-22 is £114,000, the outturn was £116,000, and now the estimate is dropping down to £80,000. I just wonder how that saving is expected to be achieved.

May I also invite him to look at Investigations at (12) –

Hon. Chief Minister: One at a time.

635

Hon. D A Feetham: I have no problem with that.

Hon. V Daryanani: The reduction, Mr Chairman, is due to the negotiation with the MCA.

640

Hon. D A Feetham: Can you just explain that a little bit, so that perhaps Members can understand it?

Hon. V Daryanani: We persuaded them to reduce the cost.

645

Hon. D A Feetham: So this has been, in the past, a fixed cost or a percentage cost? How did the Government persuade them to reduce the cost?

Hon. V Daryanani: It was a fixed cost, Mr Chairman.

650

Hon. D A Feetham: Can the Minister also look at item (12)? He will see the forecast outturn at £45,000 in terms of Investigation Expenses. Then, if he looks at Maritime Accident Investigation Expenses, he will see that the estimate was £150,000 for the year ending 2022. The forecast outturn was £27,000, so it came in significantly lower, and now it is going up to £90,000. Is that essentially an ongoing explanation for that? Is there an ongoing investigation that straddles two financial years, so you have to take the £27,000 together with the £90,000? Is there any

655 connection at all between that and Investigation Expenses at (12); and, if not, what is that forecast
outturn of £45,000 when an estimate of £1,000 was placed in the Estimate Book last year?

Hon. V Daryanani: Mr Chairman, in the questions that the hon. Member asks reference (12)
and (16), both are demand led and that is why they vary so much.

660

Hon. D A Feetham: Do they relate to just one case, or do they relate to more than one case?

Hon. V Daryanani: Various cases, Mr Chairman.

665 **Hon. Chief Minister:** Mr Chairman, the hon. Gentleman should be interested to know that
these are the costs associated with those investigations and the Maritime Accident Investigation
Expenses. There is a receipt by the Government of those costs and additional amounts in the blue
pages of revenue.

670 **Mr Chairman:** Head 55, Maritime Services, subheads 1 to 3 stand part of the Bill.

Clerk: Head 56, Gibraltar Audit Office, subheads 1 to 3.

675 **Hon. R M Clinton:** Mr Chairman, with reference to subhead 1(1), Personal Emoluments, it is, I
guess, possibly the same point as I raised on the Statistics Office. If we go to page 260, where we
have the Government's salaries, it would appear that most of the auditors are now also personal
to holder. Is that the same reason as we heard earlier in respect of the Statistics Office?

680 **Hon. Chief Minister:** It is the same answer as I gave earlier in respect of the Statistics Office,
Mr Chairman.

Mr Chairman: Head 56, Gibraltar Audit Office, subheads 1 to 3 stand part of the Bill.

Clerk: That concludes clause 2 of the Appropriation Bill.

685

Mr Chairman: Clause 2 stands part of the Bill.

Clerk: Clause 3, head 58, Contribution to Government-owned Companies.

690 **Mr Chairman:** Page 167.

Hon. D A Feetham: Mr Chairman, can the Government confirm that £30 million, as per practice
in the past, goes into Gibraltar Investment Holdings Ltd, the company at the top of the pyramid of
all Government-owned companies?

695

Hon. Chief Minister: No, Mr Chairman, it does not go into Gibraltar Investment Holdings, it
goes into different companies which in the judgement of the Government require the direct
injection of capital. As the hon. Gentleman knows, this is a practice that we introduced when we
were elected because the companies were not getting sufficient injections of capital and therefore
700 we were seeing companies with very large amounts of losses that were not being made good and
were simply being written off, in particular the trading companies. GIH is not a trading company
but you have other companies which are trading and which have losses because they do not
receive income, and this is sometimes put directly into those companies to ensure that the loss is
redressed. This is the 10th year that we do this, I think, so now we have contributed £300 million
705 to the companies structure in this way.

710 **Hon. R M Clinton:** Mr Chairman, would the Government be able to provide a breakdown as to which companies are likely to be beneficiaries of this £30 million? Certainly I recollect having asked this question in the past and being told that it all went to Gibraltar Investment Holdings. Obviously what we are hearing today is it does not go directly, necessarily, to that – at least not this year. Could he give us an indication of amounts going to which companies?

715 **Hon. Chief Minister:** Mr Chairman, let me correct what I have said. The injection into the company structures may go through Gibraltar Investment Holdings. The spreading of the £30 million goes into different companies. It does not stay in Gibraltar Investment Holdings.

720 **Hon. K Azopardi:** As I understand his answer, entry point Investment Holdings and then to different companies, so each year will be different, the onward transmission of funds will be different each year – is that right? Do they have a projection of where the money is going this year?

725 **Hon. Chief Minister:** Mr Chairman, yes, the injection is into Gibraltar Investment Holdings and then it is distributed in keeping with the views of the directors of Gibraltar Investment Holdings etc. The Government commitment is to provide £30 million a year to the Government companies structure because it was not being provided before, and therefore the companies structure was being left with losses.

730 **Hon. K Azopardi:** I understand that answer but it is not really what I asked. What I asked specifically was do they have a projection of where the money is going to go this year, or is this a notional provision and they will then, as the year goes on, make a dynamic assessment of where the money is going? Is that the answer to that particular question?

735 **Hon. Chief Minister:** Yes, Mr Chairman, that is the answer to that particular question, based on the trading needs of the companies – in other words, the companies that are trading and their income is not sufficient to cover their expenses, but they have employees etc.

Hon. K Azopardi: And so, as it is dynamic, I guess they cannot tell how they are going to use the money this year – but how did they use the £30 million last year?

740 **Hon. Chief Minister:** Mr Chairman, that, I think, is information which relates to the companies structure, not to the Government accounts.

745 **Hon. K Azopardi:** I am just asking if ... The Government has indicated it receives ... It sends an injection to Investment Holdings and then spreads it, depending on which company needs the money. I am just asking the direct question: in the year that has just gone, how has the £30 million been used beyond Investment Holdings?

750 **Hon. Chief Minister:** Mr Chairman, I am giving him a direct answer and I will give it again: to pay the losses of the trading companies.

Hon. K Azopardi: I just wanted to know which companies received what moneys.

755 **Hon. Chief Minister:** The trading companies, Mr Chairman – the Bus Company, for example, is a trading company – the companies that are incurring liabilities because they are paying wages, because they have employees, and they are not getting income. The Bus Company receives very little income from the public because it is free – some people pay but not a lot of people pay – and so, in order to make good those losses, where previously there were just losses under the

former administration, we now provide this amount to ensure that the trading companies have their losses provided for.

760

Hon. K Azopardi: I am asking specifically, because I understand there are a number of trading companies, which of the trading companies received what money from the £30 million.

Hon. Chief Minister: Allocations are not yet finalised for last year, but it would include Gibraltar Air Terminal, Gibraltar Car Parks, Gibraltar Bus Company and Kings Bastion Leisure Centre.

765

Hon. K Azopardi: Would it also include Gibraltar Joinery and Building Services?

Hon. Chief Minister: No.

770

Mr Chairman: Head 58, Contribution to Government-owned Companies, subhead 1 stands part of the Bill.

Clerk: Head 59, Transfer from Government Surplus, subhead 1.

775

Mr Chairman: Head 59, Transfer from Government Surplus, subhead 1 stands part of the Bill.

Clerk: Head 60, Contribution to the Improvement and Development Fund, subhead 1.

Hon. D A Feetham: Mr Chairman, if one looks at the contribution to the Improvement and Development Fund, we see the estimate in the year ending 2022 at £16.5 million and we see the forecast outturn at £19.5 million. We now have an estimate for the coming year of £1,000. That is a notional figure, I understand, but does the Government have an idea of essentially how much realistically is going to be needed as contributions into the Improvement and Development Fund from projects that the Government may have in mind for the next financial year? Of course, £1,000 is unrealistic.

785

Hon. Chief Minister: I refer the hon. Gentleman to the reply I gave yesterday to hon. Members, in particular to Mr Clinton, where I explained in detail why we had put in £1,000 and where we expected the revenue to come from. I am surprised he does not remember. Perhaps some of what was said yesterday has affected his ability or his desire to remember what I said.

790

Mr Chairman: Head 60, Contribution to the Improvement and Development Fund, subhead 1 stands part of the Bill.

795

Clerk: Head 61, Contribution to the COVID-19 Response Fund, subhead 1.

Hon. R M Clinton: Mr Chairman, just a general question: would the Government envisage closing the COVID Response Fund at the end of the financial year 31st March 2023?

800

Hon. Chief Minister: We would very much wish to, Mr Chairman, but I think we will be having to continue to consider where we are on COVID. Only this morning I have been reading the frankly terrible news that once again there are considerable issues – once again in the United Kingdom mandatory facemasks on the wards to fight against COVID in the NHS – and the unfortunate news of a press release that the Government will soon issue of another COVID death today in Gibraltar. I think we would all want to share the hope that this financial year we will be able to close the COVID Fund, and that those who pray should pray that we can, and those who hope should hope hard.

805

810 **Mr Chairman:** Head 61, Contribution to the COVID-19 Response Fund, subhead 1 stands part of the Bill.

Clerk: That concludes clause 3 of the Appropriation Bill 2022.

815 **Mr Chairman:** Clause 3 stands part of the Bill.

Clerk: Clause 4, head 62, Exceptional Expenditure, subhead 1.

820 **Mr Chairman:** Head 62, Exceptional Expenditure, subhead 1 stands part of the Bill. Clause 4 stands part of the Bill.

Clerk: Clause 5, head 57, Supplementary Provision, subhead 1.

825 **Mr Chairman:** It is page 166. It has always been the case that we go back. *(Interjection)* Yes. So it is on page 166. We are still on clause 5, Supplementary Provision, head 57. Head 57, Supplementary Provision, subhead 1 stands part of the Bill. Clause 5 stands part of the Bill.

Clerk: Improvement and Development Fund, head 101, Works and Equipment, subhead 1.

830 **Mr Chairman:** This is clause 6. We are a page 174.

Hon. K Azopardi: Mr Chairman, can I ask on 'Contribution to Housing Works Agency', which is (g) – *(Interjection by Hon. D J Bossino)* Sorry, did you want to pick that up?

835 **Hon. D J Bossino:** No, I was going to ask Edwin. He raised it in his speech.

Hon. K Azopardi: Can we have an explanation of how they intend to use that money?

840 **Hon. D J Bossino:** And why the reduction?

Hon. K Azopardi: And the reason for the reduction compared to last year.

845 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Chairman, it is a question of trying to cut down on waste, as in turnover of houses. We are also offering more people, so that they can get the houses earlier ... that they do their own self-repair. So there are a couple of schemes that we are doing, and we think that we can get to that amount this year.

850 **Hon. D J Bossino:** Is that a complete explanation, Mr Chairman? It seems like a significant reduction from £4.6 million to about £2.7 million, when, as I understand it, all that has been done is encouraging people to do their own self-repair. The quid pro quo that the individual gets the tenancy earlier is what I understand the Minister to have said, but is that the totality of the explanation as to the intended reduction of waste, as he put it?

855 **Hon. Chief Minister:** Mr Chairman, there are also fewer houses to repair. They will have seen from the answers we give them that we have been making sure that we get as many houses out the door as possible, so the number of houses that are awaiting repair before handover are lower. So you have got the work that the Housing Works Agency does in repairs of areas etc., but in the whole refurbishment of homes that are pending refurbishment to be handed over to new tenants
860 you have got the new system that the hon. Member is talking about and you have actually got a

lot fewer houses that are waiting to be handed over. At some stage that has got to happen. As you become as efficient as we have in making sure that we get houses in and get them out the door, so to speak, to the tenants, you have fewer and fewer of them available. We probably expect to see that next year there will be more money spent here for the simple reason that, as Hassan Centenary Terraces phase 1 is handed over and more people who are in government housing will leave homes and move into the new homes at Hassan Centenary Terraces, more homes will be available to repair or refurbish and hand over to new tenants. But at the moment, the exercise is coming to ... not an end, because there are always people who pass away or move to the elderly housing and we have homes to repair, but at the moment the numbers of houses ... If he traces it through the questions that they asked, the number of houses available has become a smaller number because you have had all the handovers of affordable estates etc., and as you move towards the next handover of estate, which is the big thing that makes homes available, you will see that number rise, but that will be after the next financial year, not in this one.

Hon. D A Feetham: But, Mr Chairman, isn't part of the explanation that during 2019-21, because we are dealing with lockdown years, there are essentially no works being undertaken during those years? So, essentially what you see in the year ending 2022 is a catch-up with what has not been done during the two previous years because of the lockdown. Now that we are reaching normality, what you see is a downturn from the £4.6 million to the £2.7 million. Essentially, what you are moving to is a more normal situation (**A Member:** Hear, hear.) because last year was an abnormal situation.

Hon. D J Bossino: Trying to catch up.

Hon. D A Feetham: Yes, exactly.

Hon. Chief Minister: No, Mr Chairman. Attractive though it might be to simply say yes in order to move on, that is not the case because the amount of work that could be done in the year after lockdown year would have been the same anyway – we could not have done double the work. And in any event, the reason it is zero in the earlier year is not the lockdown – the lockdown does not take you to zero, because you are not locked down for the whole year – it is because it was booked somewhere else and not there. This is a new subject. I can hardly see what I am being shown these days, but it is page 175 in the disappearing subhead which is at the bottom of the page, 'Housing: Works and Repairs'. So, even when it comes to conjecture that might have been helpful to the Government, I cannot agree with the hon. Gentleman.

The breakdown includes starting some external refurbishment works in a number of estates, which is also covered through here. It is not just the individual houses, it is also the external refurbishment works for some of the estates. (*Interjection*) That is right, yes.

Hon. E J Phillips: Mr Chairman, just in relation to (1)(n)(iii) and (iv), Environment and Roads, I know that the Minister for Transport gave the explanation for the increase in relation to sewers and drains, but insofar as road maintenance and resurfacing I noted quite a significant increase. Can the Minister give a bit more of an explanation in relation to that?

Hon. Chief Minister: Mr Chairman, there are a number of explanations. The Hon. Minister I am sure will be able to say more, but in respect of what has come to me, for example, we are expecting to open the tunnel approach road, which will mean that all of that work on resurfacing etc. will have to be done in this financial year, which is quite a considerable project. It is the opening of the largest section of road that Gibraltar has opened probably in a number of generations, and that will have to be dealt with this financial year in addition to the annual provision that is made for continual resurfacing.

915 **Hon. E J Phillips:** I just asked that question because I thought that that was already being provided for under another head, the runway tunnel. These are the approach roads that I think the Chief Minister is referring to.

920 **Hon. Chief Minister:** 'Tunnel' is the tunnel and the project for the tunnel ends at a particular point. Beyond that, you are dealing with the approach roads, which are not part of the government tunnel project.

Hon. K Azopardi: Mr Chairman, just moving on slightly to ... Are we still on head 101? Okay, well, then, I will ask my questions ... [*Inaudible*]

925 **Mr Chairman:** Head 101, Works and Equipment, subhead 1 stands part of the Bill.

Clerk: Head 102, Projects, subheads 1 to 7.

930 **Hon. K Azopardi:** On that, can I ask: on the MoD Lands, specifically on MoD Project Euston, so that particular sum there in relation to (a) the £305,000 on MoD Lands ... Let me just ask that first. What are those relocation costs for?

935 **Hon. Chief Minister:** The short answer to that, Mr Chairman, is the contract that *they* signed with the MoD for the relocation of property. The exact spend I will find in a moment.

Hon. K Azopardi: In relation to (2)(b), which is the Project Euston – Requested Works, can the Government perhaps explain the scope of those works?

940 **Hon. Chief Minister:** Mr Chairman, I can confirm that this is the amount that the taxpayer is still having to pay in respect of Lands Agreements 2004 and 2007 and Lands Agreement 2011 – that is to say the Lands Agreement that they entered into. I am trying to get the detail of the works that are still being done.

945 On £305,000, as part of the Land Transfer Agreement for the Lathbury Barracks parade ground, which I think is Agreement 2007, there is a need to demolish the old band block building and construct a new car park for 60 parking spaces. Half of this will be provided at the Lathbury car park, which will make it cheaper, and the other half of the band block site – the GSD agreement 2004-07.

950 Both the other amounts are infrastructure works which are being carried out in respect of the Four Corners estate. They are being carried out at the request of the MoD in one instance and otherwise as part of the agreement, but both are funded by the MoD. In other words, this is the cost but there is a compensatory payment by the MoD because it was not something that was covered that we were required to do – but we are doing and we are being refunded by the MoD so that they only have one contractor on site.

955 **Hon. K Azopardi:** Can I ask on item (3), Reclamation Projects, what reclamations would that be in respect of?

960 **Hon. Chief Minister:** Mr Chairman, this is the cost of moving that part of the rubble which is in the Eastside reclamation and which is going to Victoria Keys and to Coaling Island.

Hon. K Azopardi: Is the entire £5 million for that purpose, or is it part of that £5 million?

965 **Hon. Chief Minister:** There are a couple of other tokens in there. The vast majority, about £4 million, is that processing, and some other works at the Coaling Island reclamation – caissons etc. – is the other £1 million. The rest is just a token for some investigatory works elsewhere.

Hon. E J Phillips: Mr Chairman, just in relation to head 102, subhead 1, Roads and Parking Projects, I do not want to labour the point, but if you look at (a)(i) and (ii), Tunnels and Roads to North Front and Highways Resurfacing Programme, in relation to the answer the Chief Minister gave me in respect of the general head under 101(iv)(n), Road Maintenance and Resurfacing, the answer was that the increased cost there was in relation to roads that led to the tunnel and he explained the segment of the tunnel that was under the particular cost ... I am not casting aspersions, but it does seem slightly duplicitous in terms of the language of the subhead that we are looking at, insofar as roads to North Front and tunnels and highway resurfacing programme, when it would appear to have been provided in the answer that the Chief Minister gave. I just wonder whether he might be able to provide further information as to that, or the breakdown.

Hon. P J Balban: Mr Chairman, traditionally there have always been two sections within the I&DF regarding road resurfacing and repair. One of them is the highways maintenance programme, which is something that happens every single year, and that is the resurfacing of vast stretches of road. We have seen that on Queensway and we have seen it along Rosia Road. We still have not decided and finalised what areas we are going to be doing in this year's major resurfacing works. That accounts for one of those subsections and the other one includes the stretches of road, once the tunnel is finished, around the new roundabout at Devil's Tower, at Eastern Beach exit and also what today is the entrance into Gibraltar, which will also be cut off because of the runway. It also includes pothole repair when it rains and we have smaller areas which need to be fixed; and also, when a smaller section road of road is in need of repair because it has been repaired multiple times, we may choose to do a bigger patch repair, but it is not in the highways resurfacing programme, it is not a programme resurfacing a whole road, it is a small section of a road because it has got into a bad state of repair because of lorries or whatever. So traditionally there have always been those sections, one the resurfacing campaign, and two the general maintenance of the roads.

Hon. E J Reyes: Mr Chairman, on subhead 4, Other Projects, there is a point where there is not a subhead to the subhead. I am looking at page 180. One of the items close to halfway down the page refers to Boat Moorings, for which there was, last year, an estimate of £1,000 but there was no forecast outturn and no further provision made. Can we have some clarification on what boat moorings that subhead was referring to?

Hon. Chief Minister: Mr Chairman, on page 180, which is the italicised bit, those are all the disappearing subheads. That is why they are zero this year.

Hon. E J Reyes: But what I am asking for, Mr Chairman, is ... In the previous year, we had an estimate of £1,000, of which no expenditure was incurred, and my question is what boat moorings was that heading referring to. There is the Small Boats Marina and there are other places with boats, and I am seeking clarification in respect of which boats this heading would have referred to.

Hon. Chief Minister: None, Mr Chairman, because none were done.

Hon. E J Reyes: Mr Chairman, I cannot find it here but is there a provision under any of these projects for the commitment that apparently Government has given to those individuals who moor their boats at what is commonly known as the old Sheppard's Marina? Is any provision made for the expenditure in respect of that project?

Hon. Chief Minister: Mr Chairman, the old Sheppard's Marina became Ocean Village. Is the hon. Gentleman referring to the Watergardens Marina, not the old Sheppard's Marina? In relation to the Watergardens Marina I understand that that cost is being undertaken by the Port Authority.

I do not think it is here, is it? It may be in the green pages, but I do not think it is here as a government capital project.

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Hon. E J Reyes: If I understood correctly, I think that the Minister is saying that that is a Port Authority project. Can I find anywhere in the Book what the estimate would be towards those works which I have seen in a written manner? The Minister has confirmed to those who moor their boats there that some works will be undertaken.

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Hon. Chief Minister: Yes, but not yet, Mr Chairman. He can see it when we get to the green pages under Port Authority.

Hon. K Azopardi: Sorry, can I just go further back, to page 177, and in particular subhead (4)(r) Infrastructure Provision for New Developments? That is in respect of what particular development? Are we talking about the ...? I imagine it is not the housing projects, because Housing Projects is at (o), so what developments is that in relation to?

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Hon. Chief Minister: Mr Chairman, this is the new pumping station that is going to be required on the Eastside, part of that cost; the Western Water Mains Relief Project, where the project will be completed with this year's provision; a new sewage pumping main from Eastside to Transport Road; South Jumpers intermediate sewage pumping station; a new sewage pumping main from the Dockyard Road to Transport Road; a service corridor from Ragged Staff to Harbour Views; Coaling Island development infrastructure; and the extension of the storm water culvert on the Eastside.

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Hon. K Azopardi: And is any of that infrastructure provision for the Eastside recouped in any way through the agreement with the Eastside developers, or not?

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Hon. Chief Minister: Well, when they pay us £90 million, the £200,000 that it costs will have been recovered. The Government has always agreed to provide infrastructure to the edge of that plot, and this is the Government's obligation to take the infrastructure to the edge of the plot.

Hon. K Azopardi: So this is to the edge of the plot and then in the plot itself the developer will undertake the cost at their expense?

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Hon. Chief Minister: On the plot itself it is the obligation of the developer; to the edge of the plot and interconnection, therefore, on the edge of the plot is what the Government is responsible for. That is exactly the same position that we inherited from them in respect of the £28 million deal that they had done on the Eastside, which Mr Clinton thought we should not have undone, although we have done a £90-plus million deal on the Eastside.

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Hon. K Azopardi: Can I ask on (za), Works to Buena Vista Estate: the projection of £1.173 million, last year, £325,000 but the estimate was £1 million – can I assume that this is just cost that straddles both financial years? Is that right? And in respect of what, given that the total would be higher than last year's estimate?

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Hon. Chief Minister: Mr Chairman, this is works to the estate which the Government has agreed to do because of the state in which the properties were in when we took them over. We hope to be able to recover a lot of the cost that we are having to expend on these properties from the MoD and we will have to negotiate that with them, but the reason why last year we estimated spending a million and did not manage to spend it was twofold. First of all, the MoD did not move out from one of the blocks that they continued to occupy, which they were occupying in lieu of the old Britannia House on Queensway until later in the period than was anticipated, and

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1070 therefore the cost could not be expended. Therefore, part of the cost is now to refurbish that
block before it is sold to the successful tenderers. That block is the block known as Phillimore and
Prevost House. Then there is a cost to repair the footpaths and the road inside the estate, which
are not private footpaths and not private roads, they are highway. And then some refurbishment
works which are still due in respect of some other parts of the estate where there is a balance to
1075 complete.

Hon. K Azopardi: And can I ask on (zb), Soft Loans and Repairs to Housing Estates, the reason
why they envisage that degree of expenditure, £640,000, to housing estates? Do they have a
particular project plan in mind, having discussed it with housing estates?

1080 **Hon. Chief Minister:** Yes, Mr Chairman, and he can see that we had anticipated spending more
last year and we were not able to. This includes works in respect of Cumberland Terraces and
Nelson's View, Calpe Quarters, Beach View Terraces, Bay View Terraces, Brympton Mount View,
Brympton Bridges and Harbour Views.

1085 **Hon. K Azopardi:** And this is engagement, presumably, between the Government and the
tenants' associations, the management companies of these estates, and agreements reached in
respect of each? When it says 'soft loans', presumably there is some kind of financing put in place,
which is then repaid out of service charges? How does it work?

1090 **Hon. Chief Minister:** Yes, Mr Chairman, it is exactly that. There are some works which are
carried out by the Government and there are some works which, either because the tenants'
associations and management companies want to carry them out and because they sometimes
also want to carry them out at the same time as the Government is mobilising its own contractors
1095 to carry out those works, we carry out together. But the management company may not have the
ability to finance them at this time, which would just mean having to pay for mobilisation costs in
the future. The Government therefore looks at what it considers as its obligations, usually as a
developer in respect of these estates at the beginning of their lives when things might have gone
wrong and need to be repaired as latent defects, and the things which are desirous to be done to
1100 the estates which the management company simply want to do and which are not the obligation
of the taxpayer. We reach an accommodation with those management companies on that which
they wish to do but the Government has no obligation to do, or considers it has no obligation to
do ... they do, and, where necessary, we provide them with loans that they then repay from the
roll of service charges, which is the income of the management companies. We have been doing
1105 that for some considerable time since we were elected, and indeed it is something that they were
doing when we were elected also.

Hon. K Azopardi: Can I ask on (4)(a), is it too early to say the kind of projected costs that that
joint facility would cost the UK-European treaty joint facility?

1110 **Hon. Chief Minister:** Yes, Mr Chairman, it is too soon. We do not know what it will cost, we do
not know how we will spread the cost of that, but we believe it is possible that it is a cost that may
have to be incurred in this financial year. That is why we have made a token. If we did know what
it was going to cost, we would have put it in there.

1115 **Hon. K Azopardi:** And then, on the next line, which is (zj), Relocations Associated with
Affordable Housing Projects, are these moneys in respect of the Bob Peliza/Chatham Views
projects, or one of the projects, or other projects?

1120 **Hon. Chief Minister:** Mr Chairman, this is in relation to all of the projects, so Hassan Centenary
Terraces, Bob Peliza Mews and Chatham Mews.

Hon. K Azopardi: In respect of Hassan Centenary, what kind of relocations are associated with that development?

1125 **Hon. Chief Minister:** There are a number of leaseholders on the site in respect of leases that ... In fact, the ones that need to be relocated I think are leases that they granted and they therefore need to be provided for elsewhere.

1130 **Hon. K Azopardi:** I am not sure I understand. I understand that there are commercial leases adjoining. Is that what he is talking about, that the property extends to ...? There needs to be a relocation of the commercial tenants on the adjoining plots – is that what he is saying?

Hon. Chief Minister: There needs to be a relocation of one construction tenant.

1135 **Hon. K Azopardi:** Is there a breakdown of how the £3½ million would be spent across the various ...? If you had to book them in accordance with the particular affordable housing projects, how would the £3½ million fall to be divided?

1140 **Hon. Chief Minister:** Mr Chairman, at the moment there is a token provision made in respect of one of them, so £1,000; there is a very specific provision made in respect of another, which affects only one relocation, and therefore I am loath to give the figure because we are negotiating and hoping to reduce it, and therefore, if I give him any other number it will be possible for the counterparty to the negotiation to know how much we have provided for, although we wish to negotiate further down from that number.

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Hon. D J Bossino: Subhead (4)(a), Heritage Building Refurbishments – can more particulars be given for that? There is only a provision for £10,000 given to it. I just wanted to get a bit more sense of detail in relation to that item.

1150 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Can you repeat the question? I was looking for the ...

Hon. D J Bossino: Yes, of course. Mr Chairman, it is just more detail on item (4)(a), which is Heritage Building Refurbishments.

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Hon. Prof. J E Cortes: This is an allocation which will be used for any issue that arises during the course of the year in which a heritage building or monument requires some works.

Hon. D J Bossino: And the same question in relation to (4)(g), which is Heritage Projects.

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Hon. Prof. J E Cortes: This is in relation to specific projects that I mentioned during my speech last week, two of them being repairs to Southport Gates and the Tower of Homage.

1165 **Hon. R M Clinton:** Sorry, Mr Chairman, just jumping down to page 179, subhead (4)(zzj), Digital Transformation, we seem to have an estimate of £450,000 that came in at close to £3½ million, which is a significant difference, and I was wondering if the Minister could advise why that was.

1170 **Hon. A J Isola:** Mr Chairman, I will have to revert to him. It was formerly called E-Services and it is now Digital Transformation across the entire Government, but I have to get that breakdown for him so I can explain it to him more clearly. I do not have that information here.

Hon. D J Bossino: Mr Chairman, may I ask why (zzm), which is Beautification of Landport to Casemates, and then (zzx), Landport Gate, are treated separately? Is it not the same project?

1175 **Hon. V Daryanani:** Mr Chairman, subhead (zzm) – is that what the hon. Member is referring to?

Hon. D J Bossino: And subhead (zzx).

1180 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Chairman, just to clarify, this is part of the Walk the Wall project which the Government announced a long time ago and which I believe already has planning permission for parts of the project. That entry refers to that project.

1185 **Hon. D J Bossino:** By ‘that entry’ – because I was referring to two – presumably the hon. Member is referring to (zzm).

Hon. V Daryanani: No, (zzm), Mr Chairman, is the beautification that we announced recently via Casemates tunnels.

1190 **Hon. D J Bossino:** So what the Hon. the Deputy Chief Minister was referring to then is (zzx) – is that correct? Landport Gate? Okay.

Is the reason why the Duke of Kent House Gibraltar Archives, (zzu), is only allocated £1,000 ...? I think in answer to a question, or during the course of his speech, the Hon. the Chief Minister mentioned a feasibility study that still needs to be carried out. Is that the case and why there is no specificity yet as to the amount that that particular project is going to cost?

1195 **Hon. Deputy Chief Minister:** Mr Chairman, yes, that is right. This refers to that particular project and to what I said at the time, which was that the Government is now working on feasibility studies and costings on the proposal to move the archives to Duke of Kent House, but we do not envisage there being a major refurbishment or construction at this particular time.

1200 **Hon. K Azopardi:** On that same page, at (zzy) and (zzz), e-ID Card System and New Passport Issuing System, are these standalone projects, or are these in any way related to the discussions going on? If they are, the Government may not wish to comment in great detail, but if they are not, if they are standalone projects, can there be an explanation of what exactly these projects are for?

1205 **Hon. Chief Minister:** No, Mr Chairman, these may be relevant to any treaty that may be entered into, but they are not about a treaty to be entered into. This is an additional machine to print more ID cards. I think we have always one. We get one new one every couple of years because of the need to upgrade the way that we do the security, and we have always the ability, therefore, to have one down and being refurbished etc. This is the year when we need to get a new one. The new passport issuing system is the upgrade of the system that we maintain with the United Kingdom in respect of passport issuance.

1215 **Hon. K Azopardi:** So the first one was a machine. That last one – does it include equipment, or is it just software?

1220 **Hon. Chief Minister:** It is a processing system. It is not a printing machine because, as he knows, the United Kingdom withdrew all the printing from all of its passport offices in the Overseas Territories, in the large embassies and even throughout the United Kingdom, and centralised in one place in the United Kingdom. The sending of the information is through a secure system from Her Majesty’s Passport Office and this is the cost, to all of the Overseas Territories and all of the Dependencies, of providing that.

1225 **Hon. E J Phillips:** Mr Chairman, just in relation to the Main Sewer, (zt) on page 178, can the Minister explain the significant increase up to £1 million of the estimate for 2022-23 in relation to the main sewer provision, given the fact that there is, in the context of these pink pages, an additional element for sewers generally?

1230 **Hon. Chief Minister:** Mr Chairman, (zt), as far as we can see, does not suffer an increase at all. It is exactly the same amount as was estimated last year.

1235 **Hon. E J Phillips:** No, I appreciate that it has been estimated the previous year for £1 million and the forecast outturn was £285,000, and the previous year, 2019-21, £1.433 million. Insofar as the amount is concerned, it would just be interesting to explain what that is for insofar as the detail of the main sewer works, maybe.

1240 **Hon. P J Balban:** Mr Chairman, we cannot say that we will spend a million pounds every year, because it depends on the projects that we set out to achieve financially. This is the one I mentioned in my Budget speech, which is, I think, from Bomb House Lane. Actually, it was the largest section of main sewer within the city walls, and that then will complete the whole length of sewer within the city walls. It is, I think, from Bomb House Lane all the way to Ragged Staff Gates. It is that project.

1245 **Hon. E J Phillips:** The reason why I ask, of course, is because there is an element within this as well for drains and sewers, so it is difficult ... If this is specific Bomb House Lane sewer remedial action, then that is fine; it is just that it is not clear and immediately obvious from the Book, that is all.

1250 **Hon. P J Balban:** There are different parts of it. One is the project, which is the relining of the sewer, and then there are also other works like desilting and cleaning and doing smaller sections of the sewer, which we do on a yearly basis. Similar to what we said with the road resurfacing, one is a big project and the other is the maintenance that we have to give our sewers if we are going to ensure they are working properly for us in the immediate future.

1255 **Hon. E J Phillips:** Just in relation to the STTPP at (zu), the actual for 2019-21 was £477,000 and the forecast outturn for 2021-22 was £205,000. Is there a reason for the significant increase to £800,000? Is this in relation to implementation of certain parts of the STTPP? I know that there was an indication given in the hon. Gentleman's Budget speech about certain implementation of items there, but it seems like a lot of money and I just wondered whether he had any further information with him to explain that.

1265 **Hon. P J Balban:** We are involved now with the design stage of our bicycle infrastructure. Once we have drawn out the final plans then obviously it is a question of getting boots on the ground and doing these projects. To develop a cycle lane, it is not just painting, it is not segregating with dots. It is a lot more that we have ... Even things like the sewers, the drains and the storm drains – for a bicycle they have to be set at 90° to the wheels of the bicycle, otherwise you risk the bicycle going into the ... and if we are going to be moving out of road, using part of the road where the pavement is, maybe the sewers are badly lined. We are dealing with every single bit of work from things like the drains to removing pavements and so forth, painting, using segregation, so it is a massive ...

1270 It does not sound much, but creating a bicycle infrastructure can be pretty expensive, and this is obviously part of a bigger project because we cannot think for one moment that this will be it. This is the beginning of getting some sort of infrastructure in Gibraltar, and it is a plan that will span many years in that respect.

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Hon. E J Phillips: So that is part of the segregated pop-up scheme that you are going to expand out from many of our roads?

1280 **Hon. P J Balban:** Yes, the first stage is what we call phase zero, which is to mark out using pop-up, which is temporary infrastructure, to see how things go, see what the take-up is. I obviously get the feedback from cyclists. This is like when you build a gravel road and eventually you build up to a motorway. This is like our gravel road for cycling. We need to create the infrastructure so that people feel brave enough to cycle, and once we have the throughput of cyclists using it, then
1285 we will start upgrading. So the first stage is the pop-up infrastructure, which is removable and you can change its position and see how it goes, and then, once you see that it is working and take-up is good, you start thinking about more permanent infrastructure and it is the people who will be saying they want more of this, and so forth. That is the plan behind it.

1290 **Hon. E J Phillips:** Mr Chairman, in relation to (zzzc) on page 179, Ex-Chronicle Printing Works – Justice Offices, I am just wondering what that item refers to. (*Interjection*) It just appears to be something new insofar as the (zxc) Ex-Chronicle Printing Works – Justice Offices and I am just wondering what the intention is for those premises. Is that to decamp the Ministry for Justice into that particular building, or to expand the provision?

1295 **Hon. Miss S J Sacramento:** Mr Chairman, it will be premises to collocate officers to deliver some Justice projects. For example, it will be a MAPPA hub for police officers, social workers and probation officers to work together. It is that kind of office. It is not anything to do directly with the Ministry for Justice but Departments that come under the auspices of the Ministry for Justice.

1300 **Hon. D J Bossino:** Mr Chairman, just by way of explanation, if the Hon. Deputy Chief Minister could assist, I think he did say that (zxx), which is Landport Gates, related to the Walk the Wall project – which, as he has rightly pointed out, had been announced and I think it was in their manifesto, in fact. Isn't there a separate provision for that under (zxt), where it says City Walls –
1305 Walk the Wall, for which I think a nominal provision of £1,000 is made?

Hon. Deputy Chief Minister: Mr Chairman, if I recall correctly, the project was being done in phases, so it could well be that different parts of the project have been entered separately into the list of projects.

1310 **Hon. R M Clinton:** Mr Chairman, just looking at (zys), The Mount, £400,000, I was wondering if this is in anticipation of the generous donation of £1 million towards the refurbishment of the Mount. And how does the Minister envisage this working? Will the Government incur the expense first, and then expect reimbursement?

1315 **Hon. Deputy Chief Minister:** Mr Chairman, no, this is for the refurbishment – I think I referred to it in my address – of the Porter's Lodge into the Marriage Registry and also of the events hall in its proper restoration and refurbishment into an events hall plus the gardens around that area. This is not the Parasol money. That money is being used separately for a different phase of the project.
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Hon. R M Clinton: I am grateful to the Minister for that explanation. How would the Government effectively account for that? How would it work? I would expect to see something in the Book for that element and then covered by a reimbursement. How, in your minds, do you see that working?
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Hon. Deputy Chief Minister: Mr Chairman, yes, this would appear in the revenue section of the Improvement and Development Fund. If he looks at page 173, the hon. Member will find the

1330 different sources of revenue which come into the fund, including reimbursements and others, and grants, so it would be shown on that page and would be offset against the project as the money starts being spent.

Thank you.

1335 **Hon. R M Clinton:** Yes – I am grateful to the Minister – that is exactly the way I would expect it to function for the Book. Based on what he has just said, then, it would appear that the second phase is not anticipated in this next financial year.

1340 **Hon. Deputy Chief Minister:** Mr Chairman, the first phase is one we anticipate this year. The second phase may or may not happen at the same time because the source of funding is separate, it is not Government funding. So it may happen at the same time but my best guess would be that at this stage in this financial year we would only do phase 1.

Mr Chairman: Head 102, Projects, subheads 1 to 7 stand part of the Bill.
Clause 6 stands part of the Bill.

1345 **Clerk:** Clauses 7 and 8, Gibraltar Development Corporation.

Mr Chairman: Page 184.

1350 **Hon. R M Clinton:** Mr Chairman, the Gibraltar Development Corporation obviously has substantial payments. I just would like more information about recurrent payments, item (19), Contribution to Economic Development & Employment Company Ltd, £11,782,000 last year and this year. I would like to know exactly what this entity does for the Gibraltar Development Corporation.

1355 **Hon. Chief Minister:** Mr Chairman, this is essentially Sir Joe Bossano's head and he is not here now, but this is the Economic Development Ministry. The Future Jobs Strategy was run through here, all of the activity of the Economic Development Ministry is run through here, part of the National Economic Plan is run through here, etc. This amount, he will see, goes back some considerable time and is provided each year.

1360 **Hon. R M Clinton:** Mr Chairman, I know this is something I keep on referring to, but would the Government at least commit to publishing the accounts of this entity on an up-to-date basis, in the very near future rather than later because obviously significant amounts of money are being spent through this entity?

1365 **Hon. Chief Minister:** Mr Chairman, yes, the Government is committed to publishing the accounts of all the Government corporations as soon as possible.

1370 **Hon. E J Reyes:** Mr Chairman, on subhead (25), Training and Development Courses, it says 'Other Projects – Government Financed' with a projected increase twice the amount of the forecast outturn for last year. Can we have some information on what projects it entails and what are the future ones?

1375 **Hon. Chief Minister:** Mr Chairman, it may be an increase in the forecast outturn, but it is exactly the same estimate, which is being run by the Economic Development Company, and it is just a question of whether the courses are taken up and therefore whether the cost is incurred.

1380 **Hon. R M Clinton:** Mr Chairman, a slightly different question. On the Capital Account, on page 187 there is the sale of a share for what looks like £1. I would be grateful if the Government could advise what that is in respect of.

1385 **Hon. Chief Minister:** Yes, Mr Speaker, it is the sale of one share, which is part of a restructuring of the internal way that the government companies are held. We are racking our brains just to remember, because we spent a lot of time working out how we would do this and how we would restructure, but it was x months ago. It is not often that you see in these Estimates £1, you usually see £1,000, but it is £1 because it is precisely £1 for one share.

1390 **Hon. R M Clinton:** Yes, Mr Chairman, I fully appreciate that from the Book. My question is: in respect of the shares of what entity?

Hon. Chief Minister: It may be one share in Credit Finance, Mr Chairman.

1395 **Hon. R M Clinton:** Mr Chairman, if my memory serves me correctly, I have seen one share of Credit Finance appear in the recent summary of the investments of the Gibraltar Savings Bank. First of all, I am I correct that that is the same share? And, secondly, what was the reason for it?

1400 **Hon. Chief Minister:** It is to permit a distribution of profit in that company. Otherwise, because of the preference shares, if you do not do the exercise that we are doing now, you are not able to pay the distribution of profits.

1405 **Hon. R M Clinton:** Sorry, Mr Chairman, while I just think this through. If I recall correctly, there was a dividend which was deemed ... it was a dividend up, but it was deemed to be reassigned to the Savings Bank – I think it was about £9.7 million – and by effectively giving the Savings Bank this particular share it would avoid that problem in future. Does this particular share have any particular special class to it that gives it any special dividend rights?

1410 **Hon. Chief Minister:** No, Mr Chairman, it is an ordinary share, but if you do not do it this way you have to do the deemed dividend, which is what the hon. Gentleman has identified. In this way, we can do it direct.

Mr Chairman: The Gibraltar Development Corporation stands part of the Bill.

Clerk: Borders and Coastguard Agency.

1415 **Mr Chairman:** Page 211. Borders and Coastguard Agency stands part of the Bill.

Clerk: Housing Works Agency, on page 214.

1420 **Mr Chairman:** Housing Works Agency stands part of the Bill.

Clerk: Gibraltar Sports and Leisure Authority, on page 217.

1425 **Hon. E J Reyes:** Mr Chairman, on subhead (8), in respect of electricity and water, if we look at the figures in previous years the estimate for this coming year tends to be of the same spending per year. I agree that the electricity supply to the main football pitch, which has been leased out to Gibraltar Football Association ... those floodlights are used. The electricity bill – is that still being paid by the Sports and Leisure Authority, or is it now on a separate meter, the running costs of which will be met by the Gibraltar Football Association?

1430 **Hon. Chief Minister:** No, Mr Chairman, the GFA pays for its own utilities. This is not GFA related. I wonder whether the hon. Gentleman needs to look back and then calculate the increase in the in the utilities and the other sites that have come on stream, and that probably balances out.

Mr Chairman: Gibraltar Sports and Leisure Authority stands part of the Bill.

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Clerk: Gibraltar Health Authority, on page 220.

Hon. E J Phillips: Mr Chairman, just in relation to page 225, Recurrent Payments, could the Minister give an explanation as to the rationale for the relief cover at £1 million?

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Hon. Chief Minister: Mr Chairman, I refer the hon. Gentleman to the statements I made in my reply speech, where I addressed this specifically.

Hon. K Azopardi: Just on a related item, under the forecast outturn of £11 million, is there a breakdown of how that sum has been spent?

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Hon. Chief Minister: Mr Chairman, I think I actually gave him the breakdown yesterday in the course of my speech. I know he might have not wanted to hear much of what I had to say, but £4.3 million came from the COVID Response Fund, which he can see on page 228 at the top, and the balance is having to provide the relief cover necessary as a result of the continued pandemic, which had rolled on in a way that we had not expected when we had prepared the Estimates in January, February and March of 2021, because in the financial year 2021-22 the pandemic continued and therefore we had more cover that we had to provide etc. It is what we say is the demand-led cost of ensuring that the GHA had the individuals available doing the jobs that were needed when others were not able to do them, and what he says is my terrible mismanagement and the reason why I could not be trusted.

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Hon. K Azopardi: I am asking for a more specific breakdown, and we are getting into that because we are past the Second Reading – otherwise we will be here all day. How does this break down in terms of staff numbers, who they are, what kind of jobs? What is this? They projected £2.5 million as the estimate, it then came in at £11 million, so what is the specific breakdown?

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Hon. Chief Minister: Mr Chairman, I do not have the management accounts here, but we do have the name of every individual who was paid as a result of this. If the hon. Gentleman is asking do we have that breakdown, we do. I do not think we have it here because we have it in the ... He is asking us about not the estimate for this financial year, which is what we are debating today; he is asking us for the forecast outturn for last year, which informs our work in making the estimate for this year. I am not saying he should not ask, what I am saying is I do not have the information here. This relates to individuals who have been paid to do the work that the GHA has determined was required and was not in complement for reasons that I have explained to him both yesterday and before, because I explained it in my main speech. The £2.5 million was the view that we were taking for a year when we expected COVID to end, and the £11 million is the actual cost for a year through which COVID rolled and continued to require us to incur costs. In the context of the argument that COVID is being used as an excuse, unfortunately, as I told hon. Members a moment ago, I have another death certificate, which shows that this ain't no excuse, this is real and the number of Gibraltarians lost to it now is 105.

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Hon. E J Phillips: I think it feeds into another question we asked about how realistic is the £1 million figure, because the Chief Minister has referred to what has happened in the United Kingdom and the sad loss of another life and the reason why the forecast outturn is £11 million.

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We put this in our Budget speech and in our contribution we talked to the principles of the Bill. We asked the question how realistic was the £1 million in that context.

1485 **Hon. Chief Minister:** Mr Chairman, the £2.5 million was realistic when it was estimated in February/March. The £1 million is realistic when it has been estimated this March. If we have to come to this House to seek £21 million at the end of the year, and if they behave like they have behaved this year, they will say it is a terrible mismanagement on my part and I will say that is what we needed during the course of 2022-23. I do hope that we will need less than a million and that we will not have to have people wearing masks in the Hospital again going forward throughout the year and that we do not have another spike.

1490 The hon. Gentleman is asking me how accurate the estimate is in the face of the, hopefully, last roll of the pandemic dice – and it is literally a roll of the pandemic dice. We could have put a thousand pounds in here, so that it was obvious that it was literally just a token, but this is not just relief cover for COVID, this is relief cover generally in the GHA and we have to make our best estimate, with all our vacancies filled, how much relief cover we will require and how much of COVID will still be there and how it will affect relief cover. It is an impossible estimate to make beyond being a guesstimate, and there is no way that anybody can find a better way of estimating against this number in the public health circumstances in which we find ourselves.

1495 Mr Chairman, I emphasise the point: it has not stopped them – despite agreeing with us now more convivially when looking at the detail – from accusing me of mismanagement and that trust in me should be lost because of the increase in the forecast outturn, the actual, in effect, against the estimate, but I am telling them now it is a guesstimate. It was a guesstimate last year – it could not be anything more than that – and it is a guesstimate this year, and I look forward to being accused of mismanagement next year.

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1505 **Hon. K Azopardi:** Well, it is not about clutching at straws, Mr Chairman. It was not presented as a guesstimate, it is presented as an estimate. Presumably the Health Authority and the officials are providing advice on these matters, and what we are trying to probe is the accuracy of these figures. Do you want to carry on?

1510 **Hon. Chief Minister:** Yes. Mr Chairman, of course this is based on advice. You are not probing the accuracy of this estimate unless you have not heard everything that I have said from the first speech, because I said from my first speech, before the hon. Gentleman got up to accuse me of mismanagement because we had not kept to the estimate, that it was impossible to estimate and that we were doing our best in the face of a public health pandemic. If we had stuck to the figure religiously out of a desire to demonstrate our management and our ability to estimate, we would have butchered frontline services because we would not have had people on the frontline.

1515 And so what I am saying – again, because I said it in my main speech about the estimate for this year and I said it in my reply about the estimate for this year, and last year I said it about the estimate that we were making as well – this cannot be anything other than a guesstimate. We have filled vacancies or are in the process of filling vacancies. There should, therefore, be less need for relief cover if it is the ordinary course of business, if it is business as usual, but we do not know that it is – and I shared with hon. Members this morning an article I read in *The Times* about the effect on the NHS. I am making the point with vehemence so that I can, if necessary, point hon. Gentlemen to it next year when they make the accusations that they have made in the terms that they have made them for the reasons that they say they made them in respect, in particular, of this increase and this failure to keep to estimate, or indeed the Government's decision to ensure that the provision necessary for the GHA was there, even though it exceeded the estimate.

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1530 **Hon. K Azopardi:** And I hear the explanation, but the point is that on this side of the House we do not necessarily accept the explanation, or in the terms that it has been put. That is the point we make.

Hon. Chief Minister: Sorry, what did you say?

1535 **Hon. K Azopardi:** I said I hear the explanation but on this side of the House we do not necessarily accept that explanation.

Hon. Chief Minister: I understand that you do not accept it, because hon. Members do not accept reality. They might like to see that there is a footnote on the next page that says that funding will be provided to the level required in the event that the level required is in excess of the amount. Mr Chairman, if they do not accept the explanation, can I invite them not to bother seeking it? What is the point? They are going to vote against this estimate. They do not accept our explanations and yet they seek them. Why? Simply to make a note in order to then try and compare it to our explanations next year? Well, they will find that we are consistent in saying that we will provide the amount that the GHA requires, even if it exceeds the estimate where it is in a demand-led area, because that is not a failure of management. That is to provide, as the footnote on page 227 sets out, such funding as may be required to continue to be able to deal with the ravages of the public health pandemic that we are suffering. That is what happened last year and that is what would happen this year, although would that it need not happen this year.

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1550 If he does not want to accept that explanation, frankly, Mr Chairman, it is a matter for him, but I will deploy the explanation again because it is the truth and it is reality.

Hon. K Azopardi: Mr Chairman, we have been asking a lot of questions on the specifics, and we are interested in the explanations and clarifications on the numbers that we have been asking for. The distinction that I have just made is that he has made a long explanation about how these numbers have been reached and how it was impossible to control. I was making the specific distinction that we may not accept the explanation he has just given about that issue. I am not talking about the more macro level of read-across in his remark, 'Well, if they are not interested in the explanation, why are they even asking these questions?' I am asking him specifically on this issue. I have made that distinction. In respect of the other numbers, of course we are interested in the specific questions we have been asking.

Hon. Chief Minister: I understand he does not accept the expression, Mr Chairman. He has called me a thief because of the increase. He has told me that I have become a highwayman to pay for the increase, so that must mean that I have stolen it. If he does not want to accept the natural meaning of his words, so be it.

Hon. K Azopardi: I understood that ... [*Inaudible*] Be serious. It was an exchange. He was talking about the renaissance and I made an allusion which was intended to be comic, and everyone understood it like that. He has made an exaggeration of it. Fake outrage, Mr Chairman.

Hon. Chief Minister: Mr Chairman, I am extraordinarily grateful to the hon. Gentleman that he has clarified – although he had an opportunity to do so yesterday when I was replying, but he did not seek to have me give way because he wanted to clarify it – that he called me a highwayman in jest, that he did not mean it and that he does not believe I am a thief. (**Hon. K Azopardi:** Of course.) He is saying 'of course'. I genuinely appreciate his belated but hugely important clarification.

Mr Chairman: Are we ready to proceed?

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Hon. E J Phillips: Mr Chairman, just in relation to point (13) in the same column, Visiting Consultants Fees and Expenses and Other Contracted Medical Services, can the Minister for Health or the Chief Minister explain how they are going to achieve that particular saving?

1585 **Hon. A J Isola:** Mr Chairman, on the same basis as the Chief Minister has already outlined, this is the estimate that the professionals provide us with and we are prepared to support.

1590 **Hon. E J Phillips:** In relation to item (14), recruitment expenses, the forecast outturn 2021-22 is £2 million that is provided in terms of the estimate for this year. In relation to recruitment expenses, item (14), the estimate 2022-23 is listed at £750,000. I wonder whether the Minister might be able to explain a bit more about that.

1595 **Hon. A J Isola:** Mr Chairman, it is all related in terms of the extra number of people needed during COVID, which we hoped not to be needing during the course of next year. When you have relief cover to the extent that we did, that obviously had a cost to it, not just in respect of the recruitment but also in respect of the expense of bringing people over and accommodating some of them whilst they are here providing relief cover.

1600 **Hon. E J Phillips:** So in relation to the recruitment expense, that £2 million that was spent in 2021-22 relates to the payment of fees towards agents and also the bringing over of resource, potentially. I think there was one aspect of flying nurses over. Was that in relation to that resource being imported for the benefit of the GHA?

1605 **Hon. A J Isola:** Yes, Mr Chairman, it relates to bringing people here, accommodating them – some of them on short-term arrangements – and then them leaving.

1610 **Hon. E J Phillips:** Just in relation to item 21, GPMS Prescriptions, the forecast outturn for 2021-22 was at £12 million. If we roll back to 2019-21 it was £24 million, pretty consistent from those years. And then we get to the estimate this year being a lot less at £9 million. I just wondered whether the Minister might be able to explain the thinking behind that estimate.

1615 **Hon. A J Isola:** Mr Chairman, we issued a press release some two months ago, I believe, which explained that we were removing certain items from the list of prescriptions. In that press release we said we anticipated a saving of £4.3 million in the course of the year. I think you will find the numbers are quite close to that.

1620 **Hon. E J Phillips:** I think it really fed into the point that I was making. I know the Chief Minister picked up on the 'life-saving' words in the contribution that I made, but also critical medicines that was added on – it was life-saving and other medicines. Is it the case that there has been a general review by the Chief Pharmacist or, indeed, the Health Authority in relation to medications, or a re-designation of certain medications that patients require, and that has been communicated down to pharmacists up and down Main Street in relation to dispensing those? I think he referred to it in the answer to the last question that I asked here ... that it related to specific medicines. Has there been any sort of change in approach by the Chief Pharmacist or, indeed, the GHA in communications to pharmacies in Gibraltar about issuing those medicines to people?

1630 **Hon. A J Isola:** Yes, there is a press release which details the thinking behind it, as well as the use of generic medicines as opposed to branded medicines, which will also obviously have a saving. I think that was all in the same press release, which explained why we were hopeful of a £4.3 million reduction in the cost of pharmaceuticals through GPMS during the course of the year.

1635 **Hon. E J Phillips:** That is very helpful; that is well understood. I think the point I was trying to get at, probably not in an articulate way at this time of the evening, but the point that has been made to me by patients is that there are certain medicines that they are receiving that are significantly expensive – they understand to be, now – and are not being made available, given the expense. That is obviously a comment being made to me by a number of patients and

discussions that I have amongst pharmacists in our community. I would just like to seek clarification on that, because it is a genuine concern of people who have asked me, so I thought it best to ask it here – it is the only place we can do.

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Hon. Chief Minister: Mr Speaker, we would never preside over a Government – and, as I said to him yesterday, neither would they and neither would anyone, I think, who has sought office in this community – which would deny members of our community who need a particular pharmaceutical. There is no question of that. There is a concern – which is a medical concern, not
1645 a financial concern, although it has financial consequences – of an overmedicated population and the consequence that that can have for public health. In other words, more medication means less good health, not better health; and, secondly, there are some instances of people seeking expensive medications simply for the purposes of trading the prescription for non-medical goods. We have had that before. I have given interviews on GBC about the subject. We have debated it
1650 across the floor of this House. I cannot remember whether it was in the lifetime of this Parliament – I think it was in an earlier Parliament – and I cannot remember whether it was the first Parliament to which I was elected as Chief Minister or the second, so I cannot remember whether he was here, but there is a very serious concern about that. There is pharmaceutical fraud going on, and I think that at the time I looked at this I was told that they had had the same concerns
1655 when they were in government and they had taken some of the same measures at different times. They had even deployed undercover officers at one stage, I understand, to try to catch out pharmacists who were involved in this, because this is a two-to-tango issue.

Let me just give the hon. Gentleman a statistic that I was given, which made me really raise my eyebrows. Without casting aspersions on anyone but telling hon. Members today what I think I
1660 said on television at the time, every time a new pharmacy in Gibraltar opens, for the same number of people in the population we end up with 10% more prescriptions. How can that be? So there is no question of the Government depriving anyone of life-saving medication, as I told him. He has now said to the Minister, ‘Well, I had my answer on that. What is my answer on other prescriptions, just things which happen to be expensive?’ The issue here is also (a) overmedication and (b) pharmaceutical fraud. That is what has been the subject of the investigation and the
1665 attempt to put in new systems which will prevent that.

I would hope that all of us, as Members of this House, and every Gibraltarian should want the Group Practice Medical Scheme to work and to give the people who need medication the medication they need whether it is expensive medication or not expensive medication, certainly
1670 if it is life-saving medication. If it is medication they need, then of course. If it is medication they want, it is different. If they want it because it is pain relief, then, in my view, they need it and the doctor should prescribe it, unless the pain relief is causing them a difficulty. Hon. Members will know that there is a huge opioid crisis in the United Kingdom and in the United States, where people become addicted to pain relief and they can die from the pain relief, which causes them
1675 the problem.

So the issue of overmedication is a very serious medical issue, the issue of pharmaceutical fraud is a very serious financial issue, and all of these things make up the concern that the Government is trying to deal with through the review that is being carried out.

Hon. E J Phillips: Mr Chairman, I thank the hon. Gentleman – that was a very helpful answer.

In relation to item (23), Medical Departments, as we can see from the run across the line there from £16.8 million through an estimate of £3.8 million at 2021-22, then to the forecast outturn for 2021-22 at £12.1 million ... Apologies, I have lost my train. It was £18.2 million and then the reduction to £5.7 million, a very significant reduction there, the least on the surface of the items.
1685 Insofar as ‘Medical Departments’ is quite a generic description, perhaps the Minister might be able to explain the rationale for what on the surface looks like a reduction.

Hon. A J Isola: Mr Chairman, the difference between the amount in the outturn and the amount forecast is the cost of LFT tests.

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Hon. E J Phillips: Mr Chairman, about £13 million in tests that has been run through the Medical Department aspect of this?

Mr Chairman, just one question. I assume the answer is that Dressings, Aids, Medical Gases and Tests at item (27) are other tests, not those tests that relate to COVID. Again, if that is the case, there is a reduction of over a million from the outturn last year. I would have thought that Dressings, Aids, Medical Gases and Tests would be a pretty consistent figure, so why the reduction in procurement of those items?

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Hon. A J Isola: Sorry, I was about to agree with the first part of the question. I am not sure where is he taking it with the second part of the question.

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Hon. E J Phillips: Mr Chairman, insofar as the second part of the question, whilst I appreciate the tests do not relate to COVID tests, that these are run-of-the-mill tests that are conducted at the GHA, I just want to know why, for Dressings, Aids, Medical Gases and Tests, the figure now stands at £1.75 million as an estimate, when the forecast outturn last year was £2.83 million.

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Hon. A J Isola: You are referring me to the reduction from £2.8 million to £1.7 million? Mr Chairman, I do not have that information here and I would rather not guess as to the cause. I am happy to come back to him.

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Hon. E J Phillips: Mr Chairman, dealing with the fairly large amount of ... I know this is a heated debate in the exchanges and I do not want to encourage that again, but insofar as item (37), Sponsored Patients, we have seen, again, from 2019-21 right the way through the line up until the estimate, fairly consistent figures for sponsored patients, and I just wondered how the Government arrived at that estimate for £10 million and whether it was realistic in the context of the work that we do in sponsoring our patients to receive medical care in other jurisdictions.

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Hon. A J Isola: Mr Chairman, the Chief Minister also referred to this in his address during the course of the Appropriation Bill. As we repatriate more and more services, we need to send fewer and fewer people out, and the estimation at this stage is that this will serve a reduction of that amount by repatriating services here.

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Hon. Chief Minister: And, if not, we will overspend. In other words, not through mismanagement but because we will provide the sponsored patient provision that is necessary, but we are trying to reduce it by bringing back the services.

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Hon. E J Phillips: Just a general question on that. I think the repatriation of services is an interesting point. I know that the Hon. Neil Costa, when he was in this House, explained the rationale for repatriation of services. I think that many Governments have tried to do that over many years, but on occasion it does actually significantly increase the cost of providing that service. So it is a bit of a fine balancing act that I think the Hon. Mr Costa talked about in this House previously. Obviously they have suggested a figure of £10 million because of repatriation. I wonder whether there is a breakdown of that further, insofar as what services are being repatriated in a bit more detail so that we can ascertain that.

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Hon. Chief Minister: Mr Chairman, yes, and what the Hon. Mr Costa also told the House was that in some instances, if it cost a lot more to repatriate the service it did not make sense to do it, but if it made patients in a difficult situation considerably more comfortable, if there was potentially an increase in the cost but there was a better service provided to the Gibraltar patient,

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1740 then it would be something that we would pursue. And then Mr Costa left this House and we had
a General Election, and no sooner than we had a General Election we had a pandemic. Literally,
we had works which had been ongoing, we had cleared areas which were going to be used to
provide certain services, and those areas then had to be used for pandemic purposes. That is why
the hon. Gentleman is right to point to things that were said during the lifetime of the last
1745 Parliament and that we are now in the second half of this Parliament and we have not been able
to do those things, but that is the criterion that is in our minds.

When you look at the cost of the repatriation of services, you have an indication of how many
people you send away in respect of those services and you can do – again, I emphasise this – a
guesstimate, which is a finger in the air. If we have no longer got to send people we sent for this
1750 service away from Gibraltar ... How many people on average do we send away for this service?
What does that mean in terms of sponsored patients? Maybe we can make that saving. But of
course, like everything in medicine, those are averages. You might actually find that there is a year
when you do not send anyone for a particular service. It is very unusual, but say you were to send,
usually, 70 people, for angiograms, to the United Kingdom – I am not a doctor, and I think we send
1755 angiograms to the Costa del Sol, but say you were to send 70 people for angiograms in the United
Kingdom and you sent 70 every year, and so you do an average and it works out to 70 and you
then say, ‘How much do those 70 cost in terms of sponsored patients?’ Say it costs you £4 million,
you say, ‘We can reduce it from £4 million because we are going to treat the 70 here.’ And then,
the following year, you have 10 angiograms, so the amount that you have invested is not going to
1760 show you as much of a benefit as you expected, because you are not treating 70 in your new
angiogram facility in Gibraltar. Or you have 170, and you treat 70 and you have to send a hundred
out because you cannot deal with them, even though you have repatriated the service, because
you do not know how many angiograms you are going to get in a year, even if you have had a
pattern of angiograms for a number of years.

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Hon. E J Phillips: Just one final question on this list before ... I believe that hon. Members may
have certain questions on this side of the House, but in relation to item (42), Disposal of Clinical
Waste, again, this seems like a fairly consistent amount of money, generally speaking, and I just
wondered why the difference between the forecast outturn last year and this year amounting to
1770 nearly £1 million difference, and how that is going to be achieved.

Hon. A J Isola: Mr Chairman, the forecast outturn is influenced, again, by COVID. Around
£400,000 of that cost is disposing of COVID-specific waste. The estimate for the forthcoming year
is more in keeping with what it has been in previous years, although slightly higher, he will see,
1775 but I think that is the estimate they are providing at this moment in time.

Hon. E J Phillips: Just one question in relation to page 226 on the Europort Paediatric Centre. I
assume that all children’s services are dealt with in respect of the Paediatric Centre? That is the
first question. I will follow up on that, depending on the answer.

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Hon. A J Isola: Mr Chairman, I think the Paediatric Centre has always been intended to cover
all aspects of the paediatric services the Hospital provides. We are doing some work on that to
see how we can reinforce that message better across the community.

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Hon. E J Phillips: A follow-up question: does that also include diagnosis of autism at that centre,
or is that dealt with somewhere else?

Hon. A J Isola: I would not know, Mr Chairman. I am certainly happy to find out and come back.

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Hon. R M Clinton: Mr Chairman, a minor question. On Recurrent Payments, item (39), Rents
and Service Charges, I note it seems to have gone up from £35,000 to £150,000. And just by way

of aside, I know you have a section specifically for rentals, which goes from £48,000 to £52,000 and I was wondering, first of all, what is the increase in respect of? What is the rent for? And should it perhaps not be reclassified under the subheading later on?

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Hon. A J Isola: Mr Chairman, I am afraid we do not have that information available. I agree with the hon. Member's comment that it seems a rather sudden increase, and if it is rent or any part of it, it should be in the other column, so I will have to get that information and revert to him.

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Hon. R M Clinton: Many thanks, Mr Chairman.

Hon. A J Isola: If I may, just by way of assistance, I understand some of that may be in relation to storage off site, as opposed to the actual premises themselves, which are under the other head, but again, I will confirm that.

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Mr Chairman: Gibraltar Health Authority stands part of the Bill.

Clerk: Gibraltar Health Authority – Elderly Residential Services section. That is on page 230.

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Hon. E J Phillips: Mr Chairman, just in relation to page 231, the summary of the totals of full-time and part-time, it appears that we may have lost 31 people within the Elderly Residential Services Section. I wonder whether the Minister might be able to give an explanation as to the loss of numbers in human resource there.

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Hon. A J Isola: Mr Chairman, I understand that the reduction in numbers is a result of the Jewish Home and people moving from here on to the books of the Jewish Home.

Mr Chairman: There is a section, as part of the GHA, which talks about the Elderly Residential Services Section, which we have just covered, but there is also another section which talks about the COVID-19 Response Fund. Is that something that has been looked at, or shall we ...?

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Gibraltar Elderly Residential Services Section stands part of the Bill.

Clerk: Care Agency.

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Hon. K Azopardi: Just a question on that. At item (29), Home Support – Supported Living in the Community, and the projection of a lesser sum there, I assume that having spent £4 million there would have been an assessment of ongoing needs in the community and I just wanted to understand why the Government thinks it would be less.

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Hon. A J Isola: Mr Chairman, during COVID, over £1 million – £1.18 million – was spent in providing additional support to families who were at home, as opposed to under our care. The day centres were closed as well, and so more support was provided. We believe that by removing that support we will get much closer to the number that we believe we should be spending in this respect.

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Mr Chairman: Care Agency stands part of the Bill.

Clerk: Gibraltar Electricity Authority.

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Mr Chairman: Gibraltar Electricity Authority stands part of the Bill.

Clerk: Gibraltar Port Authority.

1845 **Hon. E J Reyes:** Mr Chairman, referring to a question I asked before on a previous page, where the Chief Minister kindly pointed out to me that perhaps the answer could be found in the green pages, under subhead (14), Maintenance of Port Installations and Equipment, is that the area that would include those small boats moored on the Watergardens side that we were talking about before?

1850 **Hon. V Daryanani:** Mr Chairman, yes, it is, as the hon. Member said, in the green pages. On page 252 under Capital Account he will see Payments and then he will see Works and Equipment.

Hon. E J Reyes: I beg your pardon, Mr Chairman, but because I am hard of hearing perhaps the Minister could kindly repeat that, so I can make a note.

1855 **Hon. V Daryanani:** Mr Chairman, it is on page 252 under Capital Account and then Payments, and he will see Works and Equipment. Capital Account, then there is Payments underneath Receipts, and there is Works and Equipment. Has the hon. Member ...?

1860 **Hon. E J Reyes:** Yes, thank you, Mr Chairman, I think I have got that. One clarification: is the whole £522,000 exclusively for that project, or are they amalgamating different subsections, bringing a grand total as per the estimate?

1865 **Hon. V Daryanani:** Mr Chairman, no, the £522,000 is not only for the Watergardens project, there are other things involved there.

Mr Chairman: Gibraltar Port Authority stands part of the Bill.
Clauses 7 and 8 stand part of the Bill.

Clerk: The Schedule.

1870 **Mr Chairman:** The Schedule stands part of the Bill.

Clerk: The long title.

1875 **Mr Chairman:** The long title stands part of the Bill.

**Legal Services (Amendment) Bill –
Clauses considered and approved**

Mr Chairman: Legal Services.

1880 **Clerk:** A Bill for an Act to amend the Legal Services Act 2017.
Clauses 1 to 3.

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

Clerk: Clauses 4 to 12.

1885 **Mr Chairman:** Clauses 4 to 12 stand part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Traffic (Amendment) Bill 2022 –
Clauses considered and approved with amendment**

1890 **Clerk:** A Bill for an Act to make changes to amend the Traffic Act 2005.
Clauses 1 to 3.

Mr Chairman: I believe there is an amendment to be moved.

1895 **Minister for Transport (Hon. P J Balban):** Mr Chairman, I beg to give notice that I shall be moving amendments to the Bill for the Traffic (Amendment) Act 2022 during the Committee Stage. The amendments are as follows:

1. Substitute the following for paragraph (a) in clause 3(3)-

"(a) in subsection (1)-

(i) after paragraph (c) insert-

"(ca) the Transport Planner for the Government;";

(ii) in paragraph (e), delete "and";

(iii) for paragraph (f), substitute-

"(f) three other members appointed by the Government; and"; and

(iv) after paragraph (f), insert-

"(g) one person appointed by the Government after consultation with the Gibraltar Cycling Association."; and".

2. After clause 3(3) insert -

"(4) In section 65(2), insert the following paragraph after paragraph (b)-

"(ba) as a result of the administration of a preliminary drug test, the police officer making the requirement has reasonable cause to believe that the person required to provide a specimen of blood or urine has a drug in his body; or".

(5) In section 91(3) for "level 1" substitute "level 3".

(6) In section 98(1)-

(a) after "Act" insert "or subsidiary legislation made under this Act";

(b) for "level 1" in both places it appears substitute "level 3";

(c) for "three months" substitute "six months".

Mr Chairman: Are Members of the Opposition content with the amendment?

Clauses 1 and 2 stand part of the Bill.

1900 Clause 3, as amended, stands part of the Bill.

The long title stands part of the Bill.

**Appropriation Bill 2022 –
Third Reading approved: Bill passed**

Clerk: The Hon. the Chief Minister.

1905 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Appropriation Bill 2022, the Traffic (Amendment) Bill 2022 and the Legal Services (Amendment) Bill 2022 have been considered in Committee and agreed to with some amendment. I now move that they be read a third time and pass.

1910 **Mr Speaker:** Those in favour of the Appropriation Bill 2022?

Hon. Chief Minister: Mr Speaker, I call a division.

Mr Speaker: A division is required.

Voting resulted as follows:

FOR

Hon. P J Balban
Hon. Prof. J E Cortes
Hon. V Daryanani
Hon. Dr J J Garcia
Hon. A J Isola
Hon. G H Licudi
Hon. F R Picardo
Hon. S E Linares
Hon. Miss S J Sacramento

AGAINST

Hon. K Azopardi
Hon. D J Bossino
Hon. R M Clinton
Hon. D A Feetham
Hon. E J Phillips
Hon. E J Reyes

ABSENT

Hon. Sir J J Bossano
Hon. Ms M D Hassan Nahon

Mr Speaker: The result of the division, as requested, is 9 in favour, 6 against, and 2 Members are absent, which means that the Bill is passed. (*Banging on desks*)

1915 **Hon. Chief Minister:** Mr Speaker, before we carry on with the rest of the business the House needs to deal with this afternoon, I am conscious that you have been in the Chair since we started the exercise, and I wonder whether this might be a convenient time to take a short recess until twenty to eight.

1920 **Mr Speaker:** The House will now recess to twenty to eight.

The House recessed at 7.26 p.m. and resumed at 7.40 p.m.

**Traffic (Amendment) Bill 2022 –
Legal Services (Amendment) Bill 2022 –
Third Readings approved: Bills passed**

Mr Speaker: Those in favour of the Legal Services (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Traffic (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Questions for Oral Answer

TRANSPORT

Q220/2020

**Taxi fleet –
Encouragement to go green**

1925 **Mr Speaker:** I think we now revert to Questions, those that remain from the beginning of this session.

Clerk: Question 220/2022. The Hon. E J Phillips.

Hon. E J Phillips: Further to Written Question 14/2022, can the Government state what it is doing to encourage our taxi fleet to go green?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, the Government, in consultation with the Gibraltar Taxi Association, is looking into the possibility of installing EV charging points in taxi ranks at strategic locations in order to encourage our taxi fleet to go green. We are already in the process of installing the first EV charging point at the ground floor of Midtown car park solely for taxis. The hon. Gentleman is reminded that Import Duty for electric vehicles remains at zero and the cashback incentive is £2,500.

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Hon. E J Phillips: Mr Speaker, when this Written Question was put for the Minister, obviously he was not here at the time and we agreed to convert it into written. I think the answer was that only one taxi in Gibraltar was EV, and therefore the reason why I have asked about how we are going to encourage the taxi fleet is ... My view is they all should be electric or hybrid, as the case may be, and whilst I understand that in putting infrastructure in these particular areas so that they can access that, is it right to say that not the complaint but the concern of the Taxi Association is the lack of infrastructure? Are they waiting for that in order to make that investment in the services they provide, in buying electric vehicles?

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Hon. P J Balban: Mr Speaker, the Taxi Association is in the process of testing. They tested some vehicles out with one of the local businesses. I think their biggest fear is range and size. I think that is what they were most fearful about, that they would not be able to do their full day's work on a charge.

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Now, as you rightly say and in my Written Question reply I said, there was only one electric vehicle. I think that will probably spread like wildfire, because obviously the cost of fuel nowadays will make the e-vehicle a lot more attractive. I think they have satisfied their doubts as to range and size range and they know they can use it for the whole day, so I think it will push on a lot quicker now, especially because there is one in the fleet already. I think they will see it and they will talk about it, and very soon I think there will be more. As I have said in my reply, we will be working with them to see whether we can place some EV charging points at ranks as well, other than the coach park, and that will, I think, help them in that respect, too.

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Q221/2020

Electric motorcycles and bicycles – Eligibility criteria for grants towards purchase

Clerk: Question 221/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, further to Written Question 17/2022, can the Government state in detail the eligibility criteria for the provision of grants towards the purchase of electric motorcycles and electric bicycles?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, the eligibility criteria are as follows. The electric motorcycle must be fully electric and the bicycle must be an electrically assisted bicycle

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without a throttle where the electric engine does not exceed a speed of 25 km per hour. In addition to the above, the electric motorcycle or electric bicycle must be purchased in Gibraltar through an authorised dealer.

Q222/2020

**Parking permit fees –
Rationale for higher fees within same household**

Clerk: Question 222/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, what is the rationale for applying higher fees to persons from the same household who seek a zone parking permit when someone else in the same household is renting an indoor parking space elsewhere?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, when an individual owns or rents a parking space and another member of the same household applies for a zone permit, he or she will enter into tier 2. The rationale for this is to discourage multiple car ownership per household, and use of other, sustainable modes of transport. Further information can be found in the policy booklet that was published in 2017.

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Hon. K Azopardi: Mr Speaker, is that policy going to be reviewed at any point in the foreseeable future, or is that policy something that the Minister thinks should continue, going forward?

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Hon. P J Balban: Mr Speaker, the whole point of this policy really is if you own a private parking space or you rent a subsidised parking space from Gibraltar Car Parks or the bank that Gibraltar Car Parks manages ... We want to encourage people to use their parking space and not park their car on the highway, so by increasing the fee, what you are saying is you want the car to use the parking space they have acquired at a lower rate than market value.

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I think the policy is a good one, because if you have your own private parking space and you rent at the cheaper rate, it encourages you to say, 'Well, I will just use the parking there,' because it is much easier to find or it is much more advantageous for the individual to park outside their front door, if they were to find a parking space, than to go 200m to the car park itself. So that discourages, hopefully, that behaviour. At the end of the day, what we want to see is fewer cars on our roads and less usage.

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Q223-25/2020

**Parking fees paid by residents of parking zones –
Revenue re first, second and third vehicles**

Clerk: Question 223/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, can the Government state the revenue by way of parking fees paid by residents/householders resident in the various parking zones for a first vehicle, broken down by parking zone and by numbers of permits per zone?

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

2010 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 224 and 225.

Clerk: Question 224/2022. The Hon. the Leader of the Opposition.

2015 **Hon. K Azopardi:** Can the Government confirm the revenue by way of parking fees paid by residents/householders resident in the various parking zones for a second vehicle, broken down by parking zone by numbers of permits per zone?

Clerk: Question 225/2022. The Hon. the Leader of the Opposition.

2020 **Hon. K Azopardi:** Can the Government confirm the revenue by way of parking fees paid by residents/householders resident in the various parking zones for a third vehicle, broken down by parking zone and by numbers of permits per zone?

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

2025 **Hon. P J Balban:** Mr Speaker, I have prepared the reply but I think it might be better if I offer the hon. Gentleman a schedule, so he can see for himself and I will not need to read it out, which will be helpful in that respect. Thank you.

2030 **Hon. K Azopardi:** He is going to hand it to me?

Hon. P J Balban: Yes. *(Interjection)*

Hon. K Azopardi: Oh, I see.

Answer to Q223/2022

First Vehicle (Tier 1)

** Please note that Tier 1 is a combination of Pensioners and Tier 1 permits**

Zone	Number of permits issued	Revenue
Zone 1	407	£24,420
Zone 2	324	£16,500
Zone 3	435	£26,040
Zone 4	21	£1,110

Answer to Q224/2022

2035 Second Vehicle (Tier 2)

Zone	Number of permits issued	Revenue
Zone 1	110	£13,200
Zone 2	111	£13,320
Zone 3	426	£51,120
Zone 4	328	£39,360

Answer to Q225/2022

Third Vehicle (Tier 3)

Zone	Number of permits issued	Revenue
Zone 1	19	£4,560
Zone 2	13	£3,120
Zone 3	57	£13,680
Zone 4	25	£6,000

2040 **Hon. K Azopardi:** Mr Speaker, can I just ask ...? First of all, I am grateful for the breakdown, which is very helpful, and there may be further questions that I ask in future meetings in respect of that, but can I understand the note on tier 1? First vehicle, second vehicle, third vehicle, so it is tier 1, 2 and 3. Where it says that tier 1 is a combination of pensioners and tier 1 permits, what does that mean?

2045 **Hon. P J Balban:** Mr Speaker, the pensioner gets a 50% discount on the permit, so tier 1 could be at the full rate for a non-pensioner or it could be at half rate for a pensioner.

2050 **Hon. K Azopardi:** That would not affect, obviously, the number of permits, so within the number of permits – say, for example, zone 1, 407 – some of those will be pensioners, some of them will not be, but would you hold a specific number? Does the Department hold a specific number of how many of these are pensioner permits?

2055 **Hon. P J Balban:** Mr Speaker, the point that was trying to be made there will not tally. If we multiply the 407 by £60 or whatever, you will not get a figure ... It will be less, because of the pensioners. I am sure, yes, of course, the car parks GPMSL Minister will have a log of how many of those would be pensioners.

2060 **Hon. K Azopardi:** Slightly off, but related to the questions I have been asking – I have not done the maths on this but the Minister will know that when you add the numbers of permits in zone 1 or in 2, 3 and 4, how does that correlate with the available spaces in the zones? Is that a good supply of permits per parking space available?

2065 **Hon. P J Balban:** Mr Speaker, we do not provide permits for parking spaces, so you will find that in some zones there will be a lot more parking availability than in other zones. For example, in zone 1 there is plenty of parking, in zone 4 there is plenty of parking and in zone 3 there is plenty of parking. The one that has always been, traditionally, a bit more of a problem is zone 2 because there are a lot of houses there that do not enjoy parking spaces other than the parking spaces that the Government has built in Engineers Lane, the Theatre Royal etc. Generally, it does provide much better parking availability for people within their zone, but it is just zone 2 where the numbers are not as great as in the other zones.

BUSINESS, TOURISM AND THE PORT

Q251/2020

**Post Office private letter boxes –
Number available to rent**

2070 **Clerk:** Question 251/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the total number of private letter boxes the Post Office has made available to rent?

2075 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, the total number of post boxes is 1,719.

Q252/2020

**Minister's visit to Bangladesh –
Details**

2080 **Clerk:** Question 252/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide the following details relating to the Minister for Tourism's trip to Bangladesh: (i) who comprised the Government's delegation; (ii) the total cost of the trip, broken down into air travel costs, lodgings and entertainment; (iii) who the Minister met; (iv) what new business has been secured as a result of the trip; and (v) the duration of the trip.

2085 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

2090 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Government's delegation comprised John Reyes from the Ministry of Business, Tourism and the Port, and myself.

The costs of hotel and accommodation for myself were covered by the Commonwealth Enterprise and Investment Council in London. The flight for Mr Reyes cost £3,881.36 and his hotel costs were also covered by the Council.

2095 For the rest of the information the hon. Member requests, he should refer to my press release of 27th January 2022.

2100 **Hon. D J Bossino:** Did he say that the organisation, which I have not taken a full note of ...? I have the press release here with me, but I seem to have misplaced it in preparing for the question. Did he say that, in effect, all the costs were covered save for Mr Reyes's flight costs? Is that correct? Have I understood him?

Hon. V Daryanani: Yes, Mr Speaker, that is correct.

2105 **Hon. D J Bossino:** May I ask what class of travel he used – Mr Reyes, because he is the one whose travel resulted in an expense to the public purse?

Hon. V Daryanani: Mr Speaker, this was two flights over 15 hours and Mr Reyes flew club class.

Mr Speaker: Next question.

Q253/2020
FITUR fair –
Government attendance

2110 **Clerk:** Question 253/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state whether the Government intends to attend the next FITUR fair in Madrid and why it did not attend the fair this year.

2115 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, the Government has not yet decided on whether it intends to attend the next FITUR fair in Madrid.

2120 There are various reasons for not attending this year's event, the main reason being that the principal Spanish tourism that comes into Gibraltar is for day trips from Andalucía. I felt that having a stand and spending approximately £60,000 would not make a difference on this and was not really worth it at this stage. The fact that from March onwards we have seen a formidable return of day trippers, a full Easter and an extremely busy few months after that proves our judgement was correct.

2125 Finally, Mr Speaker, the Government does not rule out attending next year.

Hon. D J Bossino: Mr Speaker, may I ask what factors he is considering as to which side of the line, whether a yes or a no, he is likely to be deciding as to whether to attend or not? He says he has not decided yet and he talks about the improved numbers – and he is absolutely right – we are seeing from Spain, but what factors will determine whether the Government will be attending the event this coming year?

Chief Minister (Hon. F R Picardo): Mr Speaker, I refer the hon. Gentleman to the logic I set out in my reply to him when I dealt with exactly this question.

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Hon. D J Bossino: Mr Speaker, the logic, from my recollection, would be supportive of a decision in the negative, if I recall the Hon. the Chief Minister, but what we are getting from the Minister now suggests that that is still in the air, that there has not been a final decision made as to whether there will be an attendance on the next occasion. So I think the question is still valid and I do not think that we have had a proper reply from the Government benches on this one.

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Hon. Chief Minister: They have had a full and proper reply from the Government benches, which told them, Mr Speaker, that we believed, as the Hon. Minister has set out, that in an ordinary year it makes no sense for us to go to FITUR at a cost of £60,000, which we think would be money thrown away because we do not need to advertise Gibraltar in Spain.

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As I told him in my reply, Spain is obsessed with Gibraltar and therefore we do not need to sell Gibraltar in Spain, but if we have a new treaty which potentially provides a new way of accessing Gibraltar, we may consider that next year or the year after, or in no year but maybe next year and the year after it makes sense to go to FITUR to explain the new fluidity arrangements, such as they may be if they are agreed.

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That is the logic. That, we are discussing. We have not made a determination yet because the circumstances that we have provided for do not yet obtain, and therefore we will have to see what happens if those circumstances obtain. Otherwise, our view is that going to FITUR is throwing £60,000 of taxpayers' money, literally, away, like holding them up in the wind and seeing them fly. It is our opinion. He may not agree, but as I told him yesterday also, he has different opinions on things and it is fine; we just should not debate those issues until we get to a conclusion which

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is the best conclusion for the Gibraltarian taxpayer; and in our view, our conclusion is the right one.

2160 **Hon. D J Bossino:** I am grateful for the reply; I think it is a fuller reply than I originally obtained from his colleague and himself initially.

I am not too sure what the position is, but is this the one occasion when the Government did not attend? Hasn't the Government always attended this fair in the 11 years they have been in office? It has always been a popular fair, certainly when we were in Government. I thought they had carried on with the practice when they have been in office.

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Hon. Chief Minister: Mr Speaker, I know that he dips in and out of politics and that he was here for the first four years we were in office and then he took a four-year sabbatical and is now back. I think we have gone on one or two occasions. I do not know if it was two, I do not know if it was one and I do not know if it was three, but it certainly was not 10.

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We have had the debate in this House about us continuing to go to FITUR on a number of occasions. Gibraltar needs to seek tourism because we need to get the numbers of tourists in Gibraltar up. The question is whether going to a Spanish tourism fair is the best use of our money. Maybe he would like to explain to us – not in the context of this moment because he needs to ask his questions, but explain to us privately or by exchange of press releases in the headlines of the newspapers why he believes that going to FITUR is going to increase the number of people who come to Gibraltar. If he can persuade us of that, well then we might agree.

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I think the policy that we have had, which is to do it but not do it regularly, to just, if there is something new, maybe put it there ... For example, if there is a new treaty or if we have new tourist attractions, as we have had in the time that we have been in government, to explain those, we think it made sense. Otherwise, we think there are other trade fairs where we reach other professionals, which makes more sense. But he is absolutely right that FITUR is a very big trade fair, aka a shindig, and if people here, on this side of the House, were looking to go to shindigs and not looking to look after the taxpayers' money, we would go simply because it is a shindig, but we are looking after the taxpayers' money and we think it is £60,000 wasted.

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Mr Speaker: Next question.

Q254/2020

Entry points to Gibraltar – Efforts to maintain and refurbish

Clerk: Question 254/2022. The Hon. D J Bossino.

2190 **Hon. D J Bossino:** What efforts are being made to maintain and refurbish Gibraltar's entry points by land and sea?

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

2195 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, all efforts are being made to maintain our entry points. As the hon. Member will have heard last week – perhaps two weeks now – we have announced a wonderful refurbishment and embellishment of the Landport area, which is one of the main entry points to our town centre. Other projects will be announced during the lifetime of this Parliament.

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Hon. D J Bossino: Yes, I think it was two ... perhaps even three weeks ago now. I think we lose track of time, we have been so long here.

2205 I am grateful for the answer, but I was more interested to learn what the Hon. Minister's plans are in relation to the Port, the cruise liner berth and also the Frontier. I understand that the Frontier, as a result of the potential Schengen treaty – or in any event – will be the subject of a refurbishment, but I have received quite a lot of complaints about the state of those particular entry points and I would be grateful for the Minister's ... whether he has any plans in relation to those two particular entry points.

2210 **Hon. V Daryanani:** Mr Speaker, regarding the cruise terminal, the Port area, there are plans. I have a certain vision for that area. We need to look at it and it needs to be improved, but of course we are not in a position to give you any further information because we are still at the early stages of that.

2215 Regarding the Frontier entrance, we have already submitted planning for a project that includes the e-gates etc., and that will incorporate a certain clean-up of the area because, once again, the hon. Member is right that it does not look very good. The reason we have not done so has been because we were waiting for this to happen and we were going to do it at the same time as the e-gate project.

2220 **Mr Speaker:** Next question.

Q255/2020
Airport departure lounge bar –
Owner/operator

Clerk: Question 255/2022. The Hon. the Leader of the Opposition.

2225 **Hon. K Azopardi:** Mr Speaker, which company owns and/or operates the bar in the departure lounge at the Airport?

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

2230 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the current owner of the departure lounge cafeteria is Lewis Stagnetto Ltd, trading as Bellport Ltd.

Hon. K Azopardi: Does the Minister have information – I assume it is a lease or a licence, a licence I guess – on when it commenced?

2235 **Hon. V Daryanani:** Mr Speaker, no, I do not have that information, but it was not that long ago, so if he wants, I will be able to write to him and give him that information.

2240 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that lease was granted before we were elected into government – or licence, because it is in the duty free area concession – and is being renewed, but it is something that we found when we were elected.

Clerk: Answers to Written Questions.

2245 **Hon. K Azopardi:** Mr Speaker, can I just ask, before we pass to Answers to Written Questions ...? I had understood Sir Joe might have had a couple of questions. My learned and hon. colleague Mr Feetham had left me with custody of one of his questions with a request that it be

converted to written on the assumption that Sir Joe might be answering it – but it might not be on this list. It is not on the written list that I can see in front of me. (*Interjection*) But there is another, I see.

2250 **Mr Speaker:** Those questions which remain unanswered because the answerer is not here can be converted into Written Questions and they will be able, at the next meeting of the House, to ask supplementaries in the form of new questions in supplementaries on these questions which have been converted.

2255 **Hon. Chief Minister:** Or they can convert them to oral, Mr Speaker, or they can keep them as oral questions for the next session.

Hon. K Azopardi: I understood that under the rules the particular questioner will have a number of days.

2260 **Hon. Chief Minister:** Yes, that is right.

Hon. K Azopardi: But to the extent of Mr Feetham's question, I can confirm that he is willing to convert it to written.

2265 **Mr Speaker:** [*Inaudible*] converted to written?

Hon. R M Clinton: Yes, Mr Speaker.

2270 **Mr Speaker:** ... [*Inaudible*]

Hon. R M Clinton: Thank you, Mr Speaker. I am content for mine to be converted to written.

2275 **Hon. E J Reyes:** Likewise, Mr Speaker, I am happy for mine to be converted on the understanding that if I have a follow-up I can file a supplementary.

Questions for Written Answer

Clerk: Answers to Written Questions.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W18/2022 to W23/2022 inclusive.

2280 **Mr Speaker:** Ordered to lie.

PRIVATE MEMBER'S BILL

FIRST AND SECOND READING

**SG Kleinwort Hambros Bank (Gibraltar) Limited (Transfer of Undertaking) Bill 2022 –
First Reading approved**

Clerk: Private Member's Bill – First and Second Readings.

A Bill for an Act to make provision for and in connection with the transfer of the undertaking of SG Kleinwort Hambros Bank (Gibraltar) Limited to SG Kleinwort Hambros Bank Limited.

2285 The Hon. A J Isola.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
Mr Speaker, I have the honour to move that a Bill for an Act to make provision for and in connection with the transfer of the undertaking of SG Kleinwort Hambros Bank (Gibraltar) Limited to SG Kleinwort Hambros Bank Limited be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for and in connection with the transfer of the undertaking of SG Kleinwort Hambros Bank (Gibraltar) Limited to SG Kleinwort Hambros Bank Limited be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

2295

Clerk: The SG Kleinwort Hambros Bank (Gibraltar) Limited (Transfer of Undertaking) Act 2022.

**SG Kleinwort Hambros Bank (Gibraltar) Limited (Transfer of Undertaking) Bill 2022 –
Second Reading approved**

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
Mr Speaker, I have the honour to move that the Bill be now read a second time.

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This Bill makes provision for and in connection with the transfer of SG Kleinwort Hambros Bank (Gibraltar) Limited to SG Kleinwort Hambros Bank Limited, a UK-registered company which has a branch in Gibraltar. In the Bill and in the rest of my comments SG Kleinwort Hambros Bank is called SGKH and SG Kleinwort Hambros Bank Limited is your called SG Kleinwort Hambros Bank Limited. The Gibraltar company is a subsidiary of SGKH Bank Limited.

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This transfer will not affect the level of presence of SGKH in Gibraltar as it will initially continued to operate from its current premises at Line Wall Road, Gibraltar, although it intends to move to new premises at Midtown shortly. The public will not see any change in this regard and will continue to be able to deal with their current contacts at the bank in the normal course of business.

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The staff working at SGKH Gibraltar will automatically transfer to the branch of SGKH Bank Limited and the banks have confirmed to me that the transfer effected by the Bill will not give rise to any redundancies. The hon. Members opposite will be familiar with the process of transferring undertakings in this manner.

I would be grateful for their support, and I commend the Bill to the House.

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

Hon. R M Clinton: Mr Speaker, I rise to declare a tangential interest in that I have, for many years, had an account at the bank and therefore I would wish to abstain on any particular vote –

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not on the merits of it, but just so there is no tangential view that I may have a conflict. That is not to say that the Opposition obviously does support the merits of the Bill.

2325 If I can add that as a former President of the Banking Association and having worked in the banking industry for many years, I first of all obviously welcome the fact that the bank is retaining its presence in Gibraltar, although of course in a branch format it has perhaps slightly less kudos than a locally incorporated entity with a board of directors and share capital etc. De facto they are providing banking services in Gibraltar and I think that is obviously good for Gibraltar. I am glad to hear what the Minister has said in terms of employment, that that will not be affected.

2330 And so, Mr Speaker, I do not know if the Leader will make a few comments, but when we come to the final stage of the Bill, if we can have a division so I can record my abstention?

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

2335 **Hon. K Azopardi:** Mr Speaker, the Opposition, insofar as subject to a clarification of my hon. colleague Mr Clinton, will support this Bill. As the Minister has said, this has become now not regular practice but it is the practice that has been seen in this House before in respect of other entities, and it has been done by Private Member's Bill by successive Ministers responsible for financial services who have introduced legislation in relation to particular banks, so we have no difficulty supporting this to smooth the passage and make it easier administratively for the bank to handle its business in this way and so that it has no particular issues.

2340 We note what the Minister says in terms of its move to new premises. We hope that is because it intends to expand its services and grow and then recruit, and we are also grateful for his indication that there will be no redundancies, but insofar as the detail and so on, we will, of course, support the principles and detail of the Bill.

2345 **Hon. G H Licudi:** Mr Speaker, I also rise to declare an interest in this matter because I have been professionally involved in the matters that give rise to this Bill. Unlike the hon. Member opposite, I do not believe that that affects the way I vote and I do intend to support this Bill, having declared the interest that I have declared.

2350 **Hon. A J Isola:** Mr Speaker, I think that, as the hon. Members have said, as stakeholders in the financial services sector in Gibraltar it is important to support the institutions like SG Kleinwort Hambros. They are obviously responding to the real world in terms of how the banking community is evolving and changing. What gripped me was the investment in new premises, which I thought was encouraging, and their commitment that as a result of this Bill there will be no redundancies to the staff.

2355 I very much hope, as the hon. Member has mentioned, that the bank will continue to grow, will service more and more clients and be more and more profitable in its operations in Gibraltar so they can pay us more taxes and promote and work with us in further developing the financial services community.

I am grateful for their support, Mr Speaker.

2365 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for and in connection with the transfer of the undertaking of SG Kleinwort Hambros Bank (Gibraltar) Limited to SG Kleinwort Hambros Bank Limited be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Hon. R M Clinton: Mr Speaker, can we record an abstention by me?

2370 **Mr Speaker:** Mr Clerk would wish to record the abstention of the Hon. Roy Clinton.

Clerk: Recorded.

The SG Kleinwort Hambros Bank (Gibraltar) Limited (Transfer of Undertaking) Act 2022.

2375

**SG Kleinwort Hambros Bank (Gibraltar) Limited (Transfer of Undertaking) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Hon. A J Isola: Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2380

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

COMMITTEE STAGE AND THIRD READING

Clerk: Committee Stage and Third Reading. The Hon. the Chief Minister.

2385

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the SG Kleinwort Hambros Bank (Gibraltar) Limited (Transfer of Undertaking) Bill 2022.

In Committee of the whole House

**SG Kleinwort Hambros Bank (Gibraltar) Limited (Transfer of Undertaking) Bill 2022 –
Clauses considered and approved with amendment**

Clerk: A Bill for an Act to make provision for and in connection with the transfer of the undertaking of SG Kleinwort Hambros Bank (Gibraltar) Limited to SG Kleinwort Hambros Bank Limited.

2390

Clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

Clerk: Clauses 2 to 12.

2395

Mr Chairman: There is an amendment to clause 5, so it is clauses 2 to 4. Clauses 2 to 4 stand part of the Bill.

Clerk: Clause 5.

2400

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Chairman, I would be grateful if it could be amended in accordance with the letter provided to you, the Clerk and Members opposite.

2405

Mr Chairman: Is the Opposition content with that? Clause 5, as amended, stands part of the Bill.

Clerk: Clauses 6 to 12.

2410 **Mr Chairman:** Clauses 6 to 12 stand part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**SG Kleinwort Hambros Bank (Gibraltar) Limited (Transfer of Undertaking) Bill 2022 –
Third Reading approved: Bill passed**

2415 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the SG Kleinwort Hambros Bank (Gibraltar) Limited (Transfer of Undertaking) Bill 2022 has been considered in Committee and agreed to with an amendment. I now move that it be read a third time and pass.

2420 **Mr Speaker:** I now put the question, which is that the SG Kleinwort Hambros Bank (Gibraltar) Limited (Transfer of Undertaking) Bill 2022 be read a third time and passed. Those in favour of the SG Kleinwort Hambros Bank (Gibraltar) Limited (Transfer of Undertaking) Bill 2022? **(Members: Aye.)** We note that the Hon. Roy Clinton is abstaining. Those against? Carried.

Adjournment

2425 **Chief Minister (Hon. F R Picardo):** Mr Speaker, having kept my head when so many around me were the losing theirs and blaming it on me, it is my pleasure to rise to move that the House, after having approved the Appropriation Act 2022-23 on the basis of GSLP Liberal Government votes only, and having done all its other business for this month, should now adjourn *sine die*.

2430 I will be in contact with the Leader of the Opposition to see whether we will have another meeting before the summer. It may be possible to have one, it may be necessary to have one, but for now I move that the House should adjourn *sine die*.

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

2435 I now put the question, which is that this House do now adjourn *sine die*. Those in favour? **(Members: Aye.)** Those against? Passed. This House will now adjourn *sine die*.

The House adjourned at 8.29 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.06 p.m. – 8.26 p.m.

Gibraltar, Wednesday, 19th October 2022

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The Gibraltar Parliament

The Parliament met at 3.06 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

ADMINISTRATION OF OATH OF ALLEGIANCE TO HIS MAJESTY KING CHARLES III

Clerk: Meeting of Parliament, Wednesday, 19th October 2022.

Order of Proceedings: (i) Oaths of Allegiance of hon. Members.

The Chief Justice administered the Oath of Allegiance to the Hon. M L Farrell, the Hon. F R Picardo, the Hon. Dr J J Garcia, the Hon. Prof. J E Cortes, the Hon. A J Isola, the Hon. J J Bossano, the Hon. G H Licudi, the Hon. S E Linares, the Hon. P J Balban, the Hon. Miss S J Sacramento, the Hon. V Daryanani, the Hon. K Azopardi, the Hon. Ms M D Hassan Nahon, the Hon D J Bossino, the Hon D A Feetham and the Hon E J Phillips.

CONFIRMATION OF MINUTES

5 **Clerk:** (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 22nd, 23rd, 28th, 29th and 30th June, and 4th and 5th of July 2022.

Mr Speaker: May I sign the Minutes as correct?

10 **Members:** Aye.

Mr Speaker signed the Minutes.

ANNOUNCEMENTS

Tribute to Her late Majesty Queen Elizabeth II

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

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the community has had an opportunity to hear, already, fulsome tributes to Her late Majesty from all Members of the House in different fora in the time since 8th September, when her death was announced. It would be remiss of us, however, not to reflect those tributes in this House in some way.

hon. Members will have heard me say, and I repeat here, when it came to Her Majesty, Mr Speaker, we were her Rock and she was ours, and in much more than the geological meaning of those words. For all the time that this Parliament has existed, as well as its predecessor the House of Assembly, we were Her Majesty's seat of Government in Gibraltar. For all hon. Members except Sir Joe and – although it would be rude of me of me to ask – perhaps yourself as a Member, if not an elected Member, we, the rest of us, have all been born in her reign. So the Government considered that the death of Her Majesty on 8th September had to inevitably lead to the cancellation of the National Day celebrations this year. As one Member of the great Gibraltarian public told a foreign television station, once Her Majesty's death had been announced we had nothing to celebrate that week.

Mr Speaker, I refer the House to the statements I have made to various media and elsewhere and reiterate those sentiments to the House today. On 18th September, I also extended condolences on behalf of the people of Gibraltar and all Members of this House directly to His Majesty the King, Charles III, to the Queen Consort, the Earl and Countess of Wessex and the Princess Royal at the reception at Buckingham Palace ahead of Her late Majesty's funeral.

The British Royal Family have seen the depth of the real affection for Her Majesty that there was in Gibraltar and which remains in respect of the memory of her reign. It is also true that the depth of that real affection will also have been seen and felt beyond the United Kingdom. One hopes it will better help some people to understand that, for us, British sovereignty is not an esoteric concept, it is something that runs through our veins and that, like our blood, it comes from our hearts.

Mr Speaker, once we have heard from other Members I will ask that the House should observe a minute's silence as a sign of respect for Her late Majesty Queen Elizabeth II.

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

Hon. K Azopardi: Mr Speaker, I will associate myself entirely with those remarks by the Chief Minister on the passing of Her Majesty.

What can one say that is sufficient when something like that happens? A monarch who served not only her country and her people but the entire Commonwealth for 70 years and left her mark and her legacy throughout the entire Commonwealth. As the Chief Minister says, we have, all of us, each and every one of us, reflected on the passing of Her Majesty and her legacy in different ways and on social media, and it is fitting that we should also say so today.

She came here in 1954 and left her mark. The people of Gibraltar felt her loss massively, as we did when the Duke of Edinburgh also passed, before. Her Majesty was in place and saw almost every significant step towards self-government in our community, and it is worth reflecting that she was there at the time of the three Constitutions that were granted to her people of Gibraltar. And while we, of course, always assert our right to self-determination, it is entirely compatible with our place as loyal members of the Commonwealth, so we have always valued our links with Her Majesty. She leaves an enduring mark that will never be surpassed or rivalled as the monarch that she was, who touched the hearts of so many people throughout the Commonwealth and so many people in Gibraltar.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I would like to echo the tributes of the Chief Minister and the Leader of the Opposition for our beloved Queen Elizabeth II, and pass on, of course, my condolences to all within the great British family of nations.

As did I, many of our brothers and sisters felt her passing as the loss of a close, comforting and protective relative, and have felt a degree of orphanhood ever since. Having recently lost my mother, I must admit that losing our Queen reopened wounds in powerful and completely unexpected ways. Many have expressed criticism of some excessively performative and dramatic

70 shows of mourning, but these are, to me, nothing more than the manifestation of a level of respect and adoration that is not easy to express with words. I hope not to fail these excesses with this honest and heartfelt obituary.

Queen Elizabeth II meant a lot to me, for many different reasons, and I profoundly admire the way she fulfilled her many roles. She will always be an example I will try to follow. As a figurehead, she was an example of how to exercise great power with great sensibility and humility. As a matriarch, she was always capable of navigating the right course between loyalty and responsibility. As a woman, she endorsed and echoed the progress achieved by her female peers despite the traditionalist trappings of the institution she represented. As a monarch and perhaps the greatest exponent of an institution many consider anachronistic, she was capable of garnering global sympathy and uniting the nation in times of hardship. She made republicans embrace the monarchy and recognise the value of emotion, symbolism and tradition. She was a consensus figure standing right in the middle of a time where there is no middle ground. Think what you like about the monarchy, but these are all objective achievements of enormous value.

80 In a time plagued by polarisation, demagoguery and alienation, Queen Elizabeth gave us hope that we could have unity, dignity and kindness in public life. May this promise inspire us all for years to come.

85 Thank you, Mr Speaker.

Mr Speaker: The Hon. the Deputy Chief Minister.

90 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the death of Queen Elizabeth, on 8th September, was the end of an era.

Many tributes have been paid to the late Queen, much has already been said and written, so I would like, if I may, to make my own short contribution in this House with a personal story. Six years ago, I agreed to represent the Government at an event at Buckingham Palace. My wife and I attended, together with guests from the United Kingdom and all over the Commonwealth. It was our first visit to the Palace, so logically we were struck with the surroundings. We stayed in our allocated place, chatting to political and military figures and their spouses who came and went; one of them had worked in Gibraltar, one worked for the Royal Family. The Royal Family entered the enclosure and circulated amongst the guests. The afternoon wore on and there were only, more or less, 10 minutes before everybody had to go home. It was then that we saw Her Majesty talking to the people directly in front of us. The image in my mind is of that crowd parting, and in an instant the Queen stood there in front of us. We exchanged pleasantries and, logically, a few words about Gibraltar. I remember that conversation vividly and it was a moment both my wife and I will cherish forever. It was a genuinely humbling experience.

105 It was obvious to me from that encounter that the Gibraltarians had a special place in her heart, just as she had won a place in ours. This was the Queen who defied General Franco by visiting Gibraltar in 1954, the Queen who brushed aside security concerns to come here and visit the Rock, and the Queen who came here in the face of advice not to do so. Meeting her even briefly was a real honour. It was also genuinely impacting. I understood then the effect Her late Majesty had on the very many people she came across over the years, and when you try to rationalise it, it really comes down to this: Queen Elizabeth II was a constant in our lives. Prime Ministers and Presidents have come and gone – 15 UK Prime Ministers during her reign, 179 Prime Ministers of her realms, 14 American Presidents – but Her Majesty the Queen was always there. Millions of her subjects have not known anyone different. Indeed, it was almost as if the Queen would be eternal, for the Queen was a symbol of continuity, of stability and of strength. She represented tradition and security in a turbulent world, and her passing has left a void.

110 She was born in a time of empire and she departed this world still Sovereign of her numerous realms and territories – over Gibraltar, too. Indeed, our very own Constitution states that Gibraltar is part of Her Majesty's dominions – now His Majesty's, of course. The outpouring of grief we witnessed only a few weeks ago has shown precisely how much her reign has meant to the people

we represent here in Gibraltar, to the wider British family of nations, and indeed to the world as a whole. The Members of this House have always been clear about their loyalty; our people, too. Her Majesty was a symbol of what it means to be British. She personified it.

125 The House will know that the Gibraltar National Archives organised an exhibition in June precisely to mark the Queen's Platinum Jubilee, and in 2010 a new Gibraltar £5 coin was minted, approved by the Palace, inscribed for the first time with the words 'Queen of Gibraltar'. Those three words said it all. This was a reflection not only of a strict legal and constitutional position; those words marked an emotional and popular bond as well, an unbreakable link between the people of Gibraltar and the late Sovereign.

130 Mr Speaker, in paying tribute to our late Sovereign I want to highlight what has already been said: her dedication, her exemplary devotion to duty and the record she has set as the longest-serving monarch in British history. We now look forward to the coronation of our new King, Charles III, in May.

135 We will all remember where we were and what we were doing at the moment we heard that Queen Elizabeth had passed away. The second age of the second Elizabeth came to a close last month. Her reign was a watershed that will mark a before and after. May she rest in peace.

Mr Speaker: I truly believe that the people of Gibraltar feel an emptiness in their hearts at the passing of Her Majesty the Queen. There is a deep sense of grief amongst all of us, and it will be
140 difficult to come to terms with her loss.

Her Majesty was a tower of strength as she led her country through the many trials and tribulations in the seven decades of her reign. For us in Gibraltar, Her Majesty was a symbol of British sovereignty. We will continue to nurture and treasure our status as a British Overseas Territory.

145 Her Majesty was held in very high esteem by the people of her Rock of Gibraltar, and we remember her with great love and affection. I am sure that she was proud and fond of her most loyal subjects of Gibraltar. We thank her for a lifetime of service to our small nation.

Her Majesty is now with our Lord and in the company of her beloved husband, and as we mourn her departure we welcome our new monarch, King Charles III, as King of Gibraltar.

150 God save the King.

Hon. Chief Minister: Mr Speaker, can I thank you and all hon. Members for those fulsome tributes? It is in the nature of Parliament that we are here to debate the things that divide us and to seek to improve the governance of our nation through the debates that we have, but it is
155 genuinely a pleasure to see all of the people of Gibraltar represented in this place, united under the British Crown and our reflections in respect of the monarch who held that Crown for 70 years in such impeccable fashion and to have seen us all able to swear our allegiance now to the current monarch.

Mr Speaker, if I can just sum up by saying that certainly Her Majesty the Queen will go down
160 in history as the emancipation monarch, the monarch under whom colonialism has ended in most of the realms that she was responsible for as monarch when she was elevated to the throne – and remained responsible for, in many instances, but after the emancipation of those people.

165 If in 1954, when she came – as the Deputy Chief Minister reminded us, against the advice of so many – General Franco saw that visit as the beginning of the reasons to start to impose restrictions on Gibraltar, and the fruit of those restrictions was the hardening of the identity of the Gibraltarian as British, then that seed was laid by her and we will always thank her for it.

And so, Mr Speaker, I call that the House should now observe a minute's silence in the memory of Queen Elizabeth II.

The House observed a minute's silence.

170 **Hon. Chief Minister:** Thank you, Mr Speaker.

**Tribute to Marie Montegriffo,
former Member of the House**

Chief Minister (Hon. F R Picardo): Mr Speaker, we received equally sad news on 18th August that the former Member of this House, Marie Montegriffo, had passed away. It was certainly a bitter blow to those of us on this side of the House. She had been a Member of the House from 1984 from the moment that the GSLP took all of the Opposition seats, and she had remained a Member of this House until 2007. I therefore had the pleasure of sitting alongside Marie as a Member of the GSLP for four years, from 2003 to 2007, and, to add to my pleasure, I actually sat next to for a lot of that time. I confess that I learnt greatly from her. I learnt how to write an Opposition Budget speech and leave nothing out. I learnt about historic political issues on the GHA and how to write Opposition press releases, and, most importantly, I learnt how to get under my predecessor's skin from her. Perhaps she taught me that a little bit too well, but she did it *really* well, as those who were on this side of the House with her might remember.

I know that she also cared for me a lot as a younger Member and she nurtured me, and I think that is one of the enduring memories that most people will have of Marie Montegriffo, that she was somebody who cared. She cared enough to leave everything for her political service to the Socialist Party and to this community, she cared enough to leave her career to become a Government Minister, and she cared enough for everyone in our small community to work every hour that she could in her Ministries of Health and Sport. She was, in many respects, a pioneer, and yet, despite that, she was approachable and personable in equal measure. I know that she was highly regarded by those she worked with in all her Ministries and by all those whom she had worked with outside of Government. She was also very highly regarded by those who worked for her and those she worked for, in particular the people of Gibraltar and the patients and staff of the GHA that she gave so much time for.

I know that we will all reflect on the fact that she was an excellent parliamentarian. She was well loved across the floor of the House and I know her loss was deeply felt also by Members who served with her in Parliament, even those who were on different sides. In that respect, I will long remember that in moments of tension in this place, certainly in the four years that I was here with her, it was often Marie who would break the ice behind the Speaker's Chair after a particularly trenchant argument might have taken hold. We would all benefit from reflecting on her approach in that respect, I am sure.

Mr Speaker, I have extended the condolences of the people of Gibraltar and the GSLP executive in particular to Gillaine, Marie's partner, whose loss I know is immense. I know all our thoughts are with her at this still difficult time.

Sadly, once again, Mr Speaker, after other Members' reflections, I will ask the House to hold a minute's silence in honour of the service of Marie Montegriffo.

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

Hon. K Azopardi: Mr Speaker, on behalf of my party, certainly Members on this side, I would like to extend our respectful condolences to Marie's family, her friends and, of course, her political family in the GSLP. I did so, of course, at the time, but I do so on the record in this House because, for the same reasons, I think it is important for us to do so when a Member of this brotherhood and sisterhood passes.

I certainly know, from sitting on that side of the House when Marie was on this side of the House, that there was no one who got Sir Peter Caruana going more than Marie Montegriffo. That was reflected in the rather long interventions that the then Chief Minister would dedicate to her political points. He did so in recognition of the fact that those points needed answering and they could not just be left on the record, because Marie was always an effective parliamentarian and the points hurt and needed to be responded to, and I say so in the most amicable political way that I can.

220 I was a very young Member of the House when I was elected in 1996. It was a very difficult
time for this community and a divisive election, but when I became a Member of this House for
the first time and Marie was my opposite number who had been Minister for Health herself,
beyond the politics of it all we always enjoyed a very good personal relationship. She was very
kind to me – not kind in this House but kind outside it – and we had a relationship also outside
225 this House when I ceased to be a Member of the House in 2003.

The Chief Minister reflects her importance in politics. If I can put it this way, she was massively
influential, I am sure, and a role model for women. Tomorrow, the GSD will have a memorial event
for our own standard bearer for women, Terry Cartwright. In many respects, there were two very
strong women in our respective parties. Marie's contribution to politics was also decades long, as
230 was Terry's, and certainly on this side of the House I respectfully associate myself with everything
the Chief Minister has said about her long career, her contribution to politics and the extension of
condolences to her family.

Mr Speaker: The Hon. Marlene Hassan Nahon.

235

Hon. Ms M D Hassan Nahon: Mr Speaker, Marie Montegriffo was one of our first female
political representatives and the first female Mayor of Gibraltar. She was also a dear friend, whom
I deeply respected and enjoyed spending time with; listening to her pearls of wisdom and
experience was always a treat.

240

Marie was a trailblazer who showed women such as myself that the path to equality and
empowerment lies in our institutions and in political activism. With great humility she furthered
the agenda of the LGBTQ community at a time when simple exercises of honesty and coherence
were nothing short of heroic. She was a kind, generous and supportive woman, always ready to
give insightful advice and capable of discussing issues openly and honestly, always prioritising the
greater good for the community. It was this openness that allowed her to take part in Together
245 Gibraltar discussions and engage with political rivals with elegance and respect. These qualities,
which we now associate with a bygone era in politics that was more about the betterment of
society and less about self-aggrandisement and partisanship, should be praised and recognised by
our community as we celebrate her life and achievements.

250

Our most heartfelt condolences go out to Marie's wife, Gillaine Morello, and her family and
friends.

Thank you.

Mr Speaker: The Hon. the Deputy Chief Minister.

255

Deputy Chief Minister (Hon. Dr J J Cortes): Mr Speaker, thank you.

In paying tribute to the life and career of Marie Montegriffo, I recall having had the fortune of
knowing her from before she was in active politics and before I was in politics, through her father,
who was a photographer for the *Gibraltar Evening Post* for many years.

260

As the House knows, she served as a Member on both the Government and the Opposition
sides, for four terms in opposition and two terms in government. From 1999 to 2007 I sat with her
on those benches in opposition, and I have to say it was always a pleasure to hear her
contributions in this House, particularly her legendary Budget speeches on health, to which the
hon. Member has already alluded.

265

She was a trailblazer for women, certainly, but also, I think, in the area of sports, and in health
as well, where she made important contributions, too. Also, she was a fighter. In everything she
did in life she was a fighter, having a wicked sense of humour as well, which sometimes manifested
itself at the most inopportune or solemn opportunities. I certainly found that she always had the
perfect remark to say in the perfect situation.

270

Mr Speaker, I want to pay my condolences to Gillaine and to her family.

Mr Speaker: The Hon. Prof. John Cortes.

275 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, if I may add a personal note, I had the honour and pleasure of having an office next to Marie for three years when she was Minister for Health under the Government of my hon. Friend Sir Joe Bossano, and I was her hospital manager and then her general manager. We worked very closely together, and indeed with Sir Joe, and we became good friends.

280 She cared dearly for the health of the population of Gibraltar. We often forget achievements of the time in Health. Just to mention a few, we inherited a decrepit St Bernard's Hospital that was falling to bits and we totally refurbished it and gave it a new lease of life. Through her leadership, we achieved not only the refurbishment of the Hospital but the introduction of new processes like ultrasound for the first time in the radiology department, new x-ray equipment, new lab equipment which allowed us to automate blood analysis and other analyses for the first
285 time ever. For the first time – perhaps something minor – mothers were allowed to keep babies by their side on the maternity ward, which was not allowed before then. And need I remind this House of the progress made in establishing Calpe House, which she spearheaded from the Health Authority side? It is important that we recognise her huge contribution to the development of Gibraltar's Health Service, and, in paying tribute, that is a point that we must most definitely
290 remember.

Mr Speaker: The Hon. Sir Joe Bossano.

295 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank (Hon. Sir J J Bossano):** I think everything that Marie did was the result of her decision to join the group of trade unionists who created, in 1976, the GSLP. She was, then, the shop steward in the Bland Group, a member of the clerical staff. It was at the time when we were fighting for parity, and then the logical step from that was ... With the situation that was looming in talks with Spain after 1975, there was a clear need to clarify the position in which
300 Gibraltar found itself. We campaigned on the slogan 'We want to know our future now'. We started campaigning initially as a pressure group and the Labour Government said that they would not talk to us unless we could prove that we had the support of the people. The movement that we had went into politics at that time in order to be able to make sure that the future of Gibraltar was in the hands of the Gibraltarians and not in anybody else's hands. And then, of course, once
305 we entered the political arena alongside our work within the trade union movement to achieve parity, it was obvious that this was not a fight that would only last three-and-a-half years, like the parity one, but that was, in fact, going to last a lifetime.

In the process, I think when we became the first socialist Government in 1984, we brought something completely new to the way things were done in Gibraltar because, for a start, Members
310 were required by the party to be full time, they were not allowed to continue with their employment, and they worked for the 50% wage that had existed under the previous administration because they were part-timers. So, from the very beginning, the demands that the party made were a level of commitment and sacrifice that nobody else had ever been asked to accept in political life. That spirit that was in her commitment and in that of the many others who
315 had started the GSLP, kept her committed throughout her life in everything she did.

After she retired from the House, she was totally active in the party. She would come and help me do my speeches for the manifestos, she would come and help me do my speeches for the United Nations, she would come and help me type my questions and she was always available whenever she was needed; without having to ask twice, she was there. She was there for the
320 party, because she was there for Gibraltar from the moment she took the first step to help us bring into existence what we have today, which I think has been something that has been good for Gibraltar, whatever mistakes we might have made on this long road, the road that I have been

travelling for 50 years. We are here because we care about our country more than we care about ourselves. She was one of us. (*Banging on desks*)

325

Mr Speaker: The Hon. Samantha Sacramento.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I grew up knowing Marie since I was a child. I was 11 years old when we were in government first, in 1988. My family was, of course, very close, and my recollection of Marie growing up was, as we have heard from everyone else, her kindness. I remember a time when she helped with the sponsored patient arrangements for my Grandad to go to the UK, and since that day he always said that she was the one who had saved his life. Since that day there was a huge photograph of Marie and my Grandad in my house. Marie knew that, and she loved the photograph, too.

335

When I first joined Parliament, Marie was always not only kind but also very protective of me, and we spoke often. Later, when I became Minister for Health, I often called Marie for advice. I always recalled everybody's fond memories of Marie as Minister for Health and her kindness. I knew first-hand how important it is as a Minister to make sure that people who need Health are helped, and Marie was very much my guiding light in that respect.

340

Finally, I remember the day Marie called me to tell me that she was getting married and she thanked me and our party for making that possible.

345

I have incredibly fond memories of Marie from all my life, and I am extremely grateful for all the guidance that she gave me personally and, needless to say, what she did for women and women in Parliament.

Thank you, Mr Speaker.

Mr Speaker: The Hon. the Chief Minister.

350

Hon. Chief Minister: Mr Speaker, Marie would be very disappointed if we forgot that she was also a great sportswoman and that she represented Gibraltar on a number of occasions, in her beloved sport of squash in particular. We have made some references to her being Minister for Sport as well, but she was also a sportswoman in representation of Gibraltar. The last thing I want is if some people are right about all this and I turn up at the pearly gates and Marie is there to tell me off because I forgot to say that she was one of Gibraltar's leading sportswomen as well. Indeed, as we have been reminded by Sir Joe, anybody who has been heroic enough to try to type anything for Sir Joe Bossano in the number of bits that it comes deserves praise indeed.

355

I am so pleased that once again this House is united in reflecting on the contribution of a Member like Marie Montegriffo. I would invite everyone to now hold a minute's silence in respect of her memory.

360

The House observed a minute's silence.

Hon. Chief Minister: Thank you, Mr Speaker.

PAPERS TO BE LAID

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

365

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2022; the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2022; the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2022; the Licensing and Fees (Amendment of Schedule) Order 2022; the Licensing and Fees (Amendment of Schedule

370 No. 2) Order 2022; the Qualifying (Category 2) Individuals (Amendment No. 2) Rules 2022; and the High Executive Possessing Individual Skills (Amendment) Rules 2022.

Mr Speaker: Ordered to lie.

375

**Thanks to all from Hon. Ms M D Hassan Nahon
for friendship and support during period of bereavement**

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

380 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before we carry on, I think the hon. Lady wanted to make a contribution. I wonder whether this is the right moment to do it before I suspend.

Mr Speaker: The Hon. Marlene Hassan Nahon.

385 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, I would like to register here, in this House, and for the purposes of *Hansard* too, my deepest gratitude to hon. Members for their tributes, letters, words of support and kindness shown towards me and my sister on the passing of our beloved mother just four months ago today. I was absent from the House at the time, so this is my first chance to thank you all, from the Chief Minister to the Deputy Chief Minister, the Leader of the Opposition, your good self, Mr Speaker, and especially my good friend the hon. Lady,
390 Minister Samantha Sacramento for your friendship, affection and kindness during such a difficult time for me and my family.

I also take this opportunity to thank the people of Gibraltar for your outpouring of love and respect for my late mother. We shall be forever indebted to all of you for your generous words and support.

395 Thank you.

Standing Order 7(1) suspended to proceed with Government Bill

Chief Minister (Hon. F R Picardo): Thank you, Mr Speaker.

I now beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government Bill.

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

Order of the Day

BILL

FIRST AND SECOND READING

Extradition (Amendment) Bill 2022 – First Reading approved

Clerk: (ix) Bills.

A Bill for an Act to amend the Extradition Act 2018 for the purposes of implementing, in part, the requirements of the Convention on Extradition between the United Kingdom and the Kingdom of Morocco dated the 15th April 2013, and signed in London.

405 The Hon. the Minister for Justice, Equality, Public Standards and Regulations.

Mr Speaker: I wish to confirm that I have been notified of the urgency of this Bill.

410 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill for the Extradition (Amendment) Act 2022 be read a first time.

415 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Extradition Act 2018 for the purposes of implementing, in part, the requirements of the Convention on Extradition between the United Kingdom and the Kingdom of Morocco dated the 15th April 2013, and signed in London be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Extradition (Amendment) Act 2022.

Extradition (Amendment) Bill 2022 – Second Reading approved

420 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill for the Extradition (Amendment) Act 2022 be read a second time.

425 The purpose of the Bill is to implement the mandatory requirements of the Convention on Extradition signed between the United Kingdom and Morocco in 2013. We are currently not provided for under Gibraltar law. Gibraltar's proximity to Morocco makes this Agreement beneficial. Gibraltar is largely compliant with the requirements under the Convention, and for that reason it is a short Bill. The United Kingdom has advised us that we need to form part of the Convention and there is a very tight timeline. Gibraltar is also included in other bilateral extradition treaties with other countries, and this would be a useful addition to these other international arrangements.

430 I will take each amendment as it appears on the Bill, Mr Speaker.

Clauses 1 and 2 contain provisions in relation to the title and entry into force of the Act.

In relation to the age bar, clause 3(2) amends section 17(1) of the Extradition Act 2018 by adding a further bar to the list of reasons barring extradition under section 17.

435 Clause 3(3) adds a new section 19A to the Act. The effect of this section is to bar the extradition of a person who would have been under the age of criminal responsibility had the offence

occurred in Gibraltar at the time the extradition offence was committed. This is consistent and in line with Gibraltar law and also provides an important protection. It also aligns more with the practice in the United Kingdom.

440 Clause 3(4) introduces a new section 109A. This provides the Minister with two powers – (a) to make regulations, and (b) to amend the Act – for the sole purpose of implementing conventions, treaties, bilateral or multilateral agreements, other obligations or standards concerned with these, the recommendations of international bodies that are involved with the adoption, monitoring or promotion of these obligations and standards and any other international obligation that concerns matters covered under the Act. Regulations made under the Act can
445 contain consequential, incidental or transitional provisions. Regulations to amend the Act can also contain transitional, transitory or saving provisions. This regulation-making power is a very common provision where international agreements are concerned. Similar provisions can be found in the Proceeds of Crime Act 2015 in section 184, the Imports and Exports Act 1986 section
450 129G, the mutual Legal Assistance (Council of Europe) Act 2018 section 18, the Trademarks Act section 19, the Patents Act section 14, section 152(1)(f) of the Terrorism Act 2018 and section 223A(1)(b) of the Merchant Shipping Act.

In relation to the transit provisions, clause 3(5) inserts new sections 110A to 110B into the Extradition Act.

Clause 110A provides the interpretation provisions.

455 Clause 110B(1) makes provision to facilitate the transit through Gibraltar of a person who is being extradited from a third state to a state where a transit request is approved by the central authority in Gibraltar.

Clause 110B(2) provides for the particulars that must be contained in that transit request.

460 Clauses 110B(3) and (4) deal with the formalities of the request and the response to that request.

Clause 110B(5) provides that the transit must be supervised by a police officer and the person who is transited must be deemed to be in the custody of that police officer.

465 Clause 110B(6) provides that where a person is being conveyed in transit and makes an unscheduled stop through Gibraltar, in that scenario the central authority must be provided with the information referred to in clause 110B(2) and this person shall be deemed to be in transit through Gibraltar. There are already similar transit provisions under section 20 of the Extradition Arrest Warrant Act 2004 and section 19 of the Mutual Legal Assistance (International) Act 2005, which apply in different scenarios.

Mr Speaker, I commend this Bill to the House.

470

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Daniel Feetham.

475 **Hon. D A Feetham:** Mr Speaker, we will be supporting the Bill, but I would ask for clarification from the Minister in relation to certain parts of it.

The first point is under proposed section 109A(b), which allows the Minister, by regulation, to amend this Act for the purposes of subsection (a). Bearing in mind that we are dealing with extradition, we are dealing with depriving people of their liberty, are there any plans for those regulations to then at least be laid before Parliament, allowing Members of Parliament to
480 potentially, should an issue arise, at least debate them in Parliament? I know – we have done it when we have been in government and they have done it when they have been in government over the last 11 years – that Bills do occasionally make provision for regulations to amend the principal Act, but when you are dealing with something like this, which is about potentially depriving people of their liberty, it is a practice that really has to be justified and also has to be
485 scrutinised very carefully by us, as legislators, in order to make sure that essentially nothing is done by way of side win, so to speak, without proper scrutiny. I would ask her to comment in

relation to that and whether there are any plans specifically for regulations to be laid before Parliament and debated in Parliament.

490 The second point I would appreciate clarification on is section 110B. This Bill appears to me to be about transit from a third state to a Convention state. Is this directed at a transit from Morocco through Gibraltar to a state under the Convention? Is that the main purpose of this, or is it wider? I ask that question because the title, we are told, is 'to amend the Extradition Act ... the requirements of the Convention on Extradition between the United Kingdom and the Kingdom of Morocco, dated the 15th April 2013, and signed in London', but it does not appear, at first glance, 495 to be limited to Morocco. Perhaps if she could give me a little bit more information in relation to that.

Mr Speaker, those are our comments, trying to be as helpful as possible and accepting on this side ... the Minister and the Chief Minister have said this is an urgent piece of legislation ... that, of course, that is so and that we are debating its urgent consideration.

500

Mr Speaker: The Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I want to thank hon. Members for indicating that they are going to be supporting this Bill.

505 The United Kingdom signed this Convention in 2013, but it is taking some time for that Convention to come into effect. It is about to come into effect, and this is the moment when we have the opportunity to be included in it. As the part of the British family of nations covered by the ratification of the United Kingdom of this Convention closest to Morocco, of course it is in our interest that we should be able to form part of the process of ratification, so that as soon as it is possible we will be able to enjoy the benefits of this extradition treaty.

510 Mr Speaker, I am going to address only the point that has been raised by the Hon. Mr Feetham on the regulations, and my learned and hon. colleague the Minister for Justice will take the other point that he has made.

515 The Government has no plans to bring any regulations to Parliament. The hon. Member says it is those regulations that might have the effect of depriving an individual of their liberty, and therefore, for that reason, they should be brought to this House, even if they are simply laid, so that hon. Members could have the benefit of debating them. I want to take issue with both aspects of that contribution from the hon. Gentleman. On the first, because it would not be regulations that we make under this Act that would have the effect of depriving an individual of their liberty. 520 An individual would be deprived of their liberty only if they are deemed to have committed a criminal offence for which they are detained, and that offence would likely not be an offence created by this Bill. A person might be, for example, illegally in Gibraltar. The offence is in the Immigration Act; it is not here. What this will do is provide the pathway out of Gibraltar for that individual, either because they have been convicted of being illegally in Gibraltar or because there is another route for their extradition. Extradition very often – and not in the classic case of 525 immigration that we might be dealing with in the context of most people who are illegally in Gibraltar from Morocco, but most often – is about a person having committed a criminal offence in another state, then being found in a second state and the state where they committed the criminal offence seeking that they be taken back there. Obviously, in the context of south to north immigration the circumstances are usually different, but the offence that leads to detention and deprivation of liberty is not an offence that is being created by this Bill and will be in effect under this Act; it is an offence in another Act. This is the route for the person being removed from the jurisdiction, and that routing is a routing that is going to be – of course, as it could not be otherwise under our legal system – subject to judicial scrutiny at every stage. So, what this Bill does is give 530 powers to courts to extradite, but subject to court jurisdiction and court supervision. So, first of all, the first issue I take with what the hon. Gentleman says is that these regulations will give rise to deprivation of liberty. They will not.

540 The second point the hon. Gentleman made was that laying the regulations here was the way
that hon. Members would be able to debate the regulations. In fact, when something is laid as a
regulation made, we could have a debate at that stage, but of course the regulation would already
have been made, it would already be in effect, so there would be no difference between the
Government laying the regulation ... Of course, regulations, when they are made by the
Government, to have effect, have to be published. They are published to the world and they are
published in the Gibraltar Gazette. The whole world is given notice of them. Legal practitioners
545 receive the Gazette, they see the regulations made up, and all of that would happen before the
laying on the table. There is, of course, another way that hon. Members can bring about such a
debate: they can put a motion in the terms of the regulation and seek to debate it. There are many
ways to achieve a debate on a motion.

550 Mr Speaker, although for those reasons I do not believe it is necessary for us to lay regulations
on the table and neither do I think we should do so – it is a practice that governments making
regulations to amend legislation ... It is a practice that is very circumspect and successive
Governments have done it. We have been very careful when we have used those powers in
particular, but I have no difficulty telling the hon. Gentleman that we will share the regulations
with them in draft before they are made, in case they have any concerns that they want to express
555 to us, because if they were to express a concern with which we might agree, we would not want
that it be expressed after the regulation is made, when it is laid in the Houses as a regulation
made. In the same way as we have done with hon. Members during the COVID period etc., we are
quite happy to share those regulations with them before they are made, if they have to be made,
so that we take their views, and if they have anything to put to us, we are happy to consider that.

560 I do not know whether before I sit down the hon. Gentleman wants to come back on any of
those issues. I am happy to give way, but otherwise I am happy to sit down.

Mr Speaker: The Hon. Samantha Sacramento.

565 **Hon. Miss S J Sacramento:** Mr Speaker, in relation to the second point that the hon. Gentleman
raised, he will be aware that this Bill amends the principal Extradition Act, so when it comes to the
definition of 'state' it is as defined in the Extradition Act.

570 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Extradition Act
2018 for the purposes of implementing, in part, the requirements of the Convention on Extradition
between the United Kingdom and the Kingdom of Morocco dated the 15th April 2013, and signed
in London be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Extradition (Amendment) Act 2022.

**Extradition (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

575 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J
Sacramento):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the
Bill be taken today, if all hon. Members agree.

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

COMMITTEE STAGE AND THIRD READING

**Extradition (Amendment) Bill 2022 –
Clauses considered and approved**

Clerk: Committee Stage and Third Reading. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to resolve that the House should dissolve itself into Committee to consider the following Bill clause by clause, namely the Extradition (Amendment) Bill 2022.

In Committee of the whole House

Clerk: A Bill for an Act to amend the Extradition Act 2018 for the purposes of implementing, in part, the requirements of the Convention on Extradition between the United Kingdom and the Kingdom of Morocco dated the 15th April 2013, and signed in London.

Clauses 1 to 5.

Mr Chairman: Clauses 1 to 5 stand part of the Bill.

Clerk: The long title.

Mr Speaker: The long title stands part of the Bill.

**Extradition (Amendment) Bill 2022 –
Third Reading approved: Bill passed**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Extradition (Amendment) Bill 2022 has been considered in Committee and agreed to without amendment, and I now move that it be read a third time and passed.

Mr Speaker: I now put the question, which is that the Extradition (Amendment) Bill 2022 be read a third time and passed. Those in favour of the Extradition (Amendment) Bill 2022? **(Members: Aye.)** Those against? Carried.

Standing Order 7(1) suspended to proceed with Questions

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with Questions.

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

Questions for Oral Answer

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

610

Q276-77/2022

Counselling, psychological support services and Child Protection Services – Number of children referred

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 276/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many children have been referred
615 to counselling or other psychological support services since the answer to Question 97/2022?

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):
620 Mr Speaker, I will answer this question together with Question 277.

Clerk: Question 277/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, since the asking of Question 97/2022 can the Government state
625 how many children have been referred to Child Protection Services?

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

Hon. A J Isola: Mr Speaker, I can confirm that in respect of the GHA, 117 children have been
630 referred to counselling or other psychological support services. I can confirm that in respect of the
Care Agency, 49 children have been referred to counselling or other psychological support
services.

In respect of Question 277, since Question 97/2022, the Care Agency has referred 261 children
to Children Services. As I do not wish to mislead the hon. Member, I am advised by the Care Agency
635 that the correct term is Children Services and not Child Protection Services, which
Question 97/2022 and this question both refer to. All children referred to the Care Agency's
Children Services are triaged by the duty team. The duty team's manager will review, categorise
and allocate the referral of a child to a social worker following the relevant policies and procedures
pertinent to the issues in question.

640

Hon. E J Phillips: Mr Speaker, Question 97/2022 referred to ... I think the answer to that
question was 112 children were referred for purposes of counselling and other psychological
support services. The figure that the Minister now has given me is 117 in respect of counselling
and then 49 in relation to psychological support services. I am just trying to rationale the numbers,
645 because it seems like a very significant increase in numbers since the asking of that question.

Just to add a little bit of narrative to it, the Minister was, as I was, very concerned about the
numbers here in respect of children being referred. Can the Minister give any further and better
visibility as to what we are doing to support these children beyond this, because the numbers
continue to be alarming, to say the least?

650

Hon. A J Isola: Mr Speaker, the numbers that I quote are obviously for different periods and
not the same length of time, and so it is difficult to compare the two on a mathematical basis.

Clearly, the numbers are higher than they have been in the past. On average, the number of referrals to Child Services has ranged from 350 to 380 per year. In 2018 it was 376 – so they fluctuate – and 266 referred in 2019, so they are slightly higher than those years, and the team, I understand, are looking into what is, if any, the cause of that increase. There is certainly greater awareness and greater use. Whether those two will bridge that gap that the hon. Member is putting his finger on, I do not yet know.

Hon. E J Phillips: Just in relation to Question 277, I know that the Minister, in response to questions to the Leader of the Opposition and myself at the time, said that one child is too many. I think that is one of the phrases that he used in his answer. I have not checked *Hansard*, but I think it was that type of language, and I entirely agree with that analysis that he conducted at the time of that question. Insofar as Child Services, I know the answer last time was in relation to Child Protection Services. This is obviously a slightly wider term – Child Services – that would encompass other matters apart from protection. Is that right?

Hon. A J Isola: The term is Child Services, so Child Protection Services – in other words, children who are requiring of that – is a small part of Child Services. Child Services encompasses all the services which they may be referred to, so the number in respect of child protection is obviously a small part of the global number that I have given.

In respect of one child being too many, obviously the numbers that we are talking about cover a whole range of reasons as to why children may have been referred. I do not think we can surmise or imply that they are all as serious as some may be, and I do not want to be driven in that direction in terms of what each one of them is because I would not go there. But yes, as I said, this is something that has been considered and looked at by the Care Agency. I met with them recently and they were expressing some concern as to the numbers as well, so it is something they are looking at with a view to trying to understand better what can be done to prevent those numbers increasing further.

Hon. E J Phillips: Just one further question generally in relation to Questions 276 and 277. I assume this has to combine the joined-up approach within schools as well, because that is ultimately where the notifications are coming from. I believe that the last time we asked these types of questions, the schools were directly referring into the system. What is being done in schools internally to review the resource element? If we are referring out, it might mean that we might need greater resourcing on the ground in schools. Is the Minister currently looking at that with his counterpart at the Ministry for Education?

Hon. A J Isola: Mr Speaker, children and their families are referred with a range of difficulties. It is, as I mentioned before, very wide. Some are anxiety, some are self-harm, some are school related – bullying is one example – bedwetting, depression. The range is very extensive and very wide, so the school is one entry into the services of identification. There are many others, but that is certainly one, and yes, of course an important one because they have a good rapport with pupils and have a good idea of when somebody is not behaving in a normal way and can identify and then refer a problem that is requiring attention.

I think it is way too early to begin to say whether we are able to deal or cope with what we have. Clearly when the Care Agency want more people, they have them and they use them, so that is not something that I think we need to be concerned with. There is the resource and there is the support there for them today.

Mr Speaker: Next question.

Q278/2022

**Children referred to Mental Health Services –
Numbers receiving medication, counselling or other therapies**

Clerk: Question 278/2022. The Hon. E J Phillips.

705 **Hon. E J Phillips:** Mr Speaker, further to Question 97/2022, can the Government state of the 112 children referred to Mental Health Services how many are receiving medication as a form of treatment and how many are provided with counselling and/or other forms of therapy?

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

710 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the number of children receiving counselling or other forms of therapy is 35.

In connection with the information being requested by the hon. Member, the GHA would need to review the individual records of the 112 children in order to provide an accurate answer, which I am advised is an onerous exercise as not all GHA records are held electronically and would also entail a manual exercise. The GHA would be happy to provide this to the hon. Gentleman when the information is available in due course.

720 **Hon. E J Phillips:** Just so that I can follow up, if I email the Minister I am sure that he will be able to provide that information electronically to me at the appropriate time when it is ready?

Hon. A J Isola: Yes, Mr Speaker, the work has commenced; it was just not ready in time to be provided now.

Q279/2022

**Number of suicides in last 11 years –
By age and sex**

Clerk: Question 279/2020. The Hon. E J Phillips.

725 **Hon. E J Phillips:** Mr Speaker, can the Government confirm the number of suicides over the last 11 years broken down into age and sex?

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

730 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the number of suicides recorded by HM Coroner during the last 11 years is 20. All of these are males. The breakdown in age is as follows: 20-29, four; 30-39, four; 40-49, three; 50-59, five; 60-69, three; 80-84, one.

735 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer. Obviously this subject touches many people in our community, and I think that certainly on this side of the House that quite astonishing figure – not in number, but actually insofar as the male population is concerned ... I know that we have all recorded Mental Health Awareness Day, all of us in this House, in our own way and publicly by way of our own positions in Gibraltar, but it is an astonishing figure insofar as how it dominates insofar as the male sex. I would be grateful, given the fact that the Minister has done 740 the work in getting this number so that we can all be more aware of the loss of life in this area,

for what resources are currently at the Government's disposal to help those people in those age brackets in trying to prevent what is a tragedy in families and for the rest of our community.

745 **Hon. A J Isola:** Mr Speaker, if one looks behind the 11 years ... The last 11 years have been all male. Before that, since 1990 when these records have been made available to us, there are only four females from 1990 to now, none in the last 11 years. In the last three years we have only had two, so that would indicate a reduction in terms of the numbers despite the perception that this is a number that is going up and astronomically so. This last year I am delighted to say the number
750 is zero – one the previous year and one the year before that. I think if you look at the United Kingdom, for example, 2021 was 7% up from the previous year, so in terms of statistics I think we are doing okay. But again, as I said to the hon. Member when we referred to a previous answer I have given, one is too many and so work is going on. You will know that there is a huge amount of work going on in terms of creating awareness, creating the resource and the assistance and
755 support and help for those who may think they may need that support. I think the work that has been done in that respect, particularly in creating awareness and getting people to phone these lines, and providing the services of people who are trained and able to deal with those calls, will help us further in dealing with this. That work is very much work in progress, and there is a lot more still to be done.

760 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer, and of course we should, all of us in this House, and I am sure the Minister might, in this reply to this question, continue to support the mental health charities in Gibraltar that do such great work in highlighting not only this issue but of course the wide areas of mental health challenges across our community. I am sure he would agree with that analysis.

765 The Minister had the figures from 1990 onwards in relation to females. I think he referred to four. I wonder whether he has the same figure in respect of males.

770 **Hon. A J Isola:** I do, Mr Speaker, but I would have to tot it up. I am very happy to pass that on to him later on in the session.

775 With respect to the work of charities, I think I have been astonished since coming into this Ministry in recent months at the extent of the support and the work that we do with all of the charities and all of the associations to promote each of the different areas in which they support us, and create more awareness and more of a working relationship, a closer working relationship with them between the health and care services and all of these charities, for which, of course, we are hugely grateful and depend on for so much of the good work that they do and that we do as well.

780 **Hon. E J Phillips:** I am grateful for your patience, Mr Speaker, in relation to this. It just goes to the point that the Minister has made in relation to the mental health charities because, as you know, there was recently a video deployed in relation to particular patients who have had mental health challenges over a number of years in relation to assisted living, and one of the calls was the support that individuals in our community need for assisted living moving forward. I know the GHA CEO was in attendance at the video showing this week, along with me and the Hon.
785 Mr Clinton. What that video did display was quite a powerful and moving message about individuals in our community, and to be fair to the Government, actually, there was support for some individuals but not for others. It was a bit of a mixed bag insofar as support for those who require assisted living, and their families, actually, who fall within that vulnerable category as well.

790 The Minister does talk about resources and I just wanted to question him as to how the Government will deploy further resources in relation to that assisted living because I currently understand there are seven units that are available. It might be interesting to learn from him what the Government is doing in that area.

795 **Hon. A J Isola:** Yes, Mr Speaker, I understand the point the hon. Member is making. I think it is important to remember that the clinical assessment that is made determines whether assisted living is appropriate or not. There are cases where the professionals themselves do not believe it is, but the families may believe it is. And so it is not a question of just having endless numbers of units available for assisted living, it is very much a clinical assessment process that goes through with the professionals telling us when they think they are and when they think they are not.

800 Yes, we have seven now where there were none before, so that is an improvement, but that does not mean that the Care Agency is asking us for more or for less. We are not being pressed for more, which indicates to us that they can work with what they have available to them, and if they do need more they will come to us and ask for it. So I think it is really important with all of these areas to understand that there is a professional process, with the agency and with the GHA, 805 of professional assessment, clinical assessment, and that is obviously what we follow always.

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

810 **Hon. K Azopardi:** Mr Speaker, the hon. Member may not know, but in relation to the seven flats that are provided for assisted living, can I assume safely that the level of assistance will vary in each case, so some of them may be people who are in the community who had domiciliary care services, but some of them may have live-in assistance? Is that correct?

815 **Hon. A J Isola:** Mr Speaker, in seeking to have more and more people at home, whatever the ailment – which is an objective, we want to keep people at home – again, an assessment is made as to how much care they need, and whatever care the professionals say is required is then provided to them.

Whether in respect of those seven today there are some living in them or not, I do not know the answer to that question, but what I can tell the hon. Member is that certainly it is an assessment as to what level of care they need, and in many of these cases they have care from 820 family, care from professionals and care from co-workers, so it is very much on a case-by-case basis.

Mr Chairman: Next question.

Q280/2022

Numbers receiving medication for mental health conditions – By condition, age and sex

825 **Clerk:** Question 280/2022. The Hon. E J Phillips.

Hon. J Phillips: Mr Speaker, can the Government provide details of the numbers of people receiving medications in respect of all mental health conditions, broken down into condition, age and sex? 830

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, there are currently 1,846 people receiving *some form* of medication in respect of *all* 835 mental health conditions.

In connection with identifying the age and the sex of the individuals in question, the GHA has advised that it would take a considerable amount of time to provide accurate information.

However, the GHA would be happy to conduct this exercise – and, indeed, has started – and provide the hon. Gentleman with the information requested as and when it is available.

840 If I may provide more information, of the 1,846, 26 are in-patients and the rest are out-patients.

Hon. E J Phillips: Just one question, Mr Speaker. In the Minister's experience of the current portfolio and the work he is doing within mental health – current – what is his view as to that number historically, if he looks at the statistics? With respect, it looks alarming from where we sit, in terms of the number of people on medication for mental health conditions.

845 I know that, generally speaking, the Government and the Opposition are very supportive together, insofar as the use of counselling and therapy as an alternative to medication, not least given the long-term gains that counselling and therapy can provide for those people suffering from mental health conditions. How is the Government looking at transitioning away from medication? Clearly, there will be cases where there will be clinical need for medication, but ultimately, insofar as those who require counselling and therapy, what is the Government doing to try to move the dependency away from medication in this area to counselling and therapy?

855 **Hon. A J Isola:** Mr Speaker, I think the sexy number is obviously the 1,846, which is alarming, but the number that gives you a far better impression of the nature of the problem is the in-patients, which is 26. The number of people on some form of medication ... that medication is very drastic, on extremes on both sides. I think before we draw any conclusions in respect of the numbers, we need to understand better where the numbers are higher. So, if there are higher numbers in the more serious types of medication, then obviously the problem is a different one than if they are at the lower end of the scale – both of which require attention anyway, I agree.

860 Of course we would all like the numbers to be lower, both in-patient and out-patient. I know that part of the work that has been done and is carrying on with the Director General and Peter Wadum Buhl, who are advising us in respect of, specifically, mental health, is to address these issues and to understand better. I think that work, when it is concluded, will greatly assist us in understanding if there is a problem, and if there is a problem, how serious or not it may be. We will only get that when we get that further information from them.

865 I will get the information the hon. Member has asked for, which will be made available to me, I hope, in the coming 10 days to two weeks, and I will then pass it on.

870 **Hon. K Azopardi:** Mr Speaker, may I just ask how this is defined? The hon. Member has asked about the numbers of people receiving medications in respect of all mental health conditions. What is the threshold there? I recall having asked a question about the number of people who have received medication for anxiety, or antipsychotics, or depression, and it being a much higher number, so I am just wondering what has been the understanding of whoever prepared the answer of the scope of mental health conditions. Can I understand that? It does not seem to be capturing, if you look at the consistency of the figures, everyone who might have been receiving medication for depression or anxiety. It may be that that is outside the scope, so we need to understand the scope of how this has been prepared.

880 **Hon. A J Isola:** Mr Speaker, this is why I urge caution in respect of the numbers, because I suspect that some of the medication may be in respect of anxiety or stress, or something like that. I do not know what measure has been used to calculate the definition in the eyes of the staff who have dealt with ... It says 'all mental health conditions'. It is quite a wide question, so I suspect we have thrown the net pretty wide to ensure that everything is captured within the answer. I will certainly ask the question and see if I can fish out the original question that the hon. Member refers to – I do not know if he can help me as to when that may or may not have been, because that would be helpful in trying to understand if there is a difference and if we are comparing like with like.

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

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can, on the back of this mini-discussion, ask the Minister if he remembers a few years back, in the time of the last Minister for Health, Minister Neil Costa, there was a moment when I believe it was Pfizer who warned Gibraltar of all the
895 medications for depression and anxiety that were given out. The corporation was concerned at how much we were consuming for a community of our size. I would like to ask whether the GHA undertook some kind of plan to target this feedback that we were given in order to minimise the dependency on drugs for anxiety and depression after we had been given this very essential and eye-opening information in order to stop this dependency.

900 **Hon. A J Isola:** Mr Speaker, the answer is yes, they have, and they continue to. It is an ongoing process of engaging with the GPs to ensure that the prescribing of these medicines is appropriate and not just patient driven because the patient has got used to something and wants to continue. That work is ongoing all the time and it was one of the matters referred to me more recently when
905 we introduced some changes to the pharmacies in the generic medicines which cause some of the same problems the hon. Member is referring to. So yes, very much aware of it and they are engaging with GPs to ensure that we work towards dealing with that exact issue.

Mr Speaker: The Hon. Daniel Feetham.

910 **Hon. D A Feetham:** Mr Speaker, thank you very much.

My hon. Friend Mr Phillips asked about alternative therapies. The reason for my supplementary is this week I had a meeting with somebody who suffers from mental health and she was telling me – my question is whether the Minister can actually look into this – that she has been referred
915 to a therapist, but the therapist is saying to her that she can only be seen six times and after the sixth time that is it; there is no discretion on the part of the therapist to see her a seventh, eighth, ninth or tenth time if it is justified. She has then got to essentially go back to the GP to get another referral and come back. It just seemed to me very odd, because the system has to have the flexibility that if the therapist says she has to be seen a seventh or an eighth time, there is that
920 flexibility for the therapist to do this.

It is self-evident I am not a doctor and I have no inside knowledge about the system, but could he at least have a look into that, because I thought it was very odd when a constituent who came to see me about the problems that she has had within the mental health system was telling me about this, and I thought it was too late now to ask questions about this, but next time round ...
925 and given that these questions have been asked now it gives me an opportunity to raise with the Minister.

Hon. A J Isola: Mr Speaker, the first point I would make is that the hon. Member does not have to wait for Question Time to write to me. I would be very happy to look at it and revert to him, as
930 I have done with some of his colleagues on that side of the House.

The picture that the hon. Member has painted is alien to me. I do not understand it and it does not make any sense to me, so if he does write to me I will certainly look into it, as it makes no sense at all.

935 **Mr Speaker:** I think we have deviated substantially from the original question and answer and I think we need to move on. With respect, we need to move on.

Hon. K Azopardi: I was going to move on, Mr Speaker; I am just answering the ... Can I just give the hon. Member the ... not the question number, but I can tell him that the answer was given in
940 the House in ... it would have been January 2020, and the figure that I was given at the time was that the total figure of people receiving antidepressant and anti-psychotic medication was 3,974.

I think it is important to understand. Despite what the hon. Member has said about the width of the definition, it seems to me that it is the other way round, so I just wonder how it has been drawn and it would be helpful to understand how it has been drawn. If he goes back to his Department, it would be interesting to see where things lie.

Hon. A J Isola: Mr Speaker, I would be very happy to look at that.

Mr Speaker: Next question.

Q281/2022

**Numbers receiving therapy, counselling or CBT –
By condition, age and sex**

Clerk: Question 281/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government provide details of the number of people within our community receiving therapy, counselling or cognitive behaviour therapy, broken down into age and sex?

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, within the GHA there are currently a total of 139 persons in our community receiving therapy, counselling or cognitive behaviour therapy. The breakdown is as follows: 35 under 18, of whom 20 are male and 15 are female; 98 between 18 and 64, of whom 50 are male and 48 are female; six are 65 or over, of whom two are male and four are female.

Within the Care Agency there are currently a total of 190 persons in our community receiving therapy, counselling or cognitive behaviour therapy. The breakdown is as follows: 49 under 18, of whom 21 are male and 28 are female; 136 between 18 and 64, of whom 71 are male and 65 are female; five are 65 or over, of whom two are male and three are female.

Hon. E J Phillips: Would the Minister mind if I get a copy of that particular answer?

Mr Speaker: These are the prepared answers and you will get them either today or tomorrow, I believe.

Q282/2022

**Mental healthcare –
Budget**

Clerk: Question 282/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the actual budget for the provision of mental healthcare in Gibraltar?

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):
980 Mr Speaker, the mental health budget for this current financial year is £5.7 million.

Hon. E J Phillips: Does the Minister have a breakdown of how that is allocated beyond the
mental health budget? We have had numerous exchanges on the lack of mental health budget.
Public Health England has criticised us, in relation to the mental health situation in a report of
985 April 2019, for not having a mental health budget. It would be helpful to have from the Minister a
bit more information as to how that is distributed across the services, given the lack of visibility
we currently have on that particular figure.

Hon. A J Isola: Mr Speaker, I would be happy to provide the hon. Member with that
990 information.

Hon. K Azopardi: Can I just ask if the hon. Member has a figure in front of him? Does he know
how much money is being provided for counselling services in the Mental Health Services?

995 **Mr Speaker:** Of the £5.7 million, how much is –?

Hon. A J Isola: No, I do not have that information here, Mr Speaker.

Hon. K Azopardi: I would just ask the hon. Member perhaps to consider that issue with his
1000 Department and write to us, but also consider it internally, because in relation to the previous
question, if I heard him correctly, and he may correct me if I am wrong but I heard that the answer
to the question of the number of people receiving therapy, counselling or cognitive behaviour
therapy was ... did he say 190?

1005 **Hon. A J Isola:** A hundred and thirty nine.

Hon. K Azopardi: A hundred and thirty nine? Well, in the context of the fact that the previous
answer to that was a 1,846 people receiving medication, and, as I illustrated to him a moment
ago, they had given a previous answer in this House which seems inconsistent, that almost 4,000
1010 people were receiving anti-psychotic or anti-depressant medication, it seems a very tiny
proportion of people are receiving counselling. Perhaps that is something that the GHA should
reflect upon, and if it is a resource issue it should be addressed.

Can I just say that of all the people who come and talk to me about mental health problems,
almost the biggest complaint is the lack of support and lack of access to counselling services, and
1015 the figures that he has just pointed to seem to indicate that those complaints are not far wrong?

Hon. A J Isola: Mr Speaker, the numbers that the hon. Member has mentioned do not sit with
mine. He mentions 4,000 receiving some form of medication. That may have been in 2020. The
number I have is 1,846 and I have told the hon. Member already 26 of those are in-patients and
1020 the rest are out-patients with a whole string of varying degrees of strength of treatment.

With respect to therapy, I have said there are 139 persons in the GHA and 190 in the Care
Agency, so the numbers are not as disparate as the hon. Member referred to, but I will certainly
look at the point he has made and consider it further.

1025 **Hon. K Azopardi:** Mr Speaker, can I just say, first of all, I am not sure whether those numbers
are consistent, for the reasons we have outlined before, and it is something that perhaps the
Department needs to check, given the scope. But even if we were to take the figure of 1,846 and
the cumulative figures of 190 and 139, we are still talking about 240 people out of 1,846, if that
figure is accurate. That is a small proportion. Doing the maths quickly in my head, it is about 15%
1030 of the people on medication and it correlates ... It seems to support the point that is made to me

a lot by people who engage with Mental Health Services and, I think, with other people on this side of the House, that people are finding it difficult to access resources for counselling to the point that a lot of people are forced, if they can afford it, to go private, and those people who cannot afford it are left languishing.

1035 In the context of the review of mental health services and the strategy that they announced and so on, and the keenness which they have said publicly they have to review and expand the services for mental health, I am asking the hon. Member to look at that issue.

1040 **Hon. A J Isola:** Mr Speaker, I am not going to speculate on the numbers. I have agreed to go back and check and have a look to ensure that we get the correct picture and we know we are talking about the correct numbers. I am not going to begin to agree or disagree as to whether the numbers are high or low without even knowing.

1045 The basis of the medication is clinical. It is a clinical assessment. They are the ones who are deciding whether the treatment is going to be one of medication or one of therapy. I am not hearing the same things the hon. Member is hearing, but if he writes to me and tells me and gives me examples, I will very happily look at them to ensure that where therapy is needed it is being given.

1050 **Hon. K Azopardi:** This is my final question. The hon. Member needs to understand it from this perspective, that people come and see me. Some people get medication and that is the end of it, but a lot of people I am aware of who come and see me are given medication but they are also put on a counselling path. The problem with not accessing the counselling is that you bounce from prescription to prescription, you get put into a corner of endless medication. And so it is not as easy an answer as to say the reason for a bigger number of people on medication is simply because the clinicians have decided that you only need medication. A lot of the people who engage with the Mental Health Services are given medication as a stopgap, sometimes as an enduring thing, but are also told to go to counselling, but they face great difficulty in engaging with counselling services.

1060 **Hon. A J Isola:** Mr Speaker, I am happy to note and look into these issues. The GHA is spending a lot of time with a lot of expertise in this specific area, and so I have every confidence that we will get to the right place as we roll out the National Mental Health Strategy that was launched in 2021.

Q283/2022

Primary Care Centre appointments – Difficulty in accessing

1065 **Clerk:** Question 283/2022. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state why it has yet to tackle the appalling situation as regards the inability of our citizens to access PCC appointments?

1070 **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 hon. Member will be aware that the GHA has previously advised that as part of their Reset, Restart and Recover strategy, a significant transformation programme for Primary Care services would be announced. I am pleased to now refer the hon. Member to Press Release 766/2022 detailing the significant changes which will be introduced as from tomorrow.

As I say that, I would like to sincerely thank Dr Valerie Flores, Dr Elaine Flores, Patrick Geoghegan and all the rest of the team who have worked so hard to deliver the strategy which we hope to see come into full force tomorrow and which I am delighted to see the hon. Member has welcomed.

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Hon. E J Phillips: Mr Speaker, Members on this side of the House will, of course, welcome initiatives that seek, at their very heart, to improve this process. I know the Minister and I have shared conversations about PCC appointments and the staggering difficulties that are encountered by everyone in accessing medical appointments, but how does the Minister reconcile the latest changes – which we hope, of course, will improve the system – with the statements made back in 2018 by the former, former Minister for Health, where he characterised the changes at the PCC then as extensive, impressive and which referred to a first-rate service moving forward?

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What I would say to him in relation to that particular question is we have been here before, haven't we? And whilst we have every confidence that the system may well be improved, many people in our community have lost trust and confidence and I would hope that he would agree with me that this process will, hopefully, restore that trust and confidence in our Health Service and the PCC Appointment Committee.

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Hon. A J Isola: Mr Speaker, the hon. Member has quite a perverse way of welcoming initiatives such as this. A welcome has never been more meek than that one. Good Lord.

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Between 2018, which is the date to which the hon. Member refers, and today, something has happened. I do not know if the hon. Member is aware that there is this thing called COVID that for two years has shaken the very core of our Health Service and, indeed, the economy, not just here but around the world, to require change to come. Whenever you mentioned the Hospital and you forget to mention COVID, you commit a pretty fundamental mistake because when you talk about waiting times, if you do not also, in the same breath, refer to COVID you are not being realistic. So when you say would I reflect on what we did in 2018 and today, this is a progression of the same effort to stay ahead of the curve.

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I mentioned in the press conference on Monday that in 2011 there were 16 GPs and today we have over 26 – it is 26.2, and then it was 16-point-something – and we have gone from ... I cannot remember the number because I have not got it noted down, but we have significantly increased the number of appointments – I think was from 140,000 to 190,000 a year. So the whole use of this facility by our people has grown enormously. There is no explanation for it. And so, when you are trying to deal with so many people calling into a system, all at eight o'clock, hundreds and hundreds – for a blood test or for the wellness clinic or for the sexual health clinic or for an urgent appointment – at the same time, no matter how good that system is, it is not going to work.

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When the Chief Minister asked me to help him and he said, 'For goodness' sake, please look at the appointments system,' – which I have accepted before in this Parliament was not good enough – the first thing I thought was surely we just need a decent phone system. No. Surely we just need a good calendar system. No. This needed fundamental change, and that is why it has taken us not a week or two, it has taken us months to put all the different things in order that we hope, together as a package, will enable us to deal with the problem and ensure that we can meet the needs of the community.

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And so, by filtering the calls from eight until 11 just for the need for a same-day GP visit and pushing the bloods and everything else to 11 o'clock, and then having the evening surgery available to those ... and linking the phone system to 111 so that you have clinical expertise available to triage calls ... There may be no appointments but there may be somebody in need of an appointment, so the new system will deal with that person and say come in this afternoon, or, if it is urgent, get yourself to A&E right now. It seeks to deal with the urgency and, at the same time, you have the online booking system four weeks in advance with your named GP. And the app is also being launched tomorrow. From your phone you will be able to book your blood appointment up to four weeks ahead, a GP appointment four weeks ahead with the GP you prefer

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and they will become your named or preferred GP. If that person is unavailable, then obviously you will have to go to another one – there are no appointments necessary.

1130 There will be teething problems, there will be issues, but I can assure the hon. Member that if people pick up the mantle that we have asked them to, in terms of acting responsibly and only calling at eight when they need to see someone that day – go to the chemist first, self-help ... We are still going to introduce these mobile units which will be going around our community on different days, offering support to people who need it, at different times of the week in different parts of Gibraltar. We are trying to do everything we possibly can to keep people away from the 1135 eight o'clock phone call and from the PCC unless they have to, but giving them the opportunity to book up to four weeks in advance and to ensure that they have the best service available during the times they need them – and 'needing' is the really critical word in all of this.

1140 Am I confident this is going to work? If this does not work, I honestly do not know what we are going to have to do in Gibraltar to get our appointments systems working. I do not know because this is *really* pulling out every stop: 490 more appointments a week. This is a significant change. Everyone has bent over backwards to make this work and I hope the community responds favourably, has some patience with us over the next couple of weeks as all these new systems bed in, and enables us to get this working for the benefit of all our community.

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Mr Speaker: Just the one.

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

1150 It is an important issue, of course. I am just struggling. As impressive as the Minister is in explaining the magnitude of the changes and the package of measures that he announced on Monday – and we contributed to the debate publicly on the *News Watch* last night – I would just say one thing to him. He talked about COVID as being the difficulty, given what Minister Costa said back in 2018, namely the impressive and extensive reforms that would lead to very significant changes and a first-rate service, but we also heard the same in 2020 in the context of COVID, 1155 insofar as the Reset, Restart and Recover strategy to again make changes to the telephone lines. Whilst we are supportive and willing to assist the Government in whatever way we can to rebuild that trust and confidence within our community, is he confident that the work that is being done to restore that confidence amongst the community will, in fact, happen? A lot of people have lost that trust and confidence. I know he acknowledges publicly in this House and outside that this is probably one of the most difficult things that we can achieve, but is he confident that the system 1160 will now change to accommodate the pressure on the GHA?

Hon. A J Isola: Mr Speaker, I do not remotely agree with the premise of the question, which is that people have lost trust and confidence in the GHA. I believe that people are cheated off that they cannot get an appointment when they want to, but when they get in and they need help the story that I hear from patients and the many letters I get from people saying thank you is extraordinary. So I do not believe there is a lack of trust or confidence at all. 1165

I accept that the appointments system – and I have said this publicly – has not worked as it should. It has not, but how many people were coming to complain to you about appointments in 1170 2018 and 2019? There were not any. The noise was now. The system now cannot cope with the incredible demand that we face from people seeking those appointments since COVID. You could say it was since 2021, but from 2018 to when COVID struck, the appointments system was not really an issue. People struggled, but it worked. The numbers increased and so the problem is extenuating and it has to be dealt with, and that is precisely what we have done.

1175 I would not for a second wish to accept that any member of the public has lost trust and confidence in the extraordinarily hardworking people at the GHA who provide a damn good service, in some cases in very difficult circumstances. I give the GHA my vote of serious confidence in the work they do and the manner in which they deliver it. I sympathise with people who have had problems with the appointments system, absolutely, and that is exactly why we are trying to

1180 improve the service we offer the community, to make sure that we can get even that bit that was not working so well working very much better.

Mr Speaker: Next question.

Q284/2022
Cat 2 individuals and HEPPS –
Numbers

1185 **Clerk:** Question 284/2020. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

Hon. K Azopardi: Mr Speaker, can the Government advise how many Category 2 individuals and HEPPS there were at the following dates: 31st March 2018, 31st March 2019, 31st March 2020, 31st March 2021 and 31st March 2022?
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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 information being requested by the hon. Member is publicly available on the Government Statistics page and the statistics available date back even further than date for which the hon. Member has asked the question, which is 2018. However, I will obviously provide the information.
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As at 31st March 2018, there were 346 Cat 2s and 146 HEPPS; March 2019, 355 Cat 2s and 148 HEPPS; March 2020, 335 Cat 2s and 171 HEPPS; March 2021, 338 Cat 2s and 192 HEPPS; March 2022, 355 Cat 2s and 210 HEPPS.
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The hon. Member will note that in respect of both Cat 2 and HEPPs the numbers are increased, and in respect of HEPPs, significantly so.

Mr Speaker: Next question.

Q285/2022
AquaGib –
Financing; indicative purchase price

1205 **Clerk:** Question 285/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

Hon. K Azopardi: Mr Speaker, can the Government advise how it intends to finance the purchase of AquaGib, and does it now have an indicative purchase price?
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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, at present we do not have an indicative price, but rather are working together with the shareholders of AquaGib to come up with an agreed formula to determine this based on the value in the accounts. As you will be aware, some of the unprecedented issues this summer are
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leading to discussions that involve insurers and the management of AquaGib, which ultimately impinges on this.

1220 With regard to financing this, the Government is presently exploring a number of options and we will advise Parliament of these once we have narrowed this down.

Hon. K Azopardi: Mr Speaker, does the Minister have any view of the kind of timescale for those discussions, both in terms of the basic formula for arriving at the purchase price and also the financing arrangements?

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Hon. A J Isola: Mr Speaker, the formula is what we are currently working on. In terms of its implementation and applying it, there are factors outside our control – the insurance is one that I have mentioned – which may have an impact on that.

1230 As to the timing, I am not able to give him an indication, but what I can tell him is that we are working very closely with AquaGib. We have a board meeting this week, at which further discussions will take place afterwards in respect of this issue, and I fully expect this to happen ... I cannot give a date, Mr Speaker.

Hon. K Azopardi: Mr Speaker, just a clarification, so that I know whether I have understood the answer correctly. When he says that they are discussing the formula and its implementation, is he saying that the formula is up for grabs as well, or is it just the implementation? Have they landed on a correct and agreed figure and it is simply now about implementation, or is it that they have not set a figure? Can I just understand the answer?

1240 **Hon. A J Isola:** Mr Speaker, what I have said in my answer is to come up with an agreed formula to determine the price based on the value in the accounts. So there are a number of things in the air – the timing of when that is looked at in terms of the accounts, which is the date, and what we are seeking to do is agree the formula so that when that date is agreed, that formula will be applied to the accounts on that date. The formula is as good as agreed. They are still working on some of the minor details, but in the main it is pretty much already agreed.

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Hon. K Azopardi: And if the formula is agreed –

Hon. A J Isola: Pretty much.

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Hon. K Azopardi: – pretty much agreed, is he able to give us the figure, or is he unwilling to do so because the other factors are still up in the air?

1255 **Hon. A J Isola:** Mr Speaker, I cannot give him a price because I have explained that the formula depends on the number in the accounts at any given time, so I would not be able to do that even if I wanted to.

Mr Speaker: Next question.

Q286-88/2022

**Mount Alvernia, Dr Giraldi and St Martin's –
Staff numbers; nationalities; numbers through recruitment agencies**

Clerk: Q286/2022. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, how many people work at Mount Alvernia, Dr Giraldi and St Martin's?

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 287 and 288.

Hon. D A Feetham: Mr Speaker, what is the nationality of the people who work in Mount Alvernia, Dr Giraldi and St Martin's?

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Clerk: Question 288/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many people who work in Mount Alvernia, Dr Giraldi and St Martin's are employed by recruitment agencies, providing details of the agencies in question?

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

Hon. A J Isola: Mr Speaker, there are currently 323 persons working at Mount Alvernia, 125 persons working at Dr Giraldi and 135 persons working at St Martins.

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The nationalities of the people who work at Mount Alvernia are as follows: British, 170; Spanish, 135; Moroccan, 11; and one of each of the following – Argentinian, Brazilian Portuguese, French, Italian, Polish, Russian and Romanian.

The nationalities of the people who work at Giraldi are as follows: 39 British, 78 Spanish, two Italian, one Polish, one Irish, one Romanian, one Australian, one Belgian and one German.

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The nationalities of the people who work at St Martins are as follows: British, 127; and Spanish, eight.

I am providing the information in relation to St Martin's, which is an educational establishment, for administrative ease to avoid the Minister for Education having to get up also, but I will not be able to answer any supplementaries in respect of that.

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Three people who work at Mount Alvernia are employed via recruitment agencies as follows: two agency workers contracted via Meddoc and one agency worker contracted via ADA.

Forty four people who work at Dr Giraldi are employed via recruitment agencies as follows: 37 agency workers contracted via ADA; five agency workers contracted via Meddoc and two agency workers contracted via We Care.

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Twenty two people who work at St Martin's are employed via recruitment agencies as follows: six through supported employment; 14 agency workers through GJBS; one agency worker via ADA; and one agency worker via Meddoc.

Hon. D A Feetham: Mr Speaker, I only have one supplementary and then I will digest the statistics the hon. Gentleman has provided. He said 14 GJBS in St Martin's. Can he explain how an employee from GJBS comes to be working in St Martin's, unless they are dealing with maintenance or something of that sort?

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Hon. A J Isola: Mr Speaker, the 14 persons contracted through GJBS are lunchtime attendants. They are not carers or working within the educational realms of St Martin's, simply lunchtime attendants.

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Hon. K Azopardi: Mr Speaker, can I just ask, in relation to the figures under Question 287, the nationalities of the people who work in Mount Alvernia, Dr Giraldi and St Martin's, the numbers that he has given, I suppose they fall into different categories, but does he have a subdivision? For example, in relation to the Spanish employees at Mount Alvernia, Dr Giraldi and St Martin's, the

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two bigger numbers, as I took it, are 135 at Mount Alvernia and 78 at Dr Giraldi. Are they primarily carer grades? Is that the division of labour?

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Hon. A J Isola: Mr Speaker, I do not have that information available to me, so I would not want to hazard a guess as to which of these are doing what.

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Hon. D A Feetham: Mr Speaker, in relation to these numbers – 323, 125 and 135 – does the Hon. Minister have the figures for those people who are permanent and pensionable – in other words, they are permanently employed – and those people who perhaps are on a one-year or two-year contract, where the contract has not been made permanent?

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Hon. A J Isola: Mr Speaker, I have given the numbers in respect of those who are employed by recruitment agencies. That is the division that I have, which is the division that was asked for by the hon. Member. If he wants those again, it was three from Mount Alvernia, 44 from Dr Giraldi and 22 –

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Hon. D A Feetham: No, that is not the question I have asked. I have those figures. The first question was how many people work at Mount Alvernia, Dr Giraldi and St Martin's. That is nothing to do with recruitment. Some of those will be through recruitment agencies. I am asking out of the 323, 125 and 135 do you have the figure for permanent and pensionable or one-year and two-year contracts. If you do not, I will ask it next time round.

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Hon. A J Isola: That is what I was trying to explain, Mr Speaker, that I have given him the numbers of the total, and of the total, if you deduct the numbers through recruitment agencies, that is the division I have. That is what I was trying to say. So in respect of, as an example, Mount Alvernia, of those 323, three are employed by recruitment agencies and the rest are employed directly, not through recruitment agencies, but I do not have the subdivision of that number.

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Hon. K Azopardi: Mr Speaker, I am getting confused by that last answer where he engages the deduction of the last figures from the 323. Presumably the hon. Member is not saying that, using the example I was giving before on the same line, 135 Spanish nationals working at Mount Alvernia and 78 Spanish nationals working at Dr Giraldi ... they are not all permanent and pensionable? Presumably, some of those are on contract, are they not?

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Hon. A J Isola: Mr Speaker, I think we need to be careful in terms of the language we use, because to call someone permanent and pensionable is normally attributed to people who work in the public sector, in the Civil Service. Somebody can be on contract, employed, who is not permanent and pensionable, he is on a contract.

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I have not got the information to draw the division between permanent and pensionable, contract and recruitment agency, if you want to have that answer.

Mr Speaker: Next question.

Q289-292/2022
COVID boosters administered –
Number by resident and non-resident

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Clerk: Question 289/2022. The hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, of the 40,474 COVID boosters administered to 30th September 2022, how many were first COVID boosters, i.e. a third dose of a COVID vaccine, broken down by residents and non-residents?

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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 Questions 290 to 292.

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Clerk: Question 290/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, of the 40,474 COVID boosters administered to 30th September 2022, how many were second COVID boosters, i.e. a fourth dose of a COVID vaccine, broken down by residents and non-residents?

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Clerk: Question 291/2020. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, of the 40,474 COVID boosters administered to 30th September 2022, how many were third COVID boosters, i.e. a fifth dose of a COVID vaccine, broken down by residents and non-residents?

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Clerk: Question 292/2020. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many third COVID booster – fifth COVID vaccines – had been administered by GHA by 11th October 2022, broken down by residents and non-residents?

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

Hon. A J Isola: Mr Speaker, of the 40,474 COVID boosters administered to 30th September 2022, 30,941 were third doses, of which 23,564 were administered to residents and 7,377 were administered to non-residents; 9,508 booster doses were fourth doses, of which 8,527 were administered to residents and 981 were administered to non-residents; similarly, 25 booster doses were fifth doses, of which 24 were administered to residents and one was administered to non-residents.

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A total of 572 third COVID boosters – fifth COVID vaccines – had been administered by GHA by 11th October 2022, of which 560 were administered to residents and 12 were administered to non-residents.

Hon. K Azopardi: Mr Speaker, when you just look at those figures you can see quite a significant descent, I suppose, in the take-up figures between ... Obviously, the vast majority of people got vaccinated once or twice. You then have 23,000-odd residents getting the first booster, if I can put it that way, the third vaccine, but only 8,000 taking up the second booster, and now we are in the realms of the third booster, the fifth vaccine, so it may be that we are expecting further descent. Is the Government concerned about the difference in numbers of take-up of the booster vaccine?

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Hon. A J Isola: Mr Speaker, I think the challenge is that people think COVID is over; we all know it is not. The clinical advice continues to be get your vaccine. The GHA continues with its awareness campaign to ask people to get their vaccine and, indeed, for those over 50, to take the flu jab as well. The GHA continues to call people, to seek to invite them to come in and have the vaccines, and will continue to push the population to be as fully vaccinated as it can be within the realms of what has been provided for them.

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So yes, we would like more people to be vaccinated and we will continue to work to push the clinical advice that we get from the GHA, which is for vaccination.

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Hon. K Azopardi: Mr Speaker, as I understood the current position, the GHA was offering the fifth vaccine, the booster, to people over 50, I think it was. Given the numbers, would it be sensible to offer the vaccine to whoever wants to take it? It is not as if you are managing the programme that you used to manage in the early days, where you really needed to stagger the rollout in the community. As we are entering winter, if the hon. Member is concerned about that message perhaps it might be prudent to extend the offer, now that we are in October, to whoever wants to take it up.

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Hon. A J Isola: Indeed, Mr Speaker, we are coming to the winter months when I am sure we will see an increase in the incidence of COVID in our community, so yes, I fully expect the board of the GHA and the executive team to do exactly what the hon. Member has suggested.

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Q293/2022
Gibraltar Health Authority –
Number of vacant posts

Clerk: Question 293/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can the Government confirm how many posts were vacant at the Gibraltar Health Authority at 11th October 2022 and provide a list of current vacancies at the Gibraltar Health Authority?

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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, at this moment in time and after agreeing to many vacancy policy issues with the Director General in recent bilaterals, there is significant activity at this particular juncture. As part of the GHA's post-pandemic Reset, Restore and Recover Strategy, there are many boards, interviews and re-advertisements currently taking place. The GHA is, therefore, working on this, but exact numbers will be provided to the hon. Member as soon as this phase has been completed, within the next 10 days. I am advised that all clinical, allied health professional and nursing vacancies are being covered in the interviewing period where there are vacancies in the process of being filled.

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In addition to that, I would say I am able to provide the hon. Member, in the next couple of days, with a list of all those that are currently in train. In other words, there is another question on the Order Paper relating to the Ophthalmology Unit, where I am going to be saying there is one coming in November. So these are in process and I would like to give the hon. Member some proper information and not just give lists without background information in respect of each one and how it is being managed and handled.

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Hon. K Azopardi: So the hon. Member is not able to give me a precise figure of how many posts are vacant today – is that really what he is saying?

Hon. A J Isola: Not now.

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Hon. K Azopardi: Not now, but he will give it to me in the next 10 days. Mr Speaker, that is fine. I just put on the record – and perhaps with your indulgence, Mr Speaker can reflect on it –

1455 that I may have questions I want to ask about that list when I get it in 10 days' time, and I do not want to infringe the six-month rule, so I would like to be able to have the ability to ask follow-up questions relating to the information that he will give me in 10 days' time.

Hon. A J Isola: Mr Speaker, that is perfectly sensible and reasonable and I have no issue with it at all. When he receives the information, if he has any questions to ask at the next sitting I would be very happy to take them.

Q294/2022
Power cuts –
Duration, districts and reasons

1460 **Clerk:** Question 294/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many power cuts have there been from 1st January 2022 to 30th September 2022, giving a breakdown of the duration of the power outage, the district affected and the reason for the same?

1465 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

1470 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I now hand over a schedule detailing how many power cuts there have been from 1st January 2022 to 30th September 2022, giving a breakdown of the duration of the power outage, the district affected and the reason for the same.

Answer to Question 294/2022

APPENDIX 4

FILE 200

RECORD OF I-IV POWER CUTS

GENERATOR FAILURE REPORT

YEAR 2022	Date and time	Duration	Districts/Areas affected	Reasons for Power Cut	Type
1	28.01.2022 11.11	36 mins.	Blackout within GMES/MoD network. Vineyards, Nelson's view.	Private contractor damaged cable by Fossway tunnel. The earth fault triggered a blackout at GMES network. Restored by 11.47 with assistance given to GMES by GEA and MoD contractors. GEA S20 tripped causing power cut to Vineyards and S80 Nelsons view.	Network Failure
2	28.01.2022 16.00	7 mins.	Bedlam Court, Ocean Village Complex, Tradewinds, Casemates.	Operational switching at S61 WDC panel tripped causing power loss to Bedlam Ct, Casemates, Ocean Village, Tradewinds.	Network Failure

3	11.03.2022	2 — 11 mins.	Bayside, Varyl Begg West, Marina, Jetty Five, Watergardens, Ocean Village Complex, Waterport Terraces, William Jackson, New Harbours. King's Bastion, Cornwall's Lane, Governor's Parade. Alameda, Rosia Bay.	NMPS IFLS testing caused a trip of Set 1 causing feeders to open.	Generation Failure
4	08/07/2022	48 mins.	GEA network suffered no loss of supply but local consumers suffered power outage due to supply from ex MoD network.	Cable from GMES power station to Norfolk House S/S tripped on load. Upon first restoration process, Norfolk House tripped all ex MoD network including local consumers.	Network Failure
5	20.07.2022	67 — 116 mins.	Western Arm. Approx. 80% Gib-wide power-outage.	Cable fault at S68 Western Arm to S36 North Mole caused WDC panel trip affecting supply to Gasnor Plant. Gas supply main valve shut down in safety protocol caused trip on NMPS engines.	Network Failure
6	02.08.2022	6 — 43 mins.	Marina, Watergardens, Ocean Village Complex, Bedlam Court, Waterport Terraces, William Jackson, Waterport Place. King's Bastion, Cornwall's Lane. JBDC Alameda, Rosia Bay, Sunnyside Steps, Little Bay, Europa Business Centre.	NMPS TX2 fault caused trips of engine-bay cooling-fans triggering safety-protocol shutdowns of 3 Gas Engines. Reference to PACIS lost at NMPS CR. S55, S63 and S65 restored manually.	Generation Failure
7	12.08.2022	40 — 55 mins.	Alameda, Sandpits, Sunnyside Steps, Rosia Bay, Little Bay, Europa Business Centre.	Dual cable fault at S15 to S17 Willis's Road (spiked by contractor) and S19 to S67 Beach view Terraces.	Network Failure

1475 **Hon. K Azopardi:** Mr Speaker, we will digest the schedule and we may have more points to raise in the future, but I am just looking at the list and for the purposes of those people listening there are seven on this list, seven power outages in the period, ranging from a few minutes to almost a couple of hours in one respect. I am just looking at the last column, where they are categorised in one of two ways, either network failure or generation failure. *(Interjection)* Well, 'Generation Failure', it says. *(Interjection)* Failure of a generation! Can the hon. Member help us understand the difference?

1480 **Hon. A J Isola:** Mr Speaker, you have generation of power which is the North Mole power station, which is a generating station, and then you have the way we get to people's houses, which

is what is called a network. So we have a generation failure and a network failure. I would have thought that with all the eminence we have across the floor, we would have had no difficulty in understanding that.

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Hon. K Azopardi: Mr Speaker, I do not pretend to have any eminence in engineering, still less electrical engineering.

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To the extent that there are issues affecting the network – and, of the seven, five are about network failure – isn't that indicative of the need to review the network and find ways of improving the issues, so that we do not have to suffer so many power cuts? Not just seven this year, but last year I think the figure was almost 30.

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Hon. A J Isola: No, Mr Speaker, it is indicative of a private contractor damaging the cable by Fossway Tunnel, where the earth fall triggered a blackout of GMES' network, restored by 11.47 after 36 minutes.

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The information is given because each incident is different and is not indicative of a problem with the network. You will see that two, maybe three of these are the ex-MoD network – that is in the south district of Gibraltar – and that is an older network than our own and something that is being integrated into our own network over a period of time, working closely with the Ministry of Defence.

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So no, I do not believe it is indicative. People have to understand that if we have a generation failure within the power station ... For example, the two that are generation relate to works going on to integrate the current new power plant. Systems trip because these are all software driven and if you do not do something and the computer says no, you have a trip and you have a power cut. This is part of the process of integrating a new power station into the community.

The difference between Gibraltar and anywhere else in the world, or most parts of the world, is when power fails from one generation source another one kicks in. We have not got another one. We have one power-generation source, so that complicates the issues, but generation trips are absolutely normal all over the world with new power stations.

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Would I wish that we had zero at all and I could tell the hon. Member, today, zero? Of course I would, but this is a very sophisticated piece of kit that is being integrated into our community and is producing power to us. Are there issues? Yes. Will they continue? Unfortunately, I suspect they will.

Q295/2022

Power's Drive Tunnel – Reservoir stock level on day preceding fire

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Clerk: Question 295/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what were the water reservoir levels the day before the fire at Power's Drive Tunnel?

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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 reservoir stock level on the day before the fire at Power's Drive Tunnel was 22.289 million litres.

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Hon. K Azopardi: And, Mr Speaker, that is from a total possible capacity of water reservoir of what?

1530 **Hon. A J Isola:** To put the answer I am going to give the hon. Member in some context, the stock levels ... Our reservoirs are never full, so I think the total capacity, from memory – and this is a guesstimate – is around 70 million, then normally during the course of the year at around 40, reducing as you get closer to the summer months. If I look at it from 2020 onwards, I do not see a single month from July 2020 to date ... No, I am afraid that is not it. I cannot make that ... The vast majority of the months are below 50 million. As we get closer to the summer months the volume of stock reduces for two reasons: there is more water used and our production is fixed, and therefore, during the summer ... I remember last summer – and I have said this publicly during
1535 board meetings of AquaGib – we had a very keen eye on the amount of water we had because we were looking at alternatives should we need to bring in more water to meet the increasing demand. The demand has continued to increase over the years. This year would have been the same as last year had it not been for the fire at Power’s Drive which caused us the problem that we had.

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Hon. K Azopardi: Mr Speaker, the hon. Member will correct me if I give the wrong figure. I believe that the water consumption of Gibraltar is around 5 million litres a day, something like that. If that is right, this was reservoir levels of not more than four and a half days when the tunnel fire happened, and given the explanation he has given, that total capacity is around 70 million but
1545 it is normally at around 40 million and it lowers towards the summer months, isn’t one of the lessons of the whole incident that we need to do much more to build up reservoir levels and perhaps to a higher level throughout the year and also to increase reservoir levels?

Hon. A J Isola: Mr Speaker, stock level and production ability are what dictate what stock we are advised we need to have. Do not forget this is AquaGib, a privately owned company, which is responsible, under contract to Government, for our water supply, and the measure they have taken is that if we are producing 4.5 million litres a day and we are using five – in the summer, it is higher than five – then we are trading water and we are okay. When you have a sudden cut off of four or four and a half million a day and you are left with one and a half at the Waterport, you are going to have a problem.
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The speed with which we moved to restore that was remarkable. I did not think we would make the timelines that were set. In fact, AquaGib came in ahead of time in terms of producing, and then the Balaena reverse osmosis plant that was procured for us by the dockyard, who came to our rescue with that one that produced an extra million, has made the position more comfortable.
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When anything goes down, to bring it back up is a real challenge because consumption continues. That was the battle, the consumption continued, so we took out, as the hon. Member will know, all the high users and found alternative sources for many of them and reverted back to just the ones that had to have it, and that enabled us to limit the damage to that 10-day period when people had problems at home.
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Hon. K Azopardi: Mr Speaker, I am grateful for the explanation. Indeed, the Chief Minister was away and I had a briefing from the Deputy Chief Minister, for which I was grateful, as to the detailed mechanics of these things during the time when the fire was ongoing at that stage, and the Chief of the Fire Department was there.
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I am not critical about the way the emergency was then handled. The emergency was handled well by the essential services and AquaGib once it had happened. What I am saying to the hon. Member is that perhaps one of the lessons to be drawn from this is that Gibraltar really should not function at a level where we have only four days’ back-up water, because if something happens it is cataclysmic to an essential service, and what we should be doing is making sure that our capacity is higher and our reservoir capacity levels are able to be expanded.
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I am not sure if the hon. Member heard that because he was having an aside with the Chief Minister. If he wants me to repeat it ... Yes, I will. Isn’t the lesson to be drawn from this that we

1580 should not be functioning at four days' back-up water, that our reservoir levels need to be higher
and not at the levels which he has indicated, and that, indeed, given that there is probably an
increase in population ...? The Hon. the Father of the House went on television recently to talk
about the census, and he was talking about the increase in population and the increase in
infrastructure and the pressure on infrastructure, and we know all the pressure there is on the
sewage infrastructure and so on. Perhaps it is important to review our water infrastructure as
1585 well, to increase reservoir capacity.

Hon. A J Isola: Mr Speaker, the Government has already announced – and the hon. Member
has already asked a question on it – that it is purchasing the remaining shares of AquaGib to bring
the critical supply of water into public ownership and into Government hands.

1590 I think the Government would have preferred to have had more water in its tanks, of course
we would. The Government has for some time been preparing to have not just more production
of water available to it but in more diverse places. In other words, the reliance on one place for
so much capacity of our water is something that the Government did not believe was the best way
forward, and consequently one of the lessons learnt ... It is not really a lesson learnt because it
1595 was going to happen anyway because the provision of the new AquaGib facility at North Mole
already has provision ... In fact, there is plant arriving in November, nothing to do with the issue
at Power's Drive.

1600 What is going to be happening at Waterport is there is going to be, instead of 1.5 million litres
of provision there will be 3.5 million litres of provision of water. So when we have that facility and
the facility a Governor's Cottage we will be able to manage our water stock and supply far more
efficiently and with far more resilience than we have ever been able to do before.

The hon. Member, I am sure, will welcome that news and the decision by Government to buy
AquaGib and bring the water provider into public ownership.

1605 **Mr Speaker:** Next question.

Q296/2022

ITLD –

Increase in staff complement

Clerk: Question 296/2020. The Hon. Ms M D Hassan Nahon.

1610 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the GSLP Liberal Government said in a recent press
release that it had increased the complement of staff at the ITLD department. By how many
people has the staff complement increased in the last 24 months?

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

1615 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, the information that the hon. Lady is requesting is public information – it is obviously
in the Estimates, which are public documents, every year – but I will give the information
notwithstanding.

1620 Indeed, the Government stated that the complement of the ITLD department has grown by
more than 100% since 2011. In 2011-12, the ITLD had a complement of 15. There is currently a
complement of 31. In the last 24 months, the complement of the ITLD has not increased, which is
completely understandable bearing in mind what we have been through in the last two years and
that our commitment is to maintain complements as at 9th December 2011 and we have more
than doubled it since that date.

1625 **Hon. Ms M D Hassan Nahon:** Thank you for the answer, despite it being publicly available; I was unaware. Thank you.

Can I just ask, from what I understand, the Government's servers have almost doubled from something like 180 to 340 since 2017, so I think we can deduce that the workload may have increased as well as you need more and more technology to satisfy that. My question would be if we have not increased complement in relation to this increase of what we see as the machinery, are we our putting our department of ITLD at too stressful a level where perhaps low morale and poor output would ensue?

1635 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I just get up on a point of procedure to set out that when information is publicly available the Government does not habitually provide it because it is publicly available information? In particular, in this case, we are not dealing with publicly available information which is beyond this House. That information is in the Book that we hand the hon. Lady and all hon. Members each year – it is the section that deals with ITLD – and the fact that we have provided the information in this case should not for one moment be taken to suggest that the Government must, or accepts that it should, provide publicly available information in the context of Question Time, because the rule has always been that if it is publicly available it should not be asked about. I just wanted to make that caveat.

1640 I will allow the Hon. Minister to reply to the question, but given that we have doubled the server capacity, why haven't we doubled the number of people – we have, as he has just confirmed.

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Hon. A J Isola: Mr Speaker, there is no question that since 2011 the work that ITLD carry out has increased. That is acknowledged, not just in doubling the numbers of people who work in that Department but in the investment that has been made in the very servers the hon. Lady talks about, because those servers are changed every ... I think it is five years, and there is a current round of tenders going out now for the new servers.

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So yes, we accept that the ITLD workload has increased significantly. We have increased the complement significantly, we have increased the investment significantly and I would accept that we have some more to do, and we are engaging with them to get there. So I am confident that working together we will be able to deliver the service that not only Government expects from them, but they will be happy to deliver for us.

1655

Q297/2022

DHA orthodontists –

Whether Government satisfied with complement

Clerk: Question 297/2020. The Hon. Ms M D Hassan Nahon.

1660 **Hon. Ms M D Hassan Nahon:** Is Government satisfied with the complement of orthodontists in the GHA?

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

1665 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the GHA has commissioned a review of the dental services it provides. This includes a review of the scope of dental care currently being provided by the GHA, the workforce and infrastructure required to adequately cover the scope of dental care and how the current resource is being utilised. The current complement of orthodontists will be evaluated on the basis of the findings of this review.

1670 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate the Minister's answer regarding the review, which would of course give rise to us giving him some space to ensure that the new policies come into force, but my representations – and there have been several – are that currently the orthodontist complement has gone down from two to one and many teenagers who are in need of braces are being told that there is no guarantee that they will get them due to the decrease in orthodontists. My understanding from these representations is that parents are being told that

1675 the new policy is adopting a UK approach, which is based on quotas rather than needs based, and that would mean that many needy teenage patients with maybe justifiable complexes as well about the state of their teeth are being left behind.

1680 Can the Minister tell us when we will know more about how they plan on filling this complement and what he would tell parents, at this stage, of children who are being denied orthodontic treatment, please?

Thank you.

1685 **Hon. A J Isola:** Mr Speaker, no, the GHA is not following the UK practice, as the hon. Lady has referred to. At this present time, we have five dentists and two orthodontists, one of whom is acting up as a dentist, and there is a vacancy for one orthodontist, which is in the process of being filled.

1690 Again, I have to mention COVID because, yes, there is a long waiting list. As I have also said in this House before, the GHA has actually gone out to private contractors in Gibraltar to seek to ask for their support to clear the backlog, to bring ourselves up to date as quickly as we possibly can. That is ongoing. We have orthodontists in private practice helping us with this process, but there is more work to be done. What the review is going to tell us is with the capacity of work that we need to deliver, is the complement we have too high, too low or spot on, what is the nature of the services that we should be providing and what is the nature of the services that maybe we should not be providing, but the ones that the hon. Lady has referred to are clearly ones that we will

1695 continue to provide, especially in respect of children.

1700 So I think my answer would be we have, today, five dentists and two orthodontists. We are aware that we are one down on orthodontists, which will mean that the orthodontist will go back to being a dentist, and I hope once the review is concluded and we are able to clear the backlog with the support of the private sector, we will be in a better place.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister again for his answer. Can I ask him the timeline of this review? By when will they have some kind of answers and feedback in order to proceed with the new decisions and policies?

1705 **Hon. A J Isola:** I do not have an exact date, but I know it is an external review by people from outside coming in and looking at us and seeing what we do, so I would expect to have it relatively shortly. I would hope by the end of the year.

Q298/2022

GHA Domestic department – Management of and relationship with employees

Clerk: Question 298/2020. The Hon. Ms M D Hassan Nahon.

1710 **Hon. Ms M D Hassan Nahon:** Is the Health Minister satisfied with his Ministry's management and relationship with the employees within the Domestic department in the GHA?

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):
1715 Mr Speaker, yes.

Hon. Ms M D Hassan Nahon: Mr Speaker, I have been made aware over months, and in fact the last couple of years, of the low morale within this department and the fact that they feel there is a shortage of staff, where people are covering positions of high responsibility, in many cases for
1720 years and for the same remuneration. Their conditions have made them feel ... As many of them have dubbed it, they feel that they are the forgotten department.

So my question for the Minister would be whether he has any sort of plan to engage this department, many of whom are feeling quite marginalised, in order to restore job satisfaction and general satisfaction for the employees this department? If not, what would he say to these
1725 employees?

Hon. A J Isola: Mr Speaker, the question asked the Health Minister with his Ministry's management and relationship with the employees, and with that I am happy because I do not have a relationship with them other than in respect of a dispute which has been resolved.

I am not aware of any of the matters that the GHA deals with, with the Domestic department, but from the agreement we have reached with them in the last 10 days I can tell the hon. Lady that they are extremely happy and that we have come to that arrangement and dealt with a longstanding dispute, which has now been resolved to both our and their satisfaction. Other than that, I am not aware of any issue at all, hence my saying that yes, I am satisfied with that
1730 relationship.
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Q299/2022

GHA electrical works – Whether being privatised

Clerk: Question 299/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government privatising electrical works within the GHA which have traditionally been carried out by the Gibraltar Electricity Authority?
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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):
1745 Mr Speaker, no.

Hon. Ms M D Hassan Nahon: Mr Speaker, I have been told that as staff are retiring they are being replaced by private contractors and there are roughly 28 vacancies missing that have not been filled. What would the Minister say about this assertion, which has not come from rumour but from disgruntled members of the electrical agency?
1750

Hon. A J Isola: Mr Speaker, I think I recognise some of the numbers the hon. Lady has referred to, but in different contexts. If I were to tell you that within the GHA the Techno-medical team, which is the team from the GEA in the GHA, is smaller than the total number of 28, which is the number of vacancies the hon. Lady has referred to ... So absolutely not. There are not 28 vacancies within the Techno-medical team at the GHA.
1755

There has been an issue, because the way this works is that the GHA has works carried out within its buildings and when it does those, if it feels that the works can be done in house by its Minor Works team, who use the Techno-medical team from the GEA, then they will do that, but

1760 even when they do that they will get quotes to ensure that the pricing that has been given from
the Minor Works team within the GHA is competitive. If it is competitive, it will be done internally
and they will do it, hopefully, during normal hours at no cost. If it requires overtime, then that will
be considered. When the works are specialist works, and you can imagine the Hospital – many of
the works ... There are two large projects going on now which are actually contracted out with the
1765 agreement of the GHA Minor Works team and with the agreement of the Techno-medical team,
who accept that they could not do those works anyway. The Techno-medical team in the GEA
predominantly service electrical equipment within the Hospital, of which you can imagine there
is lots. That is their prime function, not to do building works. That is why I said no, it is not
privatising electrical works, because we are not; we are carrying on in exactly the same way we
always have done, where there are some specialist works where outside contractors come in, and
1770 what can be done internally is done internally provided the price is, obviously, competitive and in
the interests of the taxpayer.

There is no question at all of vacancies being replaced by private contractors. I met with the
shop stewards and I met with the unions yesterday to make that point absolutely clearly to them,
which they accepted, so I do not think that there is any concern that the hon. Lady has made in
1775 that respect.

Clerk: Question 300/2022. The Hon. D J Bossino.

Hon. Chief Minister: Mr Speaker, I am just conscious of the fact that you have been in the Chair
1780 for three hours. I wonder whether this might be a convenient moment to take a 15-minute break
before we come back.

Mr Speaker: I am grateful.

Hon. K Azopardi: Mr Speaker, with your leave, can I just say – and with the Chief Minister's
1785 giving way – I was going to say before, when I asked questions on behalf of Mr Clinton, as my hon.
colleague here, Mr Bossino, will ask questions for Mr Reyes, that in case the listener is wondering,
the reason we are doing so is because both my colleagues unfortunately have COVID and that is
also the reason why they were not here to take the Oath of Allegiance?

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman for clarifying that. I could
1790 not find a convenient moment to say it, and I thought it was better for him to do so. Of course I
look forward to seeing them both back as soon as possible in full health. COVID is not what it was
when it hit us in March 2020 but it is still something that should concern us.

I would simply reflect that when the hon. Gentleman says we have we have done nothing, he
1795 has just got up and talked about listeners. He is still living in the world in which people are only
listening to us on the radio. We are now in glorious technicolour, one of the great reforms after
the new dawn of 2011.

I move that the House should now recess for 15 minutes.

1800 **Mr Speaker:** The House will now recess for 15 minutes, to return at 20 past six.

The House recessed at 6.05 p.m. and resumed at 6.23 p.m.

**SOCIAL SECURITY, ECONOMIC DEVELOPMENT, ENTERPRISE,
TELECOMMUNICATIONS AND THE GSB**

Q300/2022

**Construction and Engineering Trades Training Centres –
Trainees; instructors and current vacancies; future plans**

Clerk: Question 300/2022. The Hon. D J Bossino on behalf of the Hon. E J Reyes.

1805 **Hon. D J Bossino:** Can Government provide details of the number of trainees currently enrolled at both the Gibraltar Construction Training Centre and the Engineering Trades Training Centre, providing details of the estimated completion dates of such courses and the qualifications to be obtained upon successful completion of said courses?

1810 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, before I give the answer, can I just say, having been put out of action for a fortnight by COVID myself, I wish both my friends, Edwin and Roy, a speedy recovery and I hope it will not keep them in bed as long as it kept me.

I will answer this question together with Questions 301 and 302.

1820 **Clerk:** Question 301/2022. The Hon. D J Bossino on behalf of the Hon. E J Reyes.

Hon. D J Bossino: I would just like to thank the Minister and acknowledge his kind remarks. I understand they are both doing very well.

1825 Can Government provide details in respect of the number of instructors currently employed at both the Construction Training Centre and the Engineering Trades Training Centre, together with details of any vacancies which may presently exist?

Clerk: Question 302/2022. The Hon. D J Bossino on behalf of the Hon. E J Reyes.

1830 **Hon. D J Bossino:** Can Government provide details of its future plans for both the Construction Trades and Engineering Trades Training Centres?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

1835 **Hon. Sir J J Bossino:** Mr Speaker, the number of trainees currently enrolled at both centres is 35. The estimated completion dates of the courses and the qualifications on successful completion are as follows. Level 3: Fabrication and Welding, November 2022 and 2023; Electrical Engineering, November 2022, 2023 and 2024; Mechanical Engineering, November 2022, 2023 and 2024. Level 2: Diploma in Building Maintenance, August 2023; Diploma in Plumbing, August 2023.

1840 There are five instructors currently employed at both centres. There are three vacancies which presently exist: one bricklayer, one painter and decorator, and one electrical instructor.

If, by 'future plans', the hon. Member means between now and the next General Election, there are no plans to change the role of either Training Centre.

1845 **Hon. D J Bossino:** Mr Speaker, in respect of the first question I posed, which dealt with the number of trainees, can he tell the House whether there are any current intentions to expand

upon the intake of numbers? He said there were 35. Is there any intention to expand on that and indeed to promote this in schools, given that not everybody wishes to pursue an academic route?

1850 **Hon. Sir J J Bossano:** The number we take in is determined by the fact that there is an intake of eight in any one of the specialities, and in the case of Electrical and Mechanical Engineering, which are done in GibDock, the requirement is higher because there is a higher requirement in terms of technical knowledge. For example, in Electrical Engineering and Mechanical Engineering you have to translate from drawings to physical work, whereas in the construction trades it is not as demanding so there are no entry requirements. In addition, the construction trades can be taken to craft labour in two years, whereas the other ones require three because they require more time at the place of work.

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1860 At the moment, the number of people who apply is in excess of the capacity of the centre and we do not have an intention of increasing, but we may have to do so in future. There are some trades where we have to reconsider what it is we are training people to do. For example, if we are talking about a future with no car engines, then it will be electrical training for electric cars that will be needed, and therefore motor mechanics will be a shrinking market and electricians will be an increasing market.

1865 Looking ahead, I think we will have to make sure that if technological changes are changes that demand skills in the market we then increase in one area and maybe decreasing in another. For example, in Fabrication and Welding we did an exercise last year and found that nobody who had trained in welding and fabricating since the centre had opened in 1996 had ever got to work in welding and fabricating, so we decided that we would not keep on training people in that area. We actually tracked every single person who had completed the course and not one single individual in the entire history of the centre had gone on to work in what he had been trained to do, and therefore it did not seem to be a worthwhile thing. We therefore decided to discontinue this in future. This is why there is a course that finishes in 2022-23 but there is not one in 2024. In that case, when we are looking at the manning levels, when vacancies come up we may need more instructors in one area than in another, but it will be driven by the demand in the market.

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1875 **Hon. D J Bossino:** But in the context of expansion, did he say there is a demand? I may have misunderstood him, but did he say there is a demand but there is, in fact, a limited number of places available to meet that demand? And that if that understanding is correct and I have heard we say it is about the various skills, does that not answer the question – in other words, that there is a requirement for further expansion?

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1885 **Hon. Sir J J Bossano:** The biggest problem we have is not in expanding the centre itself, it is that we have great difficulty in getting employers. At the moment, for example, we have people who have done everything they need to do in the electrical training and we are having difficulty in getting private sector electrical companies willing to take them on, even though they are provided free of charge and they will not necessarily have to employ them. They need to do real work. The City and Guilds and the other awarding bodies will not accept that the work is done in a simulated situation in the centre – where it can be done – except in the plumbing trade. The plumbing trade is one where you can do the whole course, finish it and get the certificate without leaving the construction sector, but for the other trades – and I do not know why the difference exists – you have to work in a real place on a real building site, and sometimes ... I remember one year we had a particular group – this led to some changes in the content of their course – who could not finish because the course that had existed there before required that they actually went on a building site to work on cavity walls and there was no building site in Gibraltar doing cavity walls. The situation was that the guys had done everything they needed to do to finish but they could not actually finish the last module that was required because there was not a single building site and we could not simply put them in the Training Centre to do a cavity wall and then knock the cavity wall down. That is not permitted. On subsequent courses we were able to substitute

1900 something else, and that was because we are now concentrating more on the maintenance work. On the maintenance work, for example, you do not need to know how to build a cavity wall because that is not something you would normally do when you are doing maintenance. If you are doing maintenance, you are mostly doing internal work and repairs and this is where the bulk of the work is.

1905 One of the positions that I have explained previously that we need to understand about the construction industry, particularly in the context of the fact that many of the construction companies only have frontier workers, is that the construction industry for many years now has had specialist workers, so when you are doing foundations people come in from Spain and Portugal, do the foundations and go away. If you had somebody here trained to do foundations, he would be out of work for six months of the year because there is no possibility of going in the opposite direction to work, with our wages above the UK and their wages below.

1910 So where is the future employment? The more buildings we have, the more buildings will need maintenance, so we see the importance of having people trained to do maintenance, so that at least the permanent growth in the construction sector which would be providing the maintenance to ever greater numbers of buildings will be with local Gibraltarians. That is where the work is, but the problem at the moment is that if we plan to take more people, we might do by taking on more instructors, but unless we have more building companies willing to take them on, they cannot finish the work, and at the moment we are in that situation that we are using the maximum that is available.

1920 **Mr Speaker:** Next question.

Clerk: Question 303 –

1925 **Mr Speaker:** Switch on your microphone.

Hon. D J Bossino: This is in relation to Question 301 and the number of instructors, in respect of which he said there were three vacancies, I think. Can he say where those posts are being advertised? As we understand it, the information reaching the party is that the advertising of those vacancies has been limited to Government employees, Gibraltar company employees and the GDC, whilst we understand that there is interest from outside these two groupings. Can he expand a bit on that?

1935 **Hon. Sir J J Bossano:** Mr Speaker, every vacancy in the public sector is initially advertised inside the public sector. The policy of the Government, of which I have made no secret, is that when a vacancy comes up we see if it is possible not to fill it, given the state of the estimates in the Budget, which hon. Members are well aware of, and if it does get through we hope to be able to fill it internally and then maybe the vacancy that is created by filling it internally will not need to be filled. In order to restore the Budget to what it used to be, which is that there should be no deficit, we have to constrain the numbers and increase efficiency, and that is part of my job, not in training but overall in the size of the public sector.

1940 **Hon. D J Bossino:** One final question, Mr Speaker, in relation to that question. Is he able to say whether one of the vacancies is in relation to the Construction Training Centre Manager who has retired and that position is not yet replaced? Can he confirm that?

1945 **Hon. Sir J J Bossano:** The three vacancies for instructors, which is what the question was about, is what I have given you in the answer. The manager is also being advertised internally.

Mr Speaker: Next question.

Q303/2022
Disability Allowance –
Number of cases where revoked or discontinued

1950 **Clerk:** Question 303/2020. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many people who have been in receipt of Disability Allowance have had that allowance revoked or otherwise discontinued over the last three years?

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Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

1960 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, out of 479 people in receipt of Disability Allowance, 28 have had their allowance revoked or discontinued over the last three years.

1965 **Hon. E J Phillips:** Mr Speaker, I am grateful for the Father of the House's answer to that question. Can he be more helpful in explaining the reasons for that revocation or discontinuance of the Disability Allowance and whether that is broken down in the other part of the written answer to that question, potentially, the information that is given to the Minister in respect of that data?

1970 **Hon. Sir J J Bossano:** No, Mr Speaker, I do not have that information, but as far as I understand it, the system is that there is a periodic review and then presumably the people who originally decided that the allowance was required have decided it is no longer required. This is a team of experts, doctors and so on, who take this decision.

1975 Remember that when the allowance existed before, in 2011, it was based on a medical condition. The system was reformed some years ago and the effect has been to increase it and make it available to many more people. There were 162 in 2011 and there are now 479. The reality is that, for example, two people can have the same medical condition and one person may be able to cope and live a normal life and the other person cannot. Therefore, the criterion is the ability to lead a normal life rather than the condition you have. Before, what the doctors listed was if you have this condition you can, and if you have some other condition you cannot. That was because sometimes the people with a condition that was allowable actually were able to cope better than someone with another condition that was not allowable. So now it is entirely arbitrary, in the sense that somebody makes a judgement. That judgement may be justified or not justified in the eyes of a layman, but the system that was newly created put that decision in the hands of a team that then makes a recommendation to the director and then the director either accepts or rejects the recommendation.

1980 I think when the question is one of granting in the first place, the director has a discretion but I doubt that he would go against the advice, unless there were some very compelling reasons; but when it is a question of disallowance, I do not think the director has the discretion to say, 'Although they say it is no longer needed, I will keep on giving it.' I do not think that is the case.

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1995 **Hon. E J Phillips:** I am grateful for the answer. This question actually arises in the context of my hon. and learned Friend Mr Feetham's questions in the past. I reviewed those contributions and the excellent work he does with his constituents in trying to get to the bottom of this longstanding issue. I have had a number of people who have approached me in the context of my Health portfolio who have been in receipt of Disability Allowance and have had very little notice in terms of that revocation, and in fact they do not know the reasons for the revocation. It is simply a very

short paragraph in a letter saying it is being removed. I need to give those individuals the reassurance that this will be properly investigated.

2000 I bring it to the attention of the Father of the House because it is an important issue for people who have, in the past, received the benefit. I understand what he is saying in relation to regular review at technical level with experts, but what I would ask him is whether he is able to take on this feedback that I am trying to provide him with and hopefully get some further answers as to why these 28 in particular have had it revoked. That is the reason why I asked for the reasons from the Father of the House. I am grateful.

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Hon. Sir J J Bossino: I went beyond what the question asked – how many people there were – just to get some feel for how many get revoked. It does not seem to be a very high number out of 479, so that suggests that the normal thing is that it does not get revoked. Obviously, the amount of information I get is limited because nowadays, with data protection, people are very sensitive, but I will try to see if there is a pattern to the reason why these 28 were revoked and the other 2010 450 were not.

Q304-310/2022

Public debt – Figures for June to September 2022;

General Sinking Fund – Balance as at June to September 2022;

Gibraltar Savings Bank – Listed bond portfolio; unclaimed deposits

National Economic Plan – Engineer’s Lane air-raid shelter; application procedure

Rooke Nursing Home – Arrival date of modular units;

Jewish Home – Refurbishment costs

Clerk: Question 304/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

2015 **Hon. K Azopardi:** Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following dates: 1st June 2022, 1st July 2022, 1st August 2022 and 1st September 2022?

2020 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Questions 305 to 310.

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Clerk: Question 305/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

2030 **Hon. K Azopardi:** Mr Speaker, can the Government advise the balance on the General Sinking Fund on the following dates: 1st June 2022, 1st July 2022, 1st August 2022 and 1st September 2022?

Clerk: Question 306/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

2035

Hon. K Azopardi: Can the Government advise what the effect has been on the listed bond portfolio of the Gibraltar Savings Bank given the sell-off in the bond markets; and to what extent has this affected the ability of the Savings Bank to distribute its £50 million of reserves?

2040 **Clerk:** Question 307/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

Hon. K Azopardi: Can the Government advise the value of unclaimed deposits identified under section 11A of the Savings Bank Act and what amount, if any, has been transferred to the Consolidated Fund?

2045 **Clerk:** Question 308/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

2050 **Hon. K Azopardi:** Mr Speaker, can the Government advise how the air-raid shelter in Engineer's Lane is a sponsored project under the National Economic Plan; and how are applications made to be included in this plan?

Clerk: Question 309/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

2055 **Hon. K Azopardi:** Mr Speaker, can the Government advise when the modular units are expected to arrive from China for the Rooke Nursing Home project?

2060 **Clerk:** Question 310/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

Hon. K Azopardi: Can the Government advise how the Jewish Home was refurbished at 'no cost to the taxpayer', according to Sir Joe Bossano, when the Estimates Book Improvement and Development Fund under subhead 4(v) shows an outturn for 2021-22 of £305,000 and a forecast of £900,000 for 2022-23 for this project?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

2070 **Hon. Sir J J Bossano:** Mr Speaker, the gross public debt and the aggregate debt after the application of the Sinking Fund to gross debt, cash reserves and net debt figures for the months required were as follows in June, July, August and September. I will go through the months and then the individual items: gross public debt, £822.7 million in June and July, and £847.7 million in August and September; aggregate debt £797.3 million in June and July, and £822.3 million in August and September; cash reserves, £40.3 million, £24.6 million, £52.4 million and £40.8 million; net debt, £757 million, £772.7 million; £769.9 million and £781.5 million.

The balance on the General Sinking Fund on the requested date is the same as previously stated.

2080 There has been no effect on the listed bond portfolio of the GSB as a result of the sell-off in the bond markets.

The value of unclaimed deposits identified under section 11A of the Savings Bank Act since 2011 stands at £11,990.03, of which £9,821.58 was transferred to the Consolidated Fund on 30th June 2015.

2085 The air-raid shelter project is sponsored under the National Economic Plan in the manner described in the written answer to Question W27/2022. Prospective developers who are

interested in being sponsored under the National Economic Plan in respect of any planned project can contact my office and arrange a meeting with me.

2090 The Rooke Residential Home modular units are expected to be delivered in Gibraltar early next year.

The Jewish Home refurbishment will be at no cost to Government because the I&D contributions will be refunded in the current financial year.

2095 **Hon. K Azopardi:** Mr Speaker, I am not sure how the Minister wants to do it. It is my first experience of his rolling up of Mr Clinton's questions, which has now become traditional. I do not know if he prefers that I roll up all the supplementaries. I am happy to do that, if he wants to make a note, or I am happy to take them one by one. It is whatever he prefers. Let me just run through and then he can stop me if he thinks I should not ask them all together. It might be easier to do it that way.

2100 In relation to Question 306, he says there is no effect on the bond portfolio of the Gibraltar Savings Bank. Given the well-reported turbulence over the last two or three weeks, it would be helpful to get a more extended explanation as to why that is so. If it is so – and the hon. Member has said it is – that is good news, clearly, but it would be helpful to get a more extended answer on that.

2105 In relation to Question 308 on the air-raid shelter, he has explained that it is in the manner described in Written Answer 27/2022. I do not have that with me – my hon. colleague would have that, presumably, and he may wish to probe that next time – but he says if anyone wants to make an application they can contact his office and arrange a meeting. Can he expand on whether there is some kind of written criterion for the making of applications? If there is, what is it? How is it
2110 obtainable? If there is not a written criterion, what is the general in-principle criterion by which anyone listening – or viewing, of course – can then determine whether or not it is a good idea for them to make an application? Is there something that he can seek to explain that? Does he agree that it would be helpful for there to be some clarity on the process and on the criteria?

2115 In relation to the modular units to arrive from China – and he says they are expected to arrive early next year – can he expand and say once these units arrive ...? If I have understood his previous explanations in the House, the modular unit form of construction is quicker once it is here because what you are basically laying is like Lego – if I can put it that way, in my simplistic view of construction. So how long will the Lego take for completion, assuming they arrive in January or February? Does he have advice as to the expected completion of the Rooke Nursing
2120 Home project?

In relation to the refund of the costs of the Jewish Home, can he say who is providing that refund?

2125 **Hon. Sir J J Bossano:** Mr Speaker, in terms of the effect on the bond, there are two reasons for it. One is that the indication before the turmoil was of increasing bank rates. There was a clear policy decision being taken some months before that the days of almost free money – some parts of Europe having a minus interest rate and the UK 0.05% – were coming to an end and central banks were saying that in order to curb inflation the central bank rates were going to go out ... and therefore, by definition, there was an inverted [inaudible] curve, which indicated the
2130 possibility of a recession and the inevitability of higher interest rates. So the portfolio that we had, which in any case is a portfolio which is principally in the short dated and which we hold to maturity and we do not re-value it on a ... If the hon. Member looks at the bond portfolio in the Savings Bank – which I produce a report on, at Mr Clinton's request, every month – the figures there are not constantly being revalued up and down. If they were, then in fact the value would
2135 be going up and down all the time. Since they are all short dated and they are all held to maturity, we do not sell them before the maturity date because they are short dated. We therefore had a portfolio which was changed before the turbulence in order to be proofed against the potential effect of the turbulence. Therefore, we did not expect it to affect us, it did not affect us and we

2140 have been able to sell things where, in some cases, even without the turbulence we would have
had a capital loss simply because we had bought above the par value, because the coupon might
2145 have been 4% and the yield 3%, therefore we paid more than 100% in the knowledge that the
yield we were getting was in fact less than the coupon and that there would be a capital loss
because we had paid more than 100%. But it is all in vehicles that do not go beyond 12 to
24 months, and the real big changes have been in the long term, which have gone into an inverse
2150 curve, where there has been a drop at the longer end even greater than at the shorter end. We
have not had any long-dated bonds and that is where the big changes took place, so that is the
explanation for that.

The next was the question on the written criteria, or how do people come ... The answer I gave
last time is that when somebody comes and suggests to me ... because it is not a secret that we
2150 are prepared to include an initiative from a private developer. The number of developers in the
Gibraltar economy you can count on the fingers of both hands, and therefore, if they are
interested in exploring the possibility of us engaging with them and supporting them, and maybe
helping in the investing, then they ask to see me and they come and explain what they are
planning to do. In some cases I have to say I am not interested because this is just something they
2155 are doing to make money and we only get involved in things that are not merely to make money
but also have an element of producing something long term for Gibraltar or meeting a social need.
If somebody wants to build apartments to sell at £10,000 a square metre, then it is unlikely that I
would be interested in sponsoring it, but if somebody comes along with a project and says we are
going to try and see if we can get your support and involvement in doing, for example, something
2160 we are looking at, which is transition housing, where there would be privately funded and
privately rented accommodation created for the people who are waiting to go into 50-50 and who
are, at the moment, facing problems – which could get worse with interest rates going up – of
having to meet payments on what they are going to buy and rents in the private sector, which are
very high and leave little after paying two things ... That is a particular problem in the housing
2165 market for ordinary working people in that category, and I am exploring with some people
whether it is possible to come up with a scheme where it would be for those people in that
category alone ... so that it would be people who would not be getting the accommodation on a
permanent basis but in order to be able to get out of something where they are paying maybe
£1,500 a month to getting something where they would be paying £500 or £600. So there are
2170 things that are in the pipeline on which I am talking with different people.

Everybody in the market knows I am doing it and people contact my office and say, 'I have
something I would like to discuss with you. Maybe the Government is interested in sponsoring
this and helping me bring it about.' That is how the system works. We do not do forms criteria or
anything else. Anybody who thinks there is something that fits the things we are doing in the
2175 National Economic Plan, which are to do with creating activity or creating social needs, which the
Government at the moment is not able to do because we have a problem with a recurring deficit,
which I am required to bring an end to ... and therefore I am looking for alternative ways of
delivering things for our people which will not make our public finances go in the wrong direction,
which is going further into the red instead going back to the black. That is basically the philosophy.

2180 The modular units should be here in January, hopefully, but I cannot guarantee it because this
is a question ... They are being manufactured now. The manufacturing should be finished by the
end of this year, and then it is a question of ... I think it takes, normally, 42 days for the ship to
arrive here. With all the units it will be one trip. And then the units, as the hon. Member says, will
be slotted in, but you cannot just slot them in and leave them there like that. There will be several
2185 months of continued work here in terms of making all the connections in the structure that is now
at the fifth floor, which is a concrete structure into which the modules will go. We have all the
services joined still to the existing structure, and then this has to be joined to the units because
the modules come fully furnished. That is to say each module already has a shower in each
bedroom, a small kitchenette in each bedroom and all the services we are going to provide in the
2190 home. All this will require several months of further work. I hope the thing will be ready for

2195 occupation maybe by May or June, around about that time, if everything goes to plan. With the construction and the delays in deliveries nowadays, you cannot be as confident as you would have been a few years ago, because everybody knows that there are shortages happening all the time as a result of the disruption there is in the global economy. The timeline is that kind of thing, so hopefully by January we will see the ship here, and then I think it will be a few weeks to put everything up, all 280-odd modules, and then there will be several more months of work on the building until it is finally complete and considered to be ready for occupation.

2200 On the refurbishment of the Jewish Home, I have told the House before that the developer was CSS. In the previous financial year, we started funding things that needed to be paid before the construction phase started. That is things that were concerned with mainly invoices from architects, planning and that kind of thing. We financed that initially and it is going to be refunded. It would have already been refunded, but they are now considering a second phase, and there is a provision in this year's Budget if the second phase goes ahead. There has been a lot of discussion about the second phase of the Jewish Home. It may have the potential for taking in new people
2205 coming to retire to Gibraltar who are very attracted by the idea of a Jewish Home which meets all their needs, because we have a kosher kitchen and it has all been done exactly to the requirements of the community. We have not yet used any of the money in this year's Budget, so if it looks like the second phase does not go any further and they do not need any help from us, then that money in the I&D will be available for something else, and, in addition, we will have the money that we
2210 spent the year before coming back into the I&D Fund as revenue.

I do not think I have left anything out, but if I have the hon. Member can remind me.

Hon. K Azopardi: No, but just a couple of things that stem from those, if I may, just for clarity. Helpful answers on all those issues, but can I ask, going back to Question 308, which is the
2215 sponsored projects under the National Economic Plan, as I have understood the hon. Member's explanation, there is nothing in writing but there is a judgement in his discretion as to whether there is a social-economic need, public interest assessment, basically. So someone will come to him and he just makes an assessment of whether the project, as explained to him, is in the public interest for a variety of reasons. Can I just ask what is the effect of being a sponsored project
2220 under the National Economic Plan? What is the effect of the sponsorship in terms of the financial or other benefits that may arise from it being a sponsored project? He talked about the interesting idea on housing and I am not sure if he is able to share more details with the House on the kind of numbers he is looking at or the type of dwellings he is looking at to break the back of that. I suspect that one of the big challenges, if something like that gets off the ground, is to then only
2225 have them as transition dwellings, but that is by the by.

Again rolling up my questions in the interest of speed, can I ask, on Question 309, which is the
2230 Rooke Nursing Home project, is he envisaging the importation of labour for the purposes of that phase of the project, given that this must be a fairly specialist kind of job? When the boat arrives from China, or wherever it is coming from – (**A Member:** Slow boat.) the slow boat from China; no, 42 days is not a bad journey – are we getting labour, and, if so, how many people? Presumably that is quite a big job. He talked about the Lego kind of project being set up within weeks and then maybe months, but that is still quite fast, so presumably, if the answer to the question is there is labour involved, it is probably quite significant labour. Hearing him, I thought it was interesting that he said the modular units already arrive with, for example, showers – very interesting – and
2235 I was wondering how they marry the whole Chinese standards, British standards ... (*Interjection by Hon. Sir J J Bossino*) They are all British standards, built in China but to British standards? Okay, very interesting. (*Interjections*)

Turning to his first answer, have I understood his answer correctly? Is it that the Government has drawn down on the £50 million amount budgeted by 1st September? Is that the correct
2240 understanding of the figures he rattled through at the beginning in respect of debt and so on, that they have drawn down the £50 million?

Hon. Sir J J Bossano: Mr Speaker, to answer the last question first, the answer is yes, we have drawn down. That is why the gross debt is up, having used the money. That is why the net debt is not as up as the gross debt.

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In terms of the importation of labour, we are importing labour to do the integration of the modules into the structure. The labour is being imported from the UK and they are UK workers – not Chinese workers – who have done this already in the UK.

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The modules are to UK standards because the company has been supplying it to the UK before supplying it to us. It has been certified here as being of that standard because we have a partner in China. One of the problems we sometimes can get in ordering stuff from China is that what goes into the container may not be what you ordered and you find out when it gets to the destination, so we have people who are our partners, who are supervising so that we get what we are supposed to be getting, as a safeguard of the quality of what we are getting.

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The partner we have has a very big presence in the construction industry in the United Kingdom. It is responsible for building the Manchester Airport City, which was a £500 million development, and it is very big in the Midlands. It is involved in something like a total of £3 billion in construction work. Because we have still maintained the EU system of posted workers, the workers working for our partner in the Midlands will come out here as employees of our partner, still paid by the parent company in the Midlands, and we will pay them, which is the system of posted worker that has existed within the European Union, where one could go to provide a job in another member state and the job would be on the basis of going there, doing the work and then coming back, and you pay tax in the state in which you do the work but you are covered by the social insurance in your home state. We have not removed any of those elements of our membership of the EU because we put on hold, when the negotiations started, the law that we had repealing these things. This is something we are interested in continuing to have with the UK anyway, so that it works in both directions and so that we can send workers there to do work and they can send them here. We think there is potential for that, if we are able to do it, but at the moment it is working in one direction only, so people can send posted workers from the UK to do work here and they continue to be employees of the parent and not employees of the customer. So we are, in that aspect of this project, the customers. We will have some of our own workers here working alongside them, so they will acquire some of the skills, and in future projects we may need to be less reliant.

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At the end of the day, because of all the restrictions in the lockdowns and that there have been in China all this time, it was actually cheaper to bring in UK workers than to bring them from China because of the difficulty of travelling in and out of China. If somebody comes here from China, when he goes back he has to spend three weeks in a hotel before they will let him out. We then have to pay for the three weeks the guy is going to be in the hotel, even if he has only been a week here. We did our sums and because the company had ... I think they probably only need to send something like 20 guys to do this. It really is something that happens very quickly once the modules are here, but there is still quite a lot of work to do in integrating the services and this is why it takes several months.

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The vessel that brings the modules will only stay here for seven days and then, after that, we have a penalty, which I think is something like £10,000 a day, so it is very important that we do the work very quickly while the ship is here because these things are very expensive.

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In terms of the sponsoring, it depends what it is. It is not that I have total freedom to decide what is in Gibraltar's interest or not; it is that much of it is already spelled out in the manifesto. We said in the manifesto we were going to do more elderly people's homes. We thought we would have the money to do it in 2019 when we wrote the manifesto. The reality is that we want to be able to do as much as possible of our manifesto, and if we can find a way of doing it in partnership with the private sector, where there is a profit element for the private sector and we get what we want for our citizens, then it makes sense to do it, and this is what I am doing.

For example, in the case of the investor I mentioned in my last year's Budget, and I think it was again in this year's Budget, which was a reconversion, which is the circular economy using a new

2295 invention of a vehicle which is predominantly for the taxi trade, the Gibraltar company that did
that is a sponsored company under the National Economic Plan. What does that mean? It does
not mean we are putting in any money, but I actually went to support the international launch in
Italy. The company has now obtained orders for quite a few thousand of these vehicles in Italy.
2300 They have bought two unused car factories in Italy and I went there with the owners to talk to
investors on the basis of the confidence we have in this product, the fact that it is a product that
meets the fundamental approach to climate change, which I am convinced is the only one that
will work because it is a product where it is ... The first vehicle is for the taxi trade. The taxi trade
vehicle will be provided to people in the trade for a higher rate, which will be €1 per kilometre.
2305 The vehicle is provided free. The battery is recharged free. The maintenance is free. The vehicle
belongs to the company and not to the driver, so if you have a company that has a fleet of a
thousand taxis, they can get a thousand of these cars free and the only element is that they pay a
euro a kilometre for the use. Why is it better for the climate? Well, apart from the fact that the
whole thing is battery driven and the battery can be changed in six minutes because it goes into a
unit that takes the battery out automatically and puts another one in and then that is recharged
2310 and the car carries on, you have now an incentive for manufacturers to make things that last.
When you are hiring something, the longer it lasts the more money you make, but if you are selling
it, the sooner it wears out and they cannot buy another one, the more money you make. So you
then use the profit motive of the capital system to produce long-lasting goods instead of having
an inbuilt sell-by date so that people continually have to replace what they have. My commitment
2315 to this company, more than anything else, is not just because if it is as successful as it has the
potential to be, it will probably be the biggest company we have ever had registered in Gibraltar
in terms of capitalisation, but I want it to succeed because of what it will do for the planet and the
climate. I think it is a good thing for Gibraltar to have it here and it is a good thing for the
Government to sponsor it, because it is a good thing for humanity.

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Mr Speaker: Next question.

Q311/2022

Disability benefit –

Number of applications outstanding

Clerk: Question 311/2022. The Hon. D A Feetham.

2325 **Hon. D A Feetham:** Mr Speaker, in relation to the answer provided to W28/2022, please state
how many of those outstanding applications/appeals remain to be determined.

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and
Enterprise.

2330 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and
the GSB (Hon. Sir J J Bossano):** Mr Speaker, in relation to the answer provided to W28/2022, the
following outstanding applications/appeals remain to be determined: two applications
outstanding for three years, 10 applications outstanding for two years and 48 applications
outstanding in the last year.

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Hon. D A Feetham: So in reality there has been no movement, Mr Speaker. The answer last
time round was that there had been two applications outstanding for more than three years, or
appeals, 10 outstanding for more than two years and 55 for more than a year. It has come down
by seven in the year category, but no movement in the two and three categories.

2340 What does the hon. Gentleman say to somebody like ...? I saw a lady last week. She had a leg
amputated as a consequence of bacterial infection and she has lost a substantial part of her
hearing. She has an application that is outstanding for longer than a year, so she would be in the
two-year category. What does he, on behalf of his Government, have to say to somebody like that
who has been waiting for over a year to have her application for disability benefit determined?

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Hon. Sir J J Bossano: Mr Speaker, what I would say, if I were the one who had the power to
determine it, is she should not have had to wait that long, but I do not have the power to
determine it. The system we have is dependent on the people who have not been functioning for
a long time. They tell me that the disruption to the Social Services Adult Care recently, where
2350 everybody had to be working from home, has not helped and that they have really only restarted
the work in September, and we are in October. There is no way to satisfy that lady or any excuse
that can be made. If it were a decision that I could take, I would, but I cannot.

The first thing I asked when I got this data was why have you started with the people with one
year instead of the people with three? I would have thought you would start with the people
2355 waiting the longest. They tell me that of the ones who have been there longest, of the two
applications ... one, the assessment was received in October 2022. What happens is there is a
panel. I do not think there are time limits on the panel. The assessment was made in October 2022
and then the assessment was sent to the director on 12th October. So that is one. It has not been
resolved because the director has to take a decision on the recommendation of the panel.
2360 Presumably that will be done after this meeting – very quickly, hopefully.

Of the two that are there for three years, they tell me the other application is pending
documentation to complete the claim, that the Department has written to the applicant by letter
on two occasions, on 10th August 2021 and on 29th November 2021 and that the person has also
2365 been contacted over the phone on 4th May 2022 and advised in all instances to provide the
relevant information, and he has not done it. That is the explanation I was given for the two people
there for three years. It seems to me that one finally is about to be resolved and the other one
seems to be in the hands of the applicant to resolve it by actually delivering whatever information
they have been asking him for three years to deliver.

Of the ones that have been there for two years, which is 10 applicants, they say three have
2370 already been assessed and are now with the director and seven are still with the panel and have
not yet been sent to the director, but apparently there is action taking place.

All I can say is I am sorry for the people who have been waiting. I wish it was something I could
resolve. I sincerely hope that when the next House comes in I will be able to tell the Members that
it has all been done and we have made further progress on the other ones in the last 12 months.
2375 Certainly I can assure the House, Mr Speaker, that I am as keen to see these cases resolved as the
hon. Member opposite.

Hon. D A Feetham: Mr Speaker, I am just going to read out to the hon. Gentleman a message
that I received five minutes ago from somebody else. I have not seen her, but she has sent me a
2380 message:

I just wanted to reach out regarding disability benefit applications. I am feeling rather helpless at the moment. I
initially applied mid-2020 and was rejected, and I requested an appeal last August. During the initial application only
my GHA records could have been reviewed as they did not contact any of the private doctors that I had listed. I have
since been sending updates on any changes to my medication or circumstances, but have not heard anything since
April when I received an acknowledgement email of some files I sent. I have been trying to call regularly, but never
get through and have not had any response to more recent emails. I have finally got through today, spoken to [...]

– I am not going to mention the public servant –

and have been told there is a likely further two years' wait due to backlog.

That is what this lady has sent me. I am not inventing this message that has been sent to me. Does he know anything about a two-year backlog in determination of applications?

2385 **Hon. Sir J J Bossano:** Obviously, I do not, because that is in conflict with the information I have provided to the House, which is the information that has been provided to me. The two-year backlog would be the people who have been there for two years. If the hon. Member gives me more specific information I will certainly investigate it, but this is a very difficult area because the level of information that you can get cannot be one that identifies the individual who is
2390 complaining, unless the individual personally comes to you and says, 'I want you to look into my case.' I do not get names and I do not get details of what is wrong with the people who are making the applications.

The system, as I mentioned in the earlier question, has been that there is now a much bigger group of people with a right. As I explained in the question that was asked previously, when we
2395 came in, in 2011, there was, as there had been for many years, a list of medical conditions, and either you had the medical condition or you did not. Originally, it started with Down's syndrome only, and then further conditions were added at different stages, so the eligibility grew as conditions were added. If you did not have one of the eligible conditions you could not apply, never mind be treated. When the concept was altered to the disability not being the criterion but
2400 the ability to lead a normal life being the criterion, then, in effect, the potential of people not being able to cope ... As I said in my previous example, the reality is that two people can have an identical ... Somebody can have a stroke and, as a result of recovering from that stroke, be limited in how much of a life they can lead, and there are people who make a huge effort to be self-sufficient and not depend on anybody. If they apply and put down all the details of how they are
2405 managing, they probably will be rejected because they are doing okay, whereas somebody who has a different approach to life or is less strong-willed may become incapable of doing anything on their own, and they will get the allowance. So the allowance and the assessment are now driven by the criteria of how well you are managing your condition, rather than how bad the condition is. Somebody, for example, who is not able to perform things will get it and may be visibly less ill
2410 than somebody else who has been rejected. This is something that is difficult for people to understand. There are people who seem to have very little wrong with them who get the allowance, and there are people who have lots of things wrong with them who do not get the allowance.

I think the change was made on the basis that there was increasing pressure from people asking
2415 why it was Down's syndrome only; then why were people with autism not included, so autism was included; then why people having an accident and being in a wheelchair were not included, so that was planned in; and then, eventually a policy decision was taken by the Minister at the time to take a completely different look at it, and that system then created a much bigger number. So, as I mentioned, of the 28 that had been discontinued, we now have 490 compared with 116 in
2420 2011.

This is the system we have. If there is a way of improving it, I am prepared to look at any suggestions, but at the moment all I can do is report to the House the information that I am being provided with. I can tell the hon. Member that if anybody who approaches him is willing for him to give me the details, I will then ask specific questions as to why this is happening to this person,
2425 but I cannot do it any other way because I do not have access to files, I do not have access to names and I do not have access to their conditions. Data protection prevents all those things from being made available to me because I am not a professional entitled to have access to that information.

2430 **Hon. D A Feetham:** Mr Speaker, I understand everything the hon. Gentleman has said. This goes to the issue of rejection. We have discussed this and we have debated it. There has been a debate. We have suggested various ways forward, the Minister has not agreed with those, but that is a different aspect of the debate.

2435 What we are talking about now is the very significant delays in the determination of applications. That is what we really are talking about now. Does he not agree with me that really, on something like this, where you are ...? Sometimes people try it on and I accept that. This is the reality of anywhere in the world, that some people may try it on and may be not deserving, or less deserving, but there are people who are genuinely deserving who are not trying it on. I have just mentioned one person. Does he not agree with me that because there are genuine cases and
2440 genuine hardship created by those genuine cases, there is a duty on the administration – which you head at the end of the day; I know it is the Civil Service, but you are responsible to this House for that administration – to determine applications expeditiously and there is no reason why an application of this sort, if all the information has been provided, should not be determined in three months, four months, five months, six months at the most? Therefore, does he not agree with me
2445 that perhaps a system where the Minister says, ‘No, hang on a minute, this is not acceptable and I want applications to be determined in a maximum of six months’ ...? There is nothing wrong with that, actually, for a Minister to basically take that position and make that statement to his Department – does he not agree with me?

2450 **Hon. Sir J J Bossano:** I agree with him, Mr Speaker. First of all, I do not agree that it is a different thing, because it is the same people who say they reject it as the people who say they accept it. The people who review and the people who grant it are the same people. These people are doctors and specialists.

2455 **Hon. D A Feetham:** I am not saying granting it, I am saying determining one way or the other.

Hon. Sir J J Bossano: Determine whether they get it or they do not. (**Hon. D A Feetham:** Yes.) Yes, well, there is granting it or rejecting it, okay? These are the same people who remove it. It is the same body that removes it.

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Hon. D A Feetham: I know that.

Hon. Sir J J Bossano: So it is not a different issue. The people who take the decision to remove it and the people who take the decision to recommend that it should be given are the same
2465 people. Those people are a finite number of people, and because we have changed the criteria, there are now hundreds of people who can apply who could not apply before 2011. (*Interjection by Hon. D A Feetham*)

I can say to the people in my Department this is not acceptable, but the people in my Department cannot say to the group of doctors what they are doing is not acceptable, because
2470 they are not subject to direction. As I understand the system, we send the stuff to them and then we wait for them to come back with their recommendations, and then the director takes a decision based on the assessment that the panel has made and the recommendation that the panel has made, which is give it or do not give it. He then takes the decision to do it.

It is clear to me that the system is working too slowly for the volume of people who are now in
2475 the pipeline, which was not there before. I do not know whether there are enough people in the system in Gibraltar in the Health Service such that we can take them from doing something else to spend time doing this. I am not saying there are more deserving or less deserving cases, because I am not qualified to make that judgement. The criterion is not that anybody is less deserving because they are trying to milk the system. I cannot imagine you can invent something you do not
2480 have. I have told him if the criterion is ‘is the person able to lead a normal life?’, there is an element of subjectivity about it. This is not the same as saying if somebody has cancer they are entitled to disability. They either have it or they do not, which is what used to happen before 2011. You had a list of illnesses, people made a case for an addition to that list, and therefore there were 120 or 130 people at any one time who were getting the allowance. The position now is that there are
2485 four times as many people and therefore there are many more applicants.

2490 In terms of other questions in other areas, it is quite evident that we seem to be having lots of health problems now in numbers, where we were not before. When the hon. Member asks me about disability and says, 'I cannot understand how we have got so many children in school with learning disabilities compared with what there was in the past, a massive increase.' That does not mean people are making it up. If it is real, then the most serious thing is that it should be happening, not what we can do for them: what is going wrong that this is happening?

2495 What I am saying to the hon. Member is the system that we have, if there is a way in which it can be improved so that the people who have to take the decision are able to take the decision faster, then I am all for it, but I cannot instruct the experts on how long they should take on each case. Obviously, if there is a given number of experts and an increasing number of applicants, there is going to be a problem in how quickly it is being processed. The argument is that they have been out of action for a very long time and they only really started normalising the process in September, and I have told the hon. Member what has been happening since September.

2500 If there are people who have a particularly strong case which is self-evident and they are not getting the response they should be getting and they go to him, then just like when there is somebody looking for work or somebody looking for a home and they go to the Opposition, if the information is put in my hand or in the hand of anybody else, as far as I am concerned I am grateful that I get to know that there is a case where I need to investigate if the Department has treated the person as they ought to be treated. Therefore, the only thing I can do, in terms of specific cases, is commit myself to asking for a detailed explanation of why this is happening. As a general case, all I can hope is that if they tell me the system has now come back into action in September, we will see a difference from now on from what it has been like up to now, but I do not think I can do more than that ... and agree with him that everything is wrong is something that ... just so that he can say 'Bossano agreed with me that everything is wrong.' That is not what I am going to do.

2510 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I can be of assistance to the hon. Gentleman, he said, 'What should I say to this lady who is an amputee, who has been waiting so long?' The answer is very simple. It is that as a result of the reforms that the Government implemented, she can claim. She could not claim before the reforms that this Government implemented because it was not a disability she was born with.

Mr Speaker: Did the Leader of the Opposition want to pose a question? He indicated earlier that he did.

2520 **Hon. K Azopardi:** Well, I did, but it was similar to the hon. Member's question. The only thing that was going through my mind when I was listening to the Father of the House give the answer was when he said, 'I cannot do more about it.' I did, initially when he gave his answer, detect a sense of frustration that the delay is big. There are 60 families affected and these are real situations, and some people – 12 families – have been waiting more than two years and two for more than three years, so these are real situations where people feel, whether or not ... Some of them will be granted and some of them will not be granted, but those are real situations where people feel that their life is slightly on hold, where they could get a bit more support. In a very difficult cost-of-living crisis it would be helpful if these things were determined.

2530 I could sense the frustration. He says, 'I do not know what more can be done.' This is a non-statutory system and so on, and I am aware that there is a criterion, so the suggestion that there should be an introduction in the criterion by the Minister of a time limit for the determination of applications by the panel and by the Department is a sensible way forward if there has been this backlog. The only question would be the size of the time limit, but I am not sure if the hon. Member wishes to take that on board. From the answer he gave my colleague, it appears he does not think that that is something that can be considered, but I would ask him to reflect on it further because if the Department has made a criterion which governs the process, it is not so radical a step to just introduce something more to say that these applications will be determined within x

period in the same way as other things that there may be time limits for. People are entitled to see a determination of their rights within a reasonable period.

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Hon. Sir J J Bossano: I am told that since 1st September 28 cases have been heard by the panel. That is one a day. Is one a day too little? I suppose that it is not just a question of hearing somebody and saying yes or no. These people have to spend time examining the thing to make sure that they are being fair to all the applicants, that they are being fair to the ones where the recommendation is negative and the ones where the recommendation is positive.

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He mentions the one and the three years. I have told him of the two that are from three years ... The first thing I asked when I was given the answer was why have you started with the people who have been waiting one year instead of starting with the people waiting three? The logical thing, as a layman, is that you want to help the guys who have been waiting longest. I was told, 'One does not answer our questions,' so clearly there is something that is required in the criteria which they have been asking for, for two years by phone and by letter, and the person does not answer. That one of the two in three years is likely to be there for three, four or five, presumably, until he produces the information they are asking for. On the other one, I am told they have already done an assessment and the assessment has already been sent to the director, on 12th October, which is a few days ago. That is what is happening with the two people from three years ago, which he mentioned. One is stuck in the system because they are asking for something the person does not have or the person does not want to give. The other one, apparently, is in the process of being resolved but I do not know whether the resolution of that one will mean that the panel will have recommended that the disability should be awarded or that it should not be.

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Accelerating the process does not necessarily mean that everybody who has applied is going to get a positive answer; accelerating the process means a decision is taken. Sometimes, if you give people less time to make a decision, you may be doing a disservice to the applicant in that they say let's say no to everybody, without being as thorough as they need to be. I think 28 cases on 1st September, if they keep at that rate, should produce a considerable reduction in the backlog.

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All I am telling the hon. Member is I am not unsympathetic to the concerns they have about the people affected, but the system we have is designed to do something which requires more complex judgement than the system that existed before, which was simply that if you claimed to be affected by a particular condition you were examined and either you had it or you did not have it. You could be leading a totally normal life otherwise and you got Disability Allowance because you had that particular condition. That did not take much decision making. It was simply a yes or a no. If it is to what degree you are able to lead a normal life, there is a level of subjectivity there and you could easily get some people saying, 'I think they should get the Disability Allowance because they are finding it very difficult to lead a normal life,' and somebody else might have a different judgement. So the people on the panel really need to be conscientious and look into these things in depth, given the subjectivity that the nature of the criteria require, which is an assessment of whether they can manage. This is why, I suppose, they revisit it because the person might be able to cope better further along the condition than they did at the beginning. Some people initially may have an accident which creates a level of disability from which they can recover. Other people may have a lifelong condition, where they are born with a genetic change which is a handicap to them and is not going to disappear.

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I have already told the Members opposite I am prepared to go into any individual case where the person is willing that I should do so. If they are not willing ... they are entitled to their privacy. I am prepared to go back and monitor how this is happening and bring back the information, hopefully that there is less delay and that we are progressing faster. I do not think the hon. Member is going to expect me to be able to go further than this.

2585

Mr Speaker: Next question.

Q312/2022
Apprenticeships –
Whether continuing locally

Clerk: Question 312/2022. The Hon. Ms M D Hassan Nahon.

2590 **Hon. Ms M D Hassan Nahon:** Can Government confirm whether apprenticeships are in place and continuing locally?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

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

2600 **Hon. Ms M D Hassan Nahon:** Mr Speaker, insofar as electrical apprenticeships go, I have an email here, sent to an aspiring apprentice by the Ministry of Economic Development, saying that there would be no further intakes until a suitable instructor is recruited to fill in for the ex-instructor who recently retired. So my question is until when will aspiring apprentices be waiting to start learning the typical trades offered by these schemes?

2605 **Hon. Sir J J Bossano:** As given in the answer to the other question, the trainers we need to recruit, and therefore people will be taken in when we have the people to do the training.

In the case of the electrical apprentices, there is a problem in placing them. We have a situation where there are now two people in level 3 who have been removed from the firm they were with because there were not getting the opportunity to do the work they needed to do to be able to qualify and finish their training. There is a problem in that you cannot commit to take people on if you cannot deliver what is required for them to complete their studies.

2610 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate that answer, but I would like to ask the Minister what the prognosis is to find trainers. Obviously, I think it would affect the quality of jobs being done and market trade if we do not have these apprenticeships taking place because we cannot find the trainers.

2620 **Hon. Sir J J Bossano:** I have said we have vacancies and we have now advertised the vacancies, but even if we have the trainers, the difficulty in the numbers we can take and the difficulty with the people who are there finishing is not the trainers; it is that there are things they have in their modules which they specifically have to do in the real world. They cannot do it in the training centre. The awarding bodies accept in the early stages that when they are being taught they are asked by their trainers to do things. So, if somebody has to dismantle an electric module he can do it in the workshop in the first year and put it together and the trainer will look to see if he has done it properly, but to get to level 3 he has to be doing it in a real environment, in the market, with an employer, and if we do not have employers who are providing that kind of work then we have a problem in them being able to finish. There are people who are at level 3 and we have had to remove them from one particular company and try to put them in another. We have not yet succeeded in persuading the other to take them, but I hope to do so next month so that they can actually do what they are missing in their module. This is part of the problem, in that you cannot force people to take somebody on, or they do not have that kind of work. There are people who have electrical workshops and do electrical work in houses and so on, but there are certain things that the module requires and you have to tick them all, and some are more difficult than others.

2630 In one particular case – I do not want to mention the name of the company – it was clear that
2635 the lads we had there would never finish because they were not getting the opportunity to do a

particular level of more sophisticated work which the City and Guilds qualification requires them to have. What happens then is that the work is done in the workshop and the trainer goes from the training centre to the workshop to see the work being done in a real environment. The difficulty is there, rather than in the training. I think we will not have a problem in having
2640 applicants for the training, but how many we can take depends on how many placements. In the electrical trade they only spend the first year ... and the next two years they have to be out with employers, still as employees of EDEC because we pay the wages of the apprentices. They are on the Minimum Wage, which is much higher than the wage of an apprentice in the UK, but even though they have them as free labour as an incentive, sometimes they put them on menial jobs
2645 and they never get the level of experience that is required. So, until we have more available companies willing to provide the work we need, we are limited as to how many trainees we can take in. As far as I am concerned, the more we train, as long as the market is there, the better.

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Q313-16/2022

**Rooke residential home – whether private or public facility;
Mount Alvernia – option for existing residents to remain; criteria and financing terms for
residents moving to new facility**

Clerk: Question 313/2022. The Hon. Miss M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Will the Rooke complex be a private or public elderly residential
2655 facility?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

**Minister for Social Security, Economic Development, Enterprise, Telecommunications and
2660 the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question with Questions 314 to 316.

Clerk: Question 314/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Will residents who wish to continue to reside at Mount Alvernia,
2665 despite the new Rooke facility, be able to do so?

Clerk: Question 315/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Will residents of Mount Alvernia who choose to move to the new
2670 proposed Rooke complex be expected to subsidise their stay or will the residents' financing terms be the same as are currently in place?

Clerk: Question 316/2022. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: What criteria will be used to prioritise residents wishing to move
to the Rooke site from Mount Alvernia?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and
2680 Enterprise.

Hon. Sir J J Bossano: Mr Speaker, any resident of Mount Alvernia who prefers to move to the new home will be able to do so, and those who wish to continue living at Mount Alvernia will be able to do so.

2685 There is no current consideration of applying criteria as to who may move, since there is no way of knowing whether any of the current residents would seek to move to the new facility, and this is only likely to happen after the facility is handed over by the contractor and potential residents see what the new residence offers and exercise the choice of moving or staying in their present accommodation.

2690 The residents in the future residential home at Rooke will continue to contribute to their costs on the same basis as they do currently at Mount Alvernia, if sponsored by the Government. The residential home will be privately owned and operated.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can ask a couple of supplementaries on these few questions. Firstly, the Minister has said it is going to be privately operated, so does this mean that residents are going to have a different type of service than they have at the moment at Mount Alvernia? Has it been weighed out as to whether the new standards that are going to be applied will match the traditional ones that we have now, where the residents have the full gamut of GHA services and resources, like ERS on call and facilities like medical equipment and things like that, which, from what I understand, they will go without if it is a private arrangement? How will the Government ensure that the same standards are met?

Hon. Sir J J Bossano: This is a residential home, not a nursing home, and therefore the entitlement to medical care is with the National Health Service and not the residential home. This is a place where people are living, not where people are treated for illnesses. This is what Mount Alvernia used to be many years ago. That is how it started and that is what it was supposed to be. At the moment, there are doctors in Mount Alvernia. There will not be doctors here. The doctors will visit like they visit any patient at home, or the patient will go to the Hospital to see the doctor.

2710 This is the same issue that the hon. Member thought was happening with the Jewish Home, which is not happening. That is to say the people in the Jewish Home get access to the Health Service the same as they would if they were in their houses, because it is a residential home, the same as the Jewish Home is a residential home.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for that answer. It is interesting that he brings up my own take on the Jewish Home, because when we did bring up the issue of the Jewish Home I was told it was actually still public and not private. Now I am being told that the new Mount Alvernia is going to be private but on the same basis as the Jewish Home. I think the Minister should really keep a little bit of consistency when he offers us these new incentives, because we are seeing a complete change of heart in his reply.

2720 When he talks about this being residential and not a nursing home, my concern is that these residents obviously are just going to be getting older and frailer, so when he talks about no doctors and no medical set-up it is concerning. I would ask him how they expect to keep the patients ... He talks about a different set-up, but right now Mount Alvernia has that care, has that ERS set-up. We are talking about the same people, who are going to be transferred and lose that level of care, so how can the Minister be comfortable that these vulnerable and elderly patients are going to have the same level of care when it has clearly been stipulated that that will be changed and reduced?

Hon. Sir J J Bossano: I do not know whether the hon. Member has a problem hearing or understanding. Nobody is going to be moved. The first thing I have told her is that the people who are in Mount Alvernia are not going to be moved anywhere, unless they wish to move. When the home is ready and finished, they will see what there is, and if they are as sceptical about it as she is they will say they will stay where they are.

2735 When she asks what is going to happen with the people who are moved, they are not going to be moved. They will know what the services are and they will decide if they do not want to move to the new one, and then they will stay in Mount Alvernia; and if they want to move, then they will move. We are giving them the choice of another place which we think is an improvement to the facilities that are there in terms of the location and in terms of the way the facilities are being put together – people having individual rooms, having shelves in their rooms and having a much bigger, better and properly designed thing.

2740 It is not an addition to the GHA, it is not a mini-hospital, and we are not going to have people being provided with hospital services, which they are provided with in the ERS because the ERS is part of the GHA. If she looks in the Budget Book she will see that the GHA has a page that says 'GHA ERS' and therefore the people who are getting treatment in Mount Alvernia are getting treatment from the GHA. In a privately operated and privately owned home, there will be people who are there because they want to be there and the Government will pay the same support that they pay in Mount Alvernia, and there will be people who are paying for it themselves, who will not get the support from the Government. If those people are entitled to Health Service cover – the ones who are paying for themselves – they will be able to access it, and if they are not, they will have to have medical insurance to do it. This is how it happens in the United Kingdom and has been happening for many years, and nobody has thought there was anything wrong with it.

2755 **Hon. Ms M D Hassan Nahon:** Mr Speaker, how does the Minister propose to present this choice to people who are old and frail and might not know exactly what is best for them, what route to take, whether the resident route or the medical route? Who is going to be assisting in ensuring that an objective decision is made by a resident who will most likely need to be helped to decide where they are? The Minister is telling us that it will be their choice. I would like to know, because I find that a little bit concerning, to be honest.

2760 **Hon. Sir J J Bossano:** I will tell her when the time comes to make the choice, Mr Speaker.

Hon. Ms M D Hassan Nahon: Mr Speaker, I will wait with bated breath for that strategy. Given that the Minister did bring up the Jewish Home and he did say a couple of months ago that it was public, how is it he is now telling me that the new facility will be much like the new Jewish Home, which is private, as I had told him and he had told me not?

2770 **Hon. Sir J J Bossano:** I do not know what the hon. Member understands by public or private. The Jewish Home building, which is owned by the trust of John Mackintosh, has never been owned by the Government. It is sub-let and it will be sub-let to the new operator, who will pay for the ... We have somebody who is interested in investing in the building and that investment will be what will yield a return to pay for the money that has been invested in creating it.

2775 When the building was nearing completion, the Jewish community asked for quotes to operate it. They had three different companies coming forward with quotes and they selected one of the three. Certainly people are very happy in the Jewish Home. There is now the possibility of expanding it because there are indications that there are people who are willing to go into it privately, who would not be funded by the Government. Of course, if we get people who come in privately it is a good thing because the cost to the Government may be able to be reduced. That is because it is proved to be a successful transformation which has met with the approval of everyone in the community. Of course, the reality is that we expect and hope that the Rooke Home will be as successful as the Jewish Home has turned out to be.

2780 I am sure that if one wants to take a negative view of life, then one can speculate on all the things that could go wrong instead of speculating on all the things that could go right. I dare say that if she were on this side, she would be speculating that it is all going to go right. Now that she is there, and likely to stay there, she is speculating that it is all going to go wrong. Well, the answer is she should wait and see.

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At the end of the day, we are being accused of going to be moving people down there. Nobody is going to move anybody. If the people there are old and frail and they cannot make a decision, the answer is they will not move because they cannot say, 'I want to move.' Or, if they do not have any family members ... I think we need to get the home finished and then we need to see just how good a job has been done and how attractive it is, and how good it is for the people who are there, who are the people who are going to be the beneficiaries, and how much better it is than the facilities there are now. If they are not better, then the people will say, 'No, I do not want to go.' The people may say, 'I do not want to go because I am used to being here, even if the other one is better.' Even if they are old and frail and they have family or relatives who will do it, and if they do not have family they will have to ask somebody, but nobody is going to be told they have to go out of Mount Alvernia because we are closing Mount Alvernia, which was one of the stories going round a few weeks ago. That is not going to happen.

I think when the time comes we will see what happens, and then, if there are opportunities for her to criticise what has happened she, no doubt, will do the criticising then, but she should wait.

Hon. Ms M D Hassan Nahon: Mr Speaker, I am sorry the Minister does not appreciate that our role as Opposition is to express any items of concern. It is not about negative or positive, but there is nothing more important than the most vulnerable in our community and we are duty bound to ask for clarifications. I would expect the Minister, instead of dipping into his usual jibes, to respect the Opposition's role and answer questions.

Can I just ask, in terms of the Mount Alvernia building, if only a handful of residents decide to stay there, how will the Government manage running two sites when one is almost empty and the other one ...? Will it be cost effective, or will it then maybe embark on another option for the Mount Alvernia building?

Hon. Sir J J Bossano: I am sorry she thinks that I am doing something nasty to her and intruding into her right to ask questions. She is asking entirely speculative questions which I have no obligation to answer. What happens if only a few stay? If only a few stay, when only a few stay you ask me the question. What happens if the roof falls in? She postulates a potential situation in the future and then asks me to speculate on what I would do if what she thinks might happen does happen. That is not what parliamentary questions are about. Parliamentary questions are about getting information about things that are taking place, not something that might or might not take place, which I might or might not respond to. The answer is if there is that problem, my job is to find solutions to problems and I will find a way of solving it when the time comes.

Mr Speaker: Next question.

Hon. K Azopardi: Can I just ask on this, Mr Speaker? The hon. Member says people are going to have the choice to go from Mount Alvernia to the new home, which will be privately operated. Assuming people want to go there, how is the Government going to achieve that? Once people go there, is there some kind of control of the services provided, so that the terms and conditions do not change, so that having taken the decision to go to the new environment, the new operator does not change the aspects of the services that they were enjoying at Mount Alvernia in a new environment in a way that is undesirable – for example, by levying fees on certain services? Presumably, that would be part of the arrangement that the Government would have with the operator. Would that be a fair way of describing it?

Hon. Sir J J Bossano: I think I have covered that by saying the relationship in terms of the persons who are sponsored by the Government – that is to say the persons for whom the Government is responsible, because the facility can take private people who come in and are charged a rate, but the Government will have nothing to do with that ... In the case of the Government ones, there will be a fee per person that we negotiate and then each person would

2840 make a different contribution to the fee, just like they do in Mount Alvernia. In Mount Alvernia,
for example, it costs us £98,000 per person. Nobody pays £98,000, but there are people who will
pay £1,000 and there are people who will pay more, depending on their pension and their income.
2845 That is the system that exists in Mount Alvernia and that is the system that exists in the new one,
except that we hope and expect that because it is a bigger place and there are more facilities
there, the actual cost per individual will be less.

2845 From the Government's point of view, we have a facility that we think has a lot in favour of it
and we will be able to take care of more people without a big increase in our budget. That is the
advantage to the Government of the new facility. So nobody is going to be charged for anything if
they are ours. We will pay whatever has to be paid, which we will have to negotiate with the
person ... which will have to meet all the standards that are required, which will be subjected to
2850 regular inspections of quality, and then from the person's point of view they will pay no more than
they would pay if they were still at Mount Alvernia.

Mr Speaker: Next question.

2855

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q348/2022

**Development Plan –
Expected date of publication**

Clerk: Question 348/2022. The Hon. D J Bossino.

Hon. D J Bossino: I understand it is the only question the Minister is fielding in this session,
Mr Speaker.

2860 Please state when the Government now expects to be in a position to publish the Development
Plan.

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, the Government is currently considering options for the retendering of
the preparation of a new Gibraltar Development Plan. Following the award of a tender, work will
be able to commence on the Plan before the end of the current financial year.

Hon. D J Bossino: So, if I have understood her correctly, does she think the Plan will be
completed before the end of the financial year? That is okay. So, the process started for the
tender, the commissioning of the Plan? Okay.

The reason why I ask this is because if one looks at the recent history in relation to this, her
predecessor Minister who held the job, Mr Isola, in answer to a question that I posed back in July
2021, said expressions of interest were invited for suitably qualified consultants to undertake the
review and the preparation of the new Plan in August 2019, and then he said that the procurement
board had now concluded its assessment and the Government is currently considering its
recommendations. Then there was a bit of a jug of cold water poured on it because he talked
about priorities given the COVID pandemic. I am glad to report that the current incumbent in that
position, at last – I think it was in June, in the *Chronicle* – talked about prioritising this issue and,
indeed, in fairness to her, she also said in her Budget address that the tender process ... If I can
quote her, it is a really small piece:

I hope to make further announcements on this once the tender process has been completed.

2865 Just by way of further preamble, her colleague did say that it would take approximately 18 months to two years to complete the work. Does she expect that once the tender process has completed it is going to take that long? If that is the case, then we could potentially be looking at not having a Development Plan until 2024 or maybe even 2025.

2870 **Hon. Miss S J Sacramento:** Mr Speaker, I am grateful to the hon. Gentleman, who has pre-empted in his preliminary suggestions what I was going to say in answer to his supplementary. The situation we find ourselves in is that there has been an unfortunate delay arising out of COVID, as the hon. Gentleman is aware from the last answer. What happened is that because we have engaged in the tender process, the tender process has now, unfortunately, elapsed because of
2875 the delay arising out of COVID and therefore we are advised by the Procurement Office that we need to restart. We are quite advanced on that, obviously, because the groundwork has been done. As I said in my answer, we would like to finalise that part of the process before the end of the financial year and then, of course, embark on the actual Plan.

I am aware of the statements made in the House by the previous Minister with this
2880 responsibility, and that was the timeframe we were advised of the time it would take, but because I am mindful of the delay that has arisen out of this policy's progress as a result of COVID, I will see what parameters we have, because obviously we are now getting out of COVID and we want to make this very much a priority.

2885 As the hon. Gentleman knows from my Budget speech, as he rightly pointed out, I am very excited about this project because it is a very important strategic development for Gibraltar and I cannot wait to get started.

Hon. D J Bossino: Does she expect that this is likely to attract outside-of-Gibraltar interest in terms of the tender process, or will there be only local applicants? And if I may, has consideration
2890 been given – I assume it has and it has been rejected – to doing the Plan in house, which I think is what we did, which resulted ... I see the Deputy Chief Minister shaking his head ... in 2009. That is information that I have; I was not in government. Those are the questions.

Hon. Miss S J Sacramento: Mr Speaker, because it is a tender process, anyone will be able to
2895 apply, so we envisage that we will have both tenders locally and not locally. We will see what we receive and then it will be considered by the Tender Board as appropriate.

This is a project that is being outsourced, but it will be led internally. The team at the Town
2900 Planning and Building Control Department of the Government will be in the driving seat when it comes to giving the instructions on the Development Plan.

Hon. D J Bossino: Mr Speaker, is she able to give us some indication of what the likely costs are going to be?

Hon. Miss S J Sacramento: No, Mr Speaker, because it is a live tender process, so I need to let
2905 that run.

Mr Speaker: Next question.

DEPUTY CHIEF MINISTER

Q349/2022

Rooke site –

Update re preferred bidders

2910 **Clerk:** Question 349/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

Hon. K Azopardi: Mr Speaker, can the Government provide an update in relation to the preferred bidders for the Rooke site?

2915 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

2920 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes, the Government continues in negotiations with the preferred bidder and is currently awaiting revised concept designs from them.

Hon. K Azopardi: Mr Speaker, can the Government confirm that it is having discussions with just the preferred bidders and not any other party that expressed interest at the time of the tender?

2925 **Hon. Deputy Chief Minister:** Mr Speaker, the Government, as the hon. Member knows, was talking to two preferred bidders. Those two preferred bidders have now, my understanding is, merged into one, which makes the discussions easier, and they will be producing a new concept design, which we will be looking at when it is submitted.

2930 **Hon. K Azopardi:** Given that scenario – that the two have merged into one to make some kind of collective bid, I guess – is it safe to assume that at the end of that process of discussions, inevitably this entity will be awarded the site, or is it that it is still up for grabs because it is dependent on the discussions that you are undertaking?

2935 **Hon. Deputy Chief Minister:** Mr Speaker, no, there is still an ongoing live negotiation, so it could be that, as part of that negotiation, nothing happens and the Government must turn to the next highest bidder.

2940 **Hon. K Azopardi:** Does the Hon. Minister have any visibility as to the kind of timescale we are envisaging, given that these discussions have been going on for some time now?

2945 **Hon. Deputy Chief Minister:** Mr Speaker, the Government would like this to happen as soon as possible, but obviously it is a live negotiation and sometimes things take longer than you would like.

Hon. K Azopardi: Is the scope of the menu of components – if I can put it that way – of the site also part of the discussions?

2950 **Hon. Deputy Chief Minister:** Mr Speaker, the Government would rather not get into the detail of the negotiation across the floor of the House, but the expression of interest provides for a negotiation to take place with the preferred bidder once the bids are in, and that is what is happening at the moment.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn and continue with Questions tomorrow at 3 p.m.

2955

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 20th October at 3 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 20th October at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

2960

The House will now adjourn to Thursday, 20th October at 3 p.m.

The House adjourned at 8.26 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 5.17 p.m.

Gibraltar, Thursday, 20th October 2022

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The Gibraltar Parliament

The Parliament met at 3.03 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q387/2022

Principal Auditor's Reports –
Expected date for tabling

Clerk: Meeting of Parliament, Thursday, 20th October, 2022. We continue with Answers to Questions.

Question 387/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

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Hon. K Azopardi: Mr Speaker, can the Government advise if the Principal Auditor has indicated when he will be able to table his latest completed Reports in Parliament; and, if so, for which years?

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Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Principal Auditor has advised that he is in the midst of finalising the audit of the 2016-17 and 2017-18 Public Accounts of Gibraltar. He is awaiting changes to be carried out to these two sets of financial statements by the Accountant General as a consequence of his audit. The Principal Auditor further advises that his report on the audit of these two sets of Public Accounts will be completed before the end of December 2022. I will then table them here.

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Hon. K Azopardi: Mr Speaker, obviously those years are, in the case of 2017-18, still five financial years behind the current financial year. Has the Principal Auditor indicated where he is with subsequent financial years, and in the conversation with the Chief Minister has the Principal Auditor indicated to him what the issues are as to why these reports are taking so long?

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Hon. Chief Minister: Mr Speaker, I have had no conversations about this with the Principal Auditor and I therefore have none of the information the hon. Gentleman has requested.

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Hon. K Azopardi: Does the Chief Minister agree that it would be more helpful if the Principal Auditor's reports were laid in the House already and laid in the House on a more timely basis?

Hon. Chief Minister: Mr Speaker, I am not able to tell the House with sufficient certainty what the lag of presentation of the Principal Auditor's accounts for financial years is habitually, or

indeed what it would be, for example, in the United Kingdom or elsewhere, and therefore I do not know that it is possible to do these things within any other, shorter period. I think in some instances it has been in shorter periods, I think in some instances, in respect of the time that hon. Members were in office, the period was longer, so I do not want to venture an opinion in respect of an area which is not my area of particular professional understanding, when I might be saying something which might apparently be correct but might professionally not be correct.

Hon. K Azopardi: At the end of the day, Mr Speaker, the point of the Principal Auditor's Reports is to provide that independent audit, and recommendations in many cases, in respect of public finances. We were certainly under the impression, on this side of the House, that perhaps part of the delay is because some of the Supplementary Appropriation Bills that had to be taken in respect of some of those years had not been taken until recently, for example. If that is the case, clearly those aspects would be within the gift of the Government, but clearly there would need to be an engagement with the Principal Auditor to understand what exactly the issues are.

In any event, it seems to us, on this side of the House, that it would be helpful for the Principal Auditor's Reports to come earlier, because ultimately, if they are providing that independent audit and those independent recommendations, it is in the public interest that they should be known earlier.

Hon. Chief Minister: Mr Speaker, I did not discern a question in that position, but I assume the hon. Gentleman asked me whether or not I agree –

Hon. K Azopardi: Yes, the question was that.

Hon. Chief Minister: – and therefore I would, once again, say that it is not in my area of professional competence to say that it is possible to do these things in a shorter period of time and I do believe that there have been instances, when hon. Members were in office, where the Principal Auditor's Report was delayed for longer than it is delayed now. Two wrongs do not make a right. The fact that I am pointing to that does not suggest that there was anything wrong in the practice that might have occurred under hon. Members, because we are talking about audits, which are complicated.

The hon. Gentleman knows that we took the Supplementary Appropriation Bills that he is referring to and passed them, in this House, into Acts some time ago, so it was obviously not just the passing of those Bills that was expected, because if the Reports had been ready, simply awaiting the passage of those Bills, then the Reports could be with the House already; there was obviously still work to be done.

And so, Mr Speaker, I am, of course, as a layperson and at a political level, able to agree with the perfectly unobjectionable statement that the Hon. the Leader of the Opposition has made, but that does not mean that, professionally, it is possible for the people who are responsible for these audits to do them more quickly. I do not think anybody should consider that there is a criticism, at least from the point of view of the Government, that the Principal Auditor's Office is taking the time that they consider is necessary and appropriate to do the important work of auditing the accounts of the Government of Gibraltar.

Mr Speaker: Next question.

Q388/2022

**Income Tax Office counters –
Reason for continued closure**

Clerk: Question 388/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

80 **Hon. K Azopardi:** Mr Speaker, can the Government advise why the counters of the Income Tax Office are still closed?

Clerk: Answer, the Hon. the Chief Minister.

85 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I refer the hon. Gentlemen to Press Release 767/2022, which confirms that counters are now open.

The counters at the Income Tax Office have remained closed following the measures taken during the COVID-19 pandemic and given the Government's drive to digitise tax services. As a result, we have also introduced an online service for citizens to file their tax returns. This
90 comprises both the income declaration and a claim for allowances. Other services are in the process of digitalisation and, as part of this transition, traffic is being redirected via email.

We nonetheless understand that there is now a higher demand and need for an alternative filing system to the online digital tax return. As a result, we have published the press release I have referred to, confirming that the public will now have an option to file their tax return by email
95 using a specifically designed editable PDF that can be downloaded from our website. Instructions are also available to guide citizens as necessary.

Public counters at the Income Tax Office will also open. This, however, needs to be managed to meet the needs of service users. Therefore, as stated in the press release, the opening of public counters will initially focus exclusively on providing assistance to citizens for the completion of
100 their tax returns. Other services should continue to be done either via e-Services or by email.

Once the 2022 reporting cycle is complete, I have instructed the Commissioner of Income Tax to fully open the counters for all matters. This will happen in January 2023. Once reopened, the counters will work on an appointment basis, whereby the public are able to check time slots and choose when they want to visit, based on availability. They will select from a menu of pre-defined
105 services and be provided with guidance as to which documents are required ahead of their meeting. They will also be reminded of their meeting beforehand, allowing them to cancel should their personal circumstances change.

These improvements, together with additional resourcing, demonstrate this Government's commitment to providing a more streamlined and efficient service for the public.
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Hon. K Azopardi: Mr Speaker, I read the question as it had been drafted. It had been filed prior to the issue of the press release that the Hon. Chief Minister talks about, so clearly he can refer me to the press release, but it is not as if it was available to us earlier.

It is certainly welcome news in respect of that, and looking at that press release – as we did, of course – that came later, it has struck us that in the press release itself, the reference to the
115 counters being open was that that service was going to be extended for the purpose of submission of tax returns only, but now the Chief Minister has made clear that those counters are going to be open more widely within a few months. That is welcome news. When could that practice be spread out to other Departments?
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Hon. Chief Minister: Mr Speaker, I know that there is a widespread view that counters are not open, but in fact, whenever I check with my colleagues and the Chief Secretary ... I believe that tax is probably one of the last ones that had not been opened and all the others are now open. If there are instances of counters which are not open – and the Hon. Mr Bossino is making the

125 gesticulation for ‘many’ across the floor of the House in his usual convivial way – I would be very
happy to hear from hon. Members which are the ones that they understand are not operating in
the usual way, so that we can see whether there is a reason for that.

130 **Hon. K Azopardi:** This is Mr Clinton’s question, but I think I asked a general question as to the
state of the public counters some months ago. In the course of those exchanges, we pointed out
some inconsistencies in the information provided and I said to the Hon. Chief Minister that
perhaps some Departments had been left out. He undertook to check that with officials. I do not
135 know if he has that up-to-date information, and if not to hand – because clearly he is answering a
more specific question – perhaps he can write to me on those issues, so that we can do our own
cross-check, because that information was pending and I would be happy to engage with him on
the issue of public counters, which appears to be an issue of public concern to many people.

Hon. Chief Minister: Mr Speaker, I obviously do not have that to hand because this question
deals only with the issue of taxation, but I am happy to write to him, if necessary, with the
140 information – I think that we had the discussion in May, just before the Budget session – and to
ask the Chief Secretary to give me an updated list of any counters he believes his people are still
not operating.

Mr Speaker: Next question.

Q389/2022

PAYE –

Additional revenue expected following increase

145 **Clerk:** Question 389/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M
Clinton.

Hon. K Azopardi: Mr Speaker, can the Government advise how much additional annual
150 revenue it expects to receive from the 2% increase in PAYE announced at the 2022 Budget?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as a result of the revised Income Tax bandings
announced in the 2022 Budget debate – including both the 2% uplift to all rates in the Allowance
155 Based System and the Gross Income Based System, as well as the levelling of the applicable tax
rate on higher levels of income in excess of £½ million under the Gross Income Based System,
which goes up to 27% – the Government expects to receive in the region of an additional
£17.2 million.

I should emphasise that that is, of course, an estimate and is usually based on averages of
160 people in those bands in previous years, and it may be exceeded or the amount may be lower,
depending on income in respect of people in those bands during the course of this financial year
for which they make a declaration – but usually the Income Tax Office makes estimations which
turn out to be quite accurate.

165 **Mr Speaker:** Next question.

Q390/2022

**Spanish tax have black list –
Removal of Gibraltar from list**

Clerk: Question 390/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

170 **Hon. K Azopardi:** Mr Speaker, can the Government advise if Gibraltar has been removed from the Spanish tax haven black list; and, if not, when does it expect to be removed?

Clerk: Answer, the Hon. the Chief Minister.

175 **Chief Minister (Hon. F R Picardo):** Mr Speaker, Spain's blacklisting of Gibraltar was instigated on the basis of their misconception that Gibraltar is a tax haven. The agreed level of co-operation and transparency envisaged in the Tax Treaty is at complete odds with that. I am advised by the Commissioner of Income Tax that Gibraltar continues to comply with all scheduled exchanges of information and co-operation with the Spanish authorities as set out by the Tax Treaty.

180 Gibraltar's noted compliance with obligations under the Tax Treaty, as well as public comments made by members of the Spanish government at the time endorsing the positive steps in negotiating the Tax Treaty, will no doubt assist in this delisting process. Nevertheless, given that Gibraltar's unfair blacklisting was by parliamentary decree in Spain, there is an internal parliamentary process that needs to run its course there concurrently with the ongoing effectiveness of the Tax Treaty.

185 The Government, therefore, expects that the blacklisting of Gibraltar, which should be welcomed, no doubt, by all Members of the House and beyond it, should be finalised in the first half of next year.

190 **Hon. K Azopardi:** Is that expectation based on discussions with the Spanish government, or is it just a general expectation?

Hon. Chief Minister: It is an expectation based on discussions with the Spanish government.

195 **Hon. K Azopardi:** Mr Speaker, is the fact that we have been grey-listed by the FATF going to have any impact on that process?

Hon. Chief Minister: I do not believe it should, Mr Speaker.

Q391-92/2022

**Treasury office rent and service charges –
Breakdown of costs for 2018-19 and of estimated costs for 2022-23**

200 **Clerk:** Question 391/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

Hon. K Azopardi: Mr Speaker, further to Question 268/2022, can the Government now provide a detailed breakdown of the office rent and service charge costs of £9,253,765 incurred in 2018-19 by the Treasury Department, as promised on 22nd June 2022?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 392.

210 **Clerk:** Question 392/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

Hon. K Azopardi: As promised at the Committee Stage of the 2022 Budget debate, can the Government provide a detailed breakdown of the office rent and service charge estimated costs of £10.7 million in the Treasury Department for the year 2022-23?
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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I now hand over a schedule with the information requested.

Answer to Question 391/2022

Address	Rent	Ground Rent	Service	Other
323 Main Street	£ 102,800.00			-
43/1 North Mole Road	3,370.00	-	-	
Blake House	£ 58,420.88	£ 432.26	£ 1,724.00	-
Leanse Place	£ 59,214.96	-	£ 219,880.00	£ 180.00 Registration at LPS
New Harbours Parking Bays	£ 1,680.00	-	-	-
Unit 35 New Harbours	-		£ 2,638.22	
Unit 71 & 72 New Harbours			£ 6,494.95	
World Trade Centre	£ 146,595.00	£ 939.60	£ 20,759.60	
206-210 Main Street (Gibraltar Savings Bank)	£ 356,758.15	-	-	-
14 & 12-16 Governor's Parade & Library Street (Ex Sgts Mess)	£ 352,973.80			
37 Town Range (Environmental Agency)	£ 111,918.52	-	-	-
331 Main Street (Income Tax)	£ 153,734.24	-	-	-
Unit 35 Harbours Deck (Treasury)	£ 23,367.60			
Unit 61 Harbours Deck (Technical Services)	£ 12,298.72			-
Unit 69 Harbours Deck (Health Authority)	£ 15,988.36	-		
Unit 71 & 72 Harbours Walk (Treasury)	£ 41,815.72	-		-
Unit 75 - 79 Harbours Walk (Employment)	152,504.36	-		
Unit 83 - 86 Harbours Walk (Human Resources)	105,769.16			-
Unit 87 & 90 Harbours Walk (Technical Services)	£ 48,580.00		-	
Unit 91 Harbours Walk (Environmental Agency)	£ 19,677.96	-	-	
Unit 93 Harbours Walk (Procurement)	£ 35,666.32			-
Unit 99 Harbours Walk (Statistics)	£ 29,516.96		-	
32 John Mackintosh Square (City Hall)	£ 335,284.78	-	-	-
23 Queensway (Education)	£ 190,630.44	-	-	
16 Governors Parade (DSS)	£ 153,734.24	-		
31 Town Range (Employment)	£ 79,941.80	-	-	-
16 Europa Flats (Bleak House)	£ 202,929.20			
18 Waterport Wharf (Customs House)	£ 49,194.95	-	-	-
40 Town Range (Ex Department of Education).	£ 145,125.12		-	
1 Johnstones Passage (Care Agency)	£ 81,064.67	-	-	-
11 Cathedral Square (Duke of Kent House)	£ 115,927.41			-
19 Cemetery Road	£ 9,390.11	-		-
6 Convent Place	£ 280,757.63	-	-	-
10 Governor's Lane (Ombudsman)	£ 101,436.49		-	
104 Main Street (Post Office)	£ 200,554.44		-	-
4 North Mole Road (Port)	£ 87,275.93		-	-
31 & 32B Rosia Road (Police Headquarters)	£ 552,329.18	-	-	-
2 Secretary's Lane (Joshua Hassans House)	£ 243,447.56	-		-
2 Winston Churchill Avenue (Customs)	£ 121,352.80	-		
21 Hospital Ramp (Ex-St Bernards Hospital)	£ 1,959,927.50	-		-
Winston Churchill Avenue (Old Airport Terminal)	£ 158,159.86			
32 - 36 Town Range (Law Courts)	£ 1,194,134.28		-	
18 Windmill Hill House (H.M. Prison)	£ 905,467.44			-

Answer to Question 392/2022

Address	Re	Ground Rent	Service Charges
323 Main Street	£ 109,584.80	-	-
Blake House	£ 67,424.12	F. 432.26	£ 1,896.40
Leanse Place	f 223,780.00	-	£ 59,214.96
Unit 35, 71 & 72 New Harbours	-	-	£ 11,683.44
World Trade Centre	£ 193,709.20	£ 939.60	£ 22,837.28
Suite 6, 57/63 Line Wall Road	£ 123,858.00	-	£ 19,004.00
Suite E, Regal House	£ 87,696.00	-	£ 7,018.00
Eurotowers, Europort Road	£ 28,647.36	-	£ 2,239.68
John Mackintosh Hall	£ 125,000.00	-	-
ICC Units 9.7, 9.8 & 9.3a	£ 79,798.52	-	£ 11,637.28
206-210 Main Street (Gibraltar Savings Bank)	£ 430,669.41	-	-
14 Governor's Parade & Library Street (DSS)	63,861.97	-	-
37 Town Range (Environmental Agency)	£ 125,965.29	-	-
331 Main Street (Income Tax)	£ 173,029.26	-	-
Unit 35 Harbours Deck (Treasury)	£ 26,300.45	-	-
Unit 61 Harbours Deck (Technical Services)	£ 13,842.32	-	-
Unit 69 Harbours Deck (Health Authority)	£ 17,995.03	-	-
Unit 71 & 72 Harbours Walk (Treasury)	£ 47,063.97	-	-
Unit 75 - 79 Harbours Walk (Employment)	f 171,644.99	-	-
Unit 83 - 86 Harbours Walk (Human Resources)	£ 119,044.13	-	-
Unit 87 & 90 Harbours Walk (Technical Services)	£ 54,677.22	-	-
Unit 91 Harbours Walk (Department of Environment)	£ 16,610.52	-	-
Unit 93 Harbours Walk (Procurement)	£ 40,142.77	-	-
Unit 99 Harbours Walk (Car Parks)	£ 33,221.61	-	-
32 John Mackintosh Square (City Hall)	f 377,365.97	-	-
23 Queensway (Education)	£ 214,556.25	-	-
16 Governors Parade (Social Agency)	£ 173,029.26	-	-
31 Town Range (Buildings and Works Department)	£ 89,975.18	-	-
16 Europa Flats (Bleak House)	£ 228,398.61	-	-
12-14 Library Street (ITLD)	£ 141,827.21	-	-
40 Town Range (Ex Department of Education)	£ 163,339.61	-	-
1 Johnstones Passage (Care Agency)	£ 91,238.98	-	-
11 Cathedral Square (Duke of Kent House)	£ 129,527.23	-	-
19 Cemetery Road (Offices - Stores & Mess Room)	£ 10,491.71	-	-
6 Convent Place (Government Offices)	£ 313,694.26	-	-
10 Governor's Lane (Ombudsman)	£ 113,336.33	-	-
104 Main Street (Post Office)	£ 224,082.15	-	-
4 North Mole Road (Port)	£ 97,514.55	-	-
31 Rosia Road (Police Headquarters)	£ 563,536.75	-	-
32B Rosia Road (Offices & Store - Nelsons Anchorage)	£ 53,588.00	-	-
2 Secretary's Lane (Joshua Hassans House)	£ 272,007.21	-	-
2 Winston Churchill Avenue (Customs Office)	£ 135,589.10	-	-
21 Hospital Ramp (Ex-St Bernards Hospital)	£ 2,249,176.59	-	-
Winston Churchill Avenue (Old Airport Terminal)	£ 176,714.15	-	-
32 - 36 Town Range (Law Courts)	f 1,344,008.67	-	-
18 Windmill Hill House (H.M. Prison)	£ 1,019,111.60	-	-

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Hon. K Azopardi: Mr Speaker, while we digest the information – and there may be things that we need to digest more properly – as I understand it, this is a list of properties occupied, rented, by Government Departments. As I understand it, that is correct. Can I understand, in respect of

Question 391, why there is a cost of nearly £2 million – £1.959 million – in respect of the ex-St Bernard’s Hospital, in terms of rent?

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Hon. Chief Minister: Mr Speaker, I assume because that is where St Bernard’s School is.

Hon. K Azopardi: I do not understand – unless the hon. Member can illuminate, because the question was a breakdown of office rent and service charge costs – what office rent we are paying in respect of St Bernard’s Hospital to the tune of £1.9 million.

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Hon. Chief Minister: Mr Speaker, the question was in respect of office rent and service charge costs in respect of an amount of money provided for in a particular year by the Treasury Department. The amount of money is not just in respect of office rent and service charge costs. It is in respect of the schedule that I have given him. That is how that amount is made up, not just offices; it is all of those Government buildings which make up that amount. The same is true in respect of Question 392, where the figure is £10,700,000. These are the lists that make up those figures which are provided for by the Treasury in respect of those amounts.

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Hon. K Azopardi: Sorry, I do not understand. Perhaps we need to have the explanation again. I appreciate he is giving me a schedule and it has detail on it, but the question was quite specific about having a detailed breakdown of the rent and service charge cost of £9.2 million, for example, in relation to Question 391, which is the cost incurred in 2018-19. Just looking at that schedule, in the list under the column ‘Rent’, it says, when it gets to St Bernard’s Hospital, £1.9 million, and when it comes to, for example, the Law Courts, it is £1.1 million. I do not understand why there is a rental cost in respect of buildings that are ostensibly public buildings, or in relation to the Prison, where it says £905,000. I would understand that there is a rental cost in respect of the World Trade Centre, which is higher up in the list, at £146,000 – that is clearly not a Government building – but in respect of buildings that seem, ostensibly, Government buildings, we do not understand why they are logged as rent.

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Hon. Chief Minister: Mr Speaker, I am going to speak from memory right now, so if I am wrong I shall correct the record when the time comes, but I believe that at the time when hon. Members were in office they introduced the practice of putting some buildings in a company and paying rent for the use of those buildings by the Government, and therefore that practice means that we end up with this situation where there is, in some instances, a circulation of money from one pocket of the Government to another pocket of the Government, which leads to the figure that is set out in the accounts, which is the figure that you asked about. To give you the full breakdown to the figure that you asked about, these are the numbers that we are dealing with.

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Hon. K Azopardi: To be clear, from the answer he has just given, he is speaking on a basis of speculation; he is not clear exactly how some of these buildings are being parked. Perhaps on that basis it would be better if we were to digest the information and ask more specific questions in respect of the history. Would that be helpful to get to the bottom of it, because I can see from his previous answer that perhaps is this not clear?

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Hon. Chief Minister: Mr Speaker, what I am not clear about is the chronology, but I am clear about the practice. In other words, there are buildings which are Government buildings which are now in companies and the rent is paid for those buildings by the Government. I believe, and that is what I am saying from memory, that that was a practice that they began. That is the aspect that I am happy to clarify when the time comes, but what I am telling them is that the Government pays rent for the use of buildings which are in companies which are otherwise ostensibly Government buildings.

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275 **Hon. K Azopardi:** We will look at this and then ask more specific questions, if need be.
Can I ask, in the column of service charges in relation to Question 391, why there is a figure of £219,000 in respect of Leanse Place? It seems a very high figure, out of synch with the others.

280 **Hon. Chief Minister:** Mr Speaker, there is only one answer I can give him, which is that that is the rent. (**Hon. K Azopardi:** The service charge.) The service charge? I do not know, Mr Speaker. I would have to take specific advice on that.

Mr Speaker: Next question.

**Q393/2022
Haven building –
Sale price**

285 **Clerk:** Question 393/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

Hon. K Azopardi: Mr Speaker, can the Government advise how much the Haven building was sold for by Gibtelecom?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the Haven building was sold for £6 million.

Mr Speaker: Next question.

**Q394 and Q404/2022
Eastside project –
Receipt of £90 million premium; whether contractual arrangements with developers finalised**

295 **Clerk:** Question 394/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

300 **Hon. K Azopardi:** Mr Speaker, can the Government advise if it has yet received the £90 million premium in relation to the Eastside Project?

Clerk: Answer, the Hon. the Chief Minister.

305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 404.

Clerk: Question 404/2022. The Hon. the Leader of the Opposition.

310 **Hon. K Azopardi:** Mr Speaker, can the Government update the House on whether the contractual arrangements with the developers of the Eastside have now been finalised?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: The premium has not yet been received, as the negotiations are still ongoing, albeit in their final stages.

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Hon. K Azopardi: Mr Speaker, it is almost a year – I think probably precisely a year – since the Government made an announcement in relation to the Eastside, and as part of that announcement there was a signing ceremony. I remember pictures emerging of the Government and the Chief Secretary, I think it was, and those representing the developers, signing documents. If the discussions are still ongoing, what were they signing?

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Hon. Chief Minister: Mr Speaker, I do not know what it is that the hon. Gentleman thinks he saw. I do not think pictures ‘emerged’. Pictures were published. There is a big difference. When you say that pictures emerged, it is as if one is talking about a picture, surreptitiously taken, that is leaked to the Leader of the Opposition and he sees that we are signing documents that we do not want to own up to. As he knows better than most, language matters.

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So no pictures emerged, pictures were published and the captions to those pictures – or, indeed, the press release that accompanied those pictures which were published – said that we were signing heads of terms. I am surprised he feels he needs to ask me what it was that we were signing when the pictures that we published with a press release specifically said that what we were signing were heads of terms.

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Hon. K Azopardi: ‘Emerged’ has many meanings and it emerged through the Government Press Office, but we are not going to get stuck on that definition. Those photos were there.

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It also became clear – it emerged through the Government press release – that they were going to pay a premium of a particular sum. What is it that is holding up the payment of the premium and the conclusion of the contractual agreements?

Hon. Chief Minister: Mr Speaker, when something emerges it moves out of the way of something in order to become visible. There is no question of this going on. This was the publication, very proudly by the Government, of arrangements that had been entered into by way of heads of terms.

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The heads of terms, as the hon. Gentleman knows, set out the heads of the agreement that have been done by parties. In this context, I think the heads of terms were a couple of pages in respect of the largest piece of land in Gibraltar. Now we need to finalise a commercial agreement, which will be many tens of pages, if not hundreds, with a building lease or building licences, which, as the hon. Gentleman knows, is very detailed, in particular in relation to land which is reclaimed and in respect of which there will be environmental issues etc.

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It appears a little disingenuous that the hon. Gentleman might ask me what it is I think is going to be negotiated from a few pages and heads of terms to the many hundreds of pages that are going to finally be agreed. His legal training is sufficient for him to know that we are moving from a helicopter view of the transaction, agreed between the parties, to the agreement. He will know that one of the things that was set out in the heads of terms was that outline planning had to be provided in order to be able to move to the stage where the premium is payable and the agreement signed, so that is what is happening.

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You can understand that if you have been involved in transactions of this sort in the past, as I know that he will have been – he has experience both as a legal professional and as a Government Minister – or you can pretend not to understand it if you somehow want to cast a shadow of aspersion over the ongoing transaction.

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I am sure he will agree with me that we should soon be very happy to receive a premium in respect of this transaction and that we should soon all want to see this plot under development. Already, Hassan Centenary Terraces Phase 1 is almost complete, we are going to see the second phase start – in fact, the works on the second phase have already begun – and we, I am sure, all

365 believe that it would be a good thing for Gibraltar to see this plot in development. I look forward to his next question, which I am sure he will preface by agreement in that respect.

Hon. K Azopardi: Mr Speaker –

370 **Mr Speaker:** This is the final question.

Hon. K Azopardi: I am not casting any aspersions. If there is any criticism to be done, it will be direct; it will not be aspersions.

Indeed, my legal training is sufficient – to use his word, as language matters – to understand the mechanics, but what we were trying to seek was information, through the question, to see what stage they were at, given that with some fanfare it had been said that there would be a premium, a significant one, and indeed that the Government had put it in their Budget.

The Chief Minister describes them as being close. Does he have a sense of how close, in terms of timescale, he is? And what is his expectation in terms of the finalisation of the contractual agreement?

380 **Hon. Chief Minister:** Mr Speaker, I said ‘sufficient’ because the hon. Gentleman has sufficient and he does not need more than sufficient in order to be able to understand – (*Interjection*) Sufficient training, absolutely. I am sure that he has sufficient training for that purpose, so I think my words were carefully and well chosen, but I do not believe that the hon. Gentleman would be a good negotiator for Gibraltar in any instance, because every time he asks me about a negotiation he urges me to resolve it quickly. In doing so, he immediately puts Gibraltar at the disadvantage of having to resolve the negotiation quickly in order to satisfy the voracious Opposition that we have opposite. My view is that it is important to do the right deal for Gibraltar, however much Mr Phillips might shake his head. I believe it is for Gibraltar and its Government to do the best deal for Gibraltar and for the taxpayer, however long it may take – not to accelerate a negotiation simply to bring in a result quickly, whether that is in respect of a treaty or whether it is in respect of a commercial arrangement.

395 I can tell the hon. Gentleman that we might have had the £90 million quicker if we had simply done the deal that was first put to us, and then we might have trumpeted the £90 million and not had such good commercial terms. We believe we should have the £90 million for the land with the best commercial terms. Just as in relation to the treaty, we believe it is important to get the right deal so that it passes the test of safety and security of those sitting on this side of the House, and not a quick deal. (*Interjection*) The relevance is this: that the hon. Gentleman, in respect of every negotiation – (*Interjection*)

400 **Mr Speaker:** No, because that would be deviation and we are not going to permit deviation. The Chief Minister is making an example. (*Interjection*) In his explanation, he is giving an example.

405 **Hon. Chief Minister:** Mr Speaker, the hon. Member does not need to get nervous. He has other questions on the Order Paper in respect of the treaty, so he can ask questions about the treaty without having to rely on pretending to link matters by supplementary. What I am linking, Mr Speaker, (*Interjection*) is the hon. Gentleman’s approach to negotiation. He needs to learn that in life, timing is everything, and pushing too hard, too quickly, to try to get a result quickly is a beginner’s mistake. It is a beginner’s mistake. He is wrong to push us to finish this negotiation quickly simply because we must do it quickly, and he is wrong to push us, in respect of every negotiation, to finish things quickly.

410 So, Mr Speaker, I am not going to give an indication of how close I might think I am to concluding this agreement. If I did, I would be negotiating against myself in respect of trying to achieve it, because immediately the party opposite would then know that I had made a political point about when I was going to finish the negotiation of whatever it is I am negotiating, whether

415 it is a treaty or a commercial agreement, and they would immediately have that against the Government of Gibraltar. For us, on this side of the House, the interest of Gibraltar and its people is more important than our own personal political interest.

Mr Speaker: Next question.

Q395/2022
Sovereign guarantee –
Terms of rollover

420 **Clerk:** Question 395/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

Hon. K Azopardi: Can the Government provide details as to the terms of the proposed 25-26-year rollover of the £500 million sovereign guarantee facility, to the extent utilised, upon
425 maturity on 3rd December 2023 as announced in the 2022 Budget?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the discussions with HM Treasury are currently
430 ongoing. A full announcement will be made when negotiations are concluded.

Mr Speaker: Next question.

Q396-400/2022
Foreign-registered vehicles –
Parking and speeding offences

Clerk: Question 396/2022. The Hon. D A Feetham.

435 **Hon. D A Feetham:** Mr Speaker, what is the total annual value of parking tickets which have been issued to the owners or drivers of foreign-registered vehicles in each of the last five years?

Clerk: Answer, the Hon. the Chief Minister.

440 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 397-400.

Clerk: Question 397/2022. The Hon. D A Feetham.

445 **Hon. D A Feetham:** Mr Speaker, what is the total annual value of money recovered from parking tickets which have been issued to the owners or drivers of foreign-registered vehicles in each of the last five years?

Clerk: Question 398/2022. The Hon. D A Feetham.

450 **Hon. D A Feetham:** Mr Speaker, how many speeding tickets have been issued to the owners or drivers of foreign-registered vehicles in each of the last five years?

Clerk: Question 399/2022. The Hon. D A Feetham.

455 **Hon. D A Feetham:** What is the total annual value of speeding tickets which have been issued to the owners or drivers of foreign-registered vehicles in each of the last five years?

Clerk: Question 400/2022. The Hon. D A Feetham.

460 **Hon. D A Feetham:** What is the total annual value of money recovered from speeding tickets which have been issued to the owners or drivers of foreign-registered vehicles in each of the last five years?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister: Mr Speaker, no parking or speeding tickets are issued to owners or drivers of vehicles. Foreign-registered vehicles that are illegally parked are clamped to avoid such vehicles leaving the jurisdiction without paying the penalty for illegal parking. If a foreign vehicle is in Gibraltar and caught speeding by a speed camera, after leaving the EU we are unable to obtain the information of ownership of the vehicle in order to enforce any penalty outside Gibraltar. The same is true of Gibraltar-registered vehicles outside Gibraltar. If an individual driving a foreign-registered vehicle is stopped for speeding by a police officer, their details are taken on the spot and the relevant penalties can therefore be enforced.

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475 **Hon. D A Feetham:** Mr Speaker, I have another couple of questions on the Order Paper in relation to assistance requests made by foreign jurisdictions in relation to Gibraltar cars that have been caught speeding in foreign jurisdictions, but I am going to ask a supplementary. I know it is going to impact on that, but the supplementary is this. I know that there are jurisdictions that will ask for the assistance of the Gibraltar authorities in terms of asking for the names and addresses of anybody who has been caught speeding in that jurisdiction. In fact, I have had constituents who have come to me and said, 'I have received this from Spain,' and, I think, Switzerland as well. I could be wrong on Switzerland, but certainly Spain. So it comes as a bit of a surprise that our authorities appear to have been assisting foreign authorities, but the Chief Minister, in his answer, appeared to indicate that we cannot obtain assistance from those authorities in relation to a foreign vehicle that may be speeding in Gibraltar. Is he certain that that is the position? It comes as a surprise, bearing in mind that I know there are requests for assistance from the Gibraltar authorities.

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Hon. Chief Minister: Mr Speaker, my understanding is that actually that gateway for information opened for a very short period during our membership of the EU – in fact, after the referendum but whilst we still had obligations under the EU treaties – and then closed when we left, so I think for a period of about five months we were able to seek and receive information and people were able to seek and receive information from us, but after our leaving the European Union that gateway is no longer available to other countries and neither is it available to us at this stage.

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Q402/2022

Bob Peliza Mews and Chatham Views – Progress re construction; financial position

Clerk: Question 402/2022. The Hon. D J Bossino.

Mr Speaker: Unfortunately we do not have ... certainly here I do not have Question 401.

500 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the only thing I am going to say in relation to Question 401 is that I am going to answer it with Question 402, so if the hon. Gentleman reads it ...

505 **Mr Speaker:** Please go ahead. If you have Question 401, read it out. The Chief Minister will respond and it will be answered together with Question 402. Then you can read Question 402.

Hon. D J Bossino: Yes, Mr Speaker, it is certainly on our Order Paper. Question 401 reads: Further to the answers provided to Q46/2022, please provide an update as to the progress of construction in respect of the Bob Peliza Mews and Chatham Views developments.

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

Hon. Chief Minister: I will answer with Question 402.

515 **Clerk:** Question 402/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please confirm that the Government has the required financing in place to ensure that the Bob Peliza Mews and Chatham Counterguard developments can be completed.

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

Hon. Chief Minister: Mr Speaker, as explained in answer to Written Question 67/2021, the start of Bob Peliza Mews estate is dependent on the decommissioning and demolition of the ex-Waterport power station and the relocation and demolition of the AquaGib reverse osmosis plant and workshops. The contract for the first stage of the demolition of the ex-Waterport power station was awarded in September 2022. This first stage involves the decommissioning and removal of the mechanical and electrical equipment. This has already begun and is programmed for completion by the end of 2022. The second stage of the demolition works, involving structural demolitions for which tenders will be issued this month, is programmed to proceed as soon as the first stage has been completed. In parallel with this, and following the completion of a series of ground investigations and soil tests, the assessment and definition of any ground remediation measures that might be necessary is currently being finalised. It is expected that the clearance of the area required to commence the first phase of the estate will be completed towards the end of the first quarter of 2023, after which construction can begin. The clearance of the area required for the second phase of the estate is dependent on AquaGib's relocation. They are in the process of designing the new facility, for which a planning application will be submitted. The whole estate is programmed to take 35 months to construct.

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535 In respect of Chatham Views, the clearance of the site began in September 2022 following the award of the contract for the demolition of the ex-Westside School buildings. The demolition works are currently under way and are programmed for completion in January 2023, after which time the site will be fully cleared. There will then be a need to undertake some infrastructure diversion works ahead of the start of the main project to build the estate, the construction of which is programmed to take 27 months to complete.

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545 No delays are expected to arise as a result of financing.

Hon. D J Bossino: Mr Speaker, if I deal with the answer to the first question first, in terms of the timelines he has given, they are completely aligned with the previous answers we have had, so in relation to Chatham it is 27 months and in relation to Bob Peliza it is 35 months. I think the Chief Minister has confirmed that that remains the position. But is it fair to say – and the answers

550 he has given I think require further analysis – there has been probably very little movement since I last asked this question, back in ... well, May was not that long ago, but secondly that not one brick has yet been laid; in other words that the construction element, the laying of bricks element, has not yet started? In other words, the 35-month period and the 27-month period ... the clocks in relation to those periods have not started ticking? Can he confirm that that is the case?

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Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago, which sets out the position so clearly that I am surprised that that is the question he is asking.

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Hon. D J Bossino: Mr Speaker, I am asking for his assistance by way of confirmation. Can he confirm that bricks have not yet started to be laid and therefore these timelines – the 27-month period and the 35-month period – have not yet started to tick?

Really what I am driving at is that we are looking at quite a lot of delay in terms of getting these projects completed.

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Hon. Chief Minister: Mr Speaker, what the hon. Gentleman is trying to do is get me to do his soundbites for him, and I am not going to do that. What I am going to tell him is that we are on target to achieve the timelines that we set out before and which we believe we will be able to complete.

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When I met the purchasers groups in respect of both of these estates, I told them that the demolitions will be dealt with in keeping with the information I have given this House, and we are keeping to those timelines. We therefore expect to be able to complete the estates in keeping with the timelines I set out to the purchasers when I met them.

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Hon. D J Bossino: Maybe times when he met them. Does he not accept that his original timelines are way off the wall, that he has not been able to keep to them and that there is immense delay? Can he not acknowledge – and, dare I say, have the humility of acknowledging – that there is immense delay as far as these two projects are concerned?

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Hon. Chief Minister: Mr Speaker, of course I have the humility to acknowledge – as I have said before in this House when I last answered the questions and made a statement about this during the course of the Budget – that these projects will not be completed when we wanted them to be completed.

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There are Gibraltarian families who need these properties and we have not been able to complete them because, as the hon. Gentleman says – with a smile on his face, thinking that he has caught the fish – there has been a small thing called a pandemic that has stopped us from being able to sign contracts in respect of these works. If we had signed contracts, it would have been bad for the taxpayer. It would not have advanced the possibility of completions sooner. The people I met in respect of these matters fully understood what was happening.

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Does the hon. Gentleman think it is in the interests of the taxpayer or the Government to delay these things? Does the hon. Gentleman think that the Government would, for one moment, have wanted to delay the construction of affordable homes for Gibraltarians? Does the hon. Gentleman think that if he had been in my chair, despite his legendary indecisiveness he might have been able to do things more quickly? Of course he would not have been able to. This is not a question of who is in government. This is a question of being able to deliver as quickly as possible for the Gibraltarian families who need these homes. Of course we wish we had been able to complete them sooner, but it has just not been possible, and if it had been possible, we would not have failed to act sooner to deliver these homes.

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The people I met had the assurance that I told them I was giving them a timeline that we would keep to, and keeping to it we are.

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Mr Speaker: Next question. No, next question.

Hon. K Azopardi: Mr Speaker –

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Mr Speaker: No, hold on. The Leader of the Opposition. (*Interjection*) What we cannot do is go round in circles. The answer has been given. Let's allow the Leader of the Opposition to –

Hon. D J Bossino: But hang on, Mr Speaker ... There has been, as usual, a hitting below the belt by the hon. Member, getting personal and casting aspersions as to my character, or whatever. As far as he is concerned, honestly I tell him: water off a duck's back, for various reasons – honestly.

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Does he not agree with us that the pandemic cannot be prayed in aid, cannot be used as an excuse, because bricks and construction work could have started and in the timelines they said when they first announced these projects these developments were going to start to be built
615 before the pandemic hit? Does he not accept that?

Mr Speaker: This is the final question from the Hon. Damon Bossino, and then we will allow the Leader of the Opposition to ask a question.

Hon. Chief Minister: Mr Speaker, I have cast no aspersions on the hon. Gentleman's character. To say that he is indecisive is merely descriptive. It is not in any way designed to be an aspersion. I think in his more convivial moments he would tend to agree with me; so would his best friends.

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What I want to be clear about is that the pandemic is not something that is being prayed in aid. It ill behoves a politician in a mature democracy like Gibraltar to pretend that the pandemic did not happen and had no consequence. It may be very easy to say that in the context of politics today and to pretend that this was not something that affected construction, or, indeed, every other aspect of life in Gibraltar. It is their position that Gibraltar's public finances are in a state which is not optimal because of extravagant spending by the Government and ignoring everything that happened during the pandemic, because I should not be able to pray in aid the pandemic in respect of our public finances either.
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The pandemic was a reality. It was a reality that gave rise to all construction work being stopped. It was a reality that gave rise to construction contracts no longer being negotiated. The hon. Gentleman should know that in addition to the pandemic, the other thing that has been relevant has been Brexit, because Brexit has been making the pound-euro shift wildly. It has also made it very difficult at different times, because of Withdrawal Agreement cliff edge etc., to negotiate contracts, because as anybody who is involved in development will tell him, contractors were hedging against the possibility that the Frontier might be less free-flowing etc. I will tell him that the things which he calls an excuse – Brexit and the pandemic – are actually realities that anybody who is looking at this non-politically and not trying to score points, as he is obviously doing transparently, will realise actually has an effect on the ability to negotiate contracts responsibly. You can sign any contract you like ... If money is no object, you sign any contract, a pandemic can happen and you keep paying. The pound-euro rate goes crazy and you keep paying because you have not hedged against it. The Frontier becomes more or less fluid and you keep paying, even though they might have to bring it round in another way.
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Hon. Members know that they are taking a persona which is political for the purposes of scoring party political points because they believe that the people who are going to be purchasers of these homes will not see through them – I believe, actually, they are very intelligent people, in particular the very mature people who came to see me as a result of the concerns they have – and that people will not understand the reality of a pandemic not being prayed in aid and Brexit not being prayed in aid but properly relevant in the context of this negotiation.
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Do I wish we had delivered these homes already? Of course I do. Do I wish we were about to deliver these homes? Of course I do. Do I wish it politically? Of course I wish it politically, because he knows and I know what the value of delivering an affordable home to a member of the general

655 public and a voter in Gibraltar would be. Do I wish it in my heart, in particular because of the needs
that I understand these Gibraltarian families have? Of course I do, and that is why I work every
single day to ensure that we can sign these contracts, we can start laying these bricks and we can
hand over these homes as soon as possible.

He can smirk and laugh all he likes. For me, this is about more than just politics, as it is for him.

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

665 **Hon. K Azopardi:** Mr Speaker, the problem with that analysis, of course, is that they issued a
press release in 2017 which was entitled 'Hundreds of homes will be delivered by 2019'. They
talked about these three projects – Hassan Centenary, Bob Peliza and Chatham Views. The clear
indication they gave to the electorate and the people of Gibraltar in 2017 – and indeed in the run-
up to the 2019 election, but in 2017 when they announced it, with great fanfare – was that,
indeed, as the title of the press release says, hundreds of homes would be available by 2019 and
well into 2020. It may be that COVID had an impact because there had already been delays, but
the Chief Minister has to recognise that the delays came well before, because the original promise
670 they had made had been breached. That is the political point, does he not accept?

Hon. Chief Minister: Mr Speaker, in October 2019, exactly three years ago, we went to the
people of Gibraltar and explained at that time why those homes had not yet been delivered. By a
margin of two to one, they chose us, not them.

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Mr Speaker: Next question.

Hon. D J Bossino: And that is not political point-scoring, Mr Speaker? (*Interjection*) No, that is
fine. When it emerges from his mouth, it is fine. (*Interjections*)

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Mr Speaker: Next question.

Clerk: Question 403 –

685 **Hon. D J Bossino:** Mr Speaker, I have a supplementary on Question 402.

Mr Speaker: You may proceed to ask the supplementary, but just the one supplementary.

Hon. D J Bossino: I thought we had at least three strikes.

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Mr Speaker: I think you should refrain from using unhelpful words. Let's keep on and let's be
constructive about our performances and our work here.

Hon. D J Bossino: Mr Speaker, may I ask which particular word you took offence at?

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Mr Speaker: I am not here to give any explanations. If I take a decision, you respect the
decision. If you are unhappy with the decision, you later come to see me behind the Speaker's
Chair or you would write to me and we will discuss it.

700 **Hon. D J Bossino:** Mr Speaker, I just wanted to elucidate from you which word you think I have
used that is offensive in any way. That is all. Of course I respect the Chair, Mr Speaker.

Mr Speaker: We will discuss this later.

705 **Hon. D J Bossino:** Mr Speaker, I think the answer to Question 402, if I recall, was that there was not going to be any delay. The question is more focused and specific than certainly the answer that was provided by the Chief Minister. The question was very specific. It was whether the Government had the required financing in place. Does it have it, or not?

710 **Mr Speaker:** Mr Speaker, I would not have been able to use the language I used in the last sentence of the answer I gave the hon. Gentleman if we did not.

Hon. D J Bossino: Is that because the answer is yes? In other words, that one needs to assume that ... The projects would not be the subject of delay, I think he said, as a result of financing. Was that the answer? Implicit in that is that the financing is currently in place. Is that the case?

Hon. Chief Minister: Mr Speaker, the sentence that he has remembered is the sentence that I delivered, and his comprehension of it is correct, although I do not necessarily agree with the way he expresses himself. I have expressed myself as I thought was appropriate.

720 **Hon. D J Bossino:** With respect, the hon. Member is wrong. I need him to confirm. It is a very specific question that is being asked. Why can't he simply say yes, sir? Is the financing in place? Yes or no? Is it in place now? Yes or no?

725 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is here to ask the questions. I am here to provide the answers. I do not take advice from him on what answers I give.

Mr Speaker: Let's move on to the next question.

Q403/2022
Victoria Keys –
Arrangements with developers

730 **Clerk:** Question 403/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can the Government confirm whether the financial and/or contractual and/or commercial arrangements with the developers of the Victoria Keys site have now been entered into?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, no, this is still being negotiated.

740 **Hon. K Azopardi:** Mr Speaker, I will not ask him how long he needs to negotiate, because of his long answer before, but what I will say is the problem with the answer he gave earlier – and, indeed, the answer he has just given – is that he put this centre stage in his 2019 manifesto, with glorious pictures of the lovely project that they had negotiated with the Victoria Keys developers that was going to be provided for the people of Gibraltar. They said in their manifesto that they were going to publish the agreement whenever they reached it. It has been three years, longer
745 since he announced the project.

The problem with the Government, does he not agree, is that they constantly announce projects and it then subsequently appears, despite all their nice glossy pictures, that they still need several years to negotiate the actual agreements that they have told people they had already got in the bag?

750 **Hon. Chief Minister:** Mr Speaker, I am not going to give him the answer about negotiation that I gave him earlier, because I hope that he would have understood that I am not going to set the clock against myself and the taxpayer in Gibraltar to do the negotiations. It appears he is starting to internalise that.

It is true that in 2019 we had an agreement in respect of Victoria Keys which I set out for the general public and the hon. Gentleman was very critical of, but the one that he now appears to want us to have done was the one he appeared to be very critical of at the time.

On reflection, we should have put, instead, in the 2019 manifesto, a photograph of the germ that causes COVID, a photograph of the Moderna and Pfizer vaccines that we were able to acquire, of Gibraltar's empty streets and maybe the Deputy Chief Minister, the Attorney General and myself involved in the negotiations of the new arrangements for a UK-EU treaty. That would have been more honest. Of course, we did not know about that, then.

It is also true that, given that he is going to say I am praying in aid the same things which are, in their view, obviously just excuses, when for everybody else in this community they are realities, they should be for him because I invited him to Convent Place and we were a moment away from a Government of national unity and worked very well together at the time because this was a reality, this was not a pretence.

The other agreement he was asking me about, the £90 million agreement, now means that what some people call the 'rubble mountain' on the Eastside ... It was always a rubble mountain when they were in opposition, then it became Sovereign Bay when they were in government, but when we were elected we found the same rubble mountain with no Sovereign Bay in it. That is now going to be part of the deal for the Eastside development, which means – and I have explained all this in the House, I think they forget – you no longer need to transport the rubble mountain to Coaling Island to create Victoria Keys. You can, therefore, create Victoria Keys in a different way. There is a different financing cost involved in the creation of Victoria Keys, which does not involve ... When we announced it, heaven forbid the movement of trucks we were going to have, which was going to be terrible for Gibraltar, environmentally – were we going to bring it by sea? Then, by sea it would be terrible also. We have found a different solution. There is no movement of all of that rubble mountain by trucks etc.

I think with this Opposition the problem is we are damned if we are damned and we are damned if we are damned, whether we do or we do not, they want to damn us for having done the Victoria Keys agreement. My goodness, we have had exchanges about how terrible the Victoria Keys agreement we had said we were going to do would be. Now they are going to damn us for not having done the agreement they damned. They are going to damn us for not having brought the rubble mountain over in the way that they said was damned. Guilty without a chance of proving ourselves innocent – that is the sort of charge the Opposition puts against us every single time. We are going to carry on negotiating the Victoria Keys agreement to ensure we get the best possible deal for the taxpayer now that the circumstances have changed, now that we do not need to move the rubble, now that there are different options for reclaiming in that area.

I think we will, once again, be able to do a very good deal for the people of Gibraltar, and when we have done it we will publish it. I think that is the right thing to do, to give transparency to the people.

Hon. K Azopardi: Mr Speaker, yes, he is guilty, actually. He is guilty of many things, but does he not see, in particular, the contradictions he is drowning in? He wants the kudos that he has done the Victoria Keys deal and he issues all the glossy pictures to that effect before the 2019 elections. He wants the kudos that he has done the Eastside deal and that he has bagged £90 million. It is the best deal possible since Bluewater, which failed. It was on his watch. But then he says he wants the space, that he has not actually done the deal, 'And don't press me, because I might do a bad deal.' Well, hang on, you have either done the deal or you have not done the deal, but just be clear to the people of Gibraltar.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman and Mr Bossino have decided that the Rules of the House mean nothing to them. One of them gets up and makes comment, the other one gets up and does not even ask a supplementary.

805 Mr Speaker, let's be very clear about something. The hon. Gentleman is neither judge, jury nor executioner here.

Hon. K Azopardi: I have asked a question.

810 **Mr Speaker:** What was the hon. Member's question?

Hon. K Azopardi: The question is: does he not realise he is drowning in his own contradictions?

815 **Hon. Chief Minister:** Oh, Mr Speaker, I see, that is the question. A very simple answer: I am not drowning in contradictions, therefore there is nothing to realise.

The hon. Gentleman says that I am guilty. Well, I have news for him: he is neither judge, jury, nor executioner. He is the Leader of the Opposition, who has come to this place to discharge the functions of that office, such as it may be, with the least popular support in the history of this Parliament. He has come fourth on the list of those who stood for office and were not elected to government. (*Interjection*)

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Mr Speaker: With respect to the Chief Minister, we are deviating.

825 **A Member:** Yes, we are.

Hon. Chief Minister: Thank you, Mr Speaker, you are right, I am deviating, but the reason I have deviated is this ... In fact, I think the ranking of the Opposition benches is almost set out before me, except those two need to change around. Why am I saying those things? For a simple reason: because the hon. Gentleman is talking about the election. The reason I mention the result of the election is because he is talking about the manifesto, the designs we put in the manifesto and how we performed against that.

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The hon. Gentleman would be hauling me over his alleged coals if we had entered into heads of terms with developers in Gibraltar for something we thought might be called Victoria Keys and we had not announced it. If the Government does an arrangement with four developers in Gibraltar, we do not announce it because it is not finalised, it is just heads of terms, and we do not publish it, the hon. Gentleman will come here and say, 'You have done a secret deal with developers in Gibraltar which you not telling the people of Gibraltar about,' and he will try to take the kudos for it. If we do announce it but we do not yet have a final agreement, he says, 'You announce something and you do not have a final agreement.' I am sorry to say has he forgotten that between 2019 and 2022, those events that we were talking about happened and they deprived everyone in every economy of being able to progress matters?

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Mr Speaker, I am sorry, you want to say something?

Mr Speaker: I think you have explained the position very clearly and we now need to move on. Do you have another ...? Let's move on to the next question.

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Q405/2022
Red ID cards –
Difficulties in renewing

Clerk: Question 405/2022. The Hon. the Leader of the Opposition.

850 **Hon. K Azopardi:** Mr Speaker, is the Government aware of concerns about difficulties being encountered by registered Gibraltarians seeking to renew red ID cards?

Clerk: Answer, the Hon. the Chief Minister.

855 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the process and criteria for identity card renewal has not changed and therefore we are unaware what difficulties are being encountered by applicants. As at 13th October 2022, a total of 5,372 red identity cards had been issued in 2022, and whilst processing times may differ, influenced by the number of applications in a given period, these, on average, take between 10 and 12 working days to process.

860 **Hon. K Azopardi:** Mr Speaker, I am reluctant to speak about individual cases across the floor of the House, but perhaps I can discuss issues with the Chief Minister if there are any particular cases.

865 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman knows that my door is always open, if he has a constituent who has a particular difficulty, to try to assist in any way we can.

I will say that in a number of instances when I have tried to get involved, there have been failures of submission of information etc. and we have been able to resolve it very quickly with the individuals. In fact, I should also say, in praise of this Department, that I do not just hear the bad, I also hear the good. I am told that in many instances the waiting period is much shorter than
870 10 to 12 days.

Mr Speaker: Next question.

Q406/2022
Minors crossing the border –
Reason for controls introduced by Spain

Clerk: Question 406/2022. The Hon. the Leader of the Opposition.

875 **Hon. K Azopardi:** Mr Speaker, has the Government been made aware of why the Spanish authorities have introduced new controls at the border concerning minors wishing to cross the border?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I refer the hon. Gentleman to a recent technical notice issued by the Government, which can be found on the Government website. I am sure the hon. Gentleman has had regard to it.

885 **Hon. K Azopardi:** I have, but, unless I have missed something ... It explains the new arrangements in mechanical terms but I did not see that there was a clear explanation of why this had come about, and I was wondering if there had been an engagement with the Spanish

890 authorities as to why that was so. The technical notice starts with the words, 'The Spanish authorities have advised the Gibraltar authorities that as from [a particular date] ...' and the purpose of the question was to understand where this was coming from.

Hon. Chief Minister: I can tell him, Mr Speaker, that the contact between authorities was at the very local level, literally at the Frontier between those who discharge these obligations on our behalf and those who discharge obligations on behalf of the Spanish authorities, and that higher
895 up there is no perception of any change in respect of the operation of the Frontier. But this is, in fact, the position for entry and exit from Spain.

I can tell him that there are a number of instances where we would also request this data or information. Our law already provides for that. The fact that our law provides for it does not mean we require it in every instance. Our law is designed to prevent abduction etc. and I believe that is
900 the situation in Spain as well. It is more an issue that would be driven by suspicion of an officer, who would be able to ask for that sort of information in the event that he believed there was a crossing which was not a legitimate, normal crossing.

Hon. K Azopardi: I am grateful for that answer. As I have understood what he has just said, it
905 is not responsive to any particular incident or because they have decided to implement international convention obligations in a particular way as a result of a definitive change of practice.

Hon. Chief Minister: That is how we understand it, Mr Speaker; that is correct.
910

Mr Speaker: Next question.

Q407-08/2022
UK-EU treaty –
Referendum; parliamentary debate

Clerk: Question 407/2022. The Hon. the Leader of the Opposition.

Hon. D J Bossino: Now you can ask about the treaty.
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Hon. K Azopardi: Mr Speaker, does the Government expect to put any proposed EU-UK treaty on a future arrangement for Gibraltar with the European Union to a referendum; and, if so, at what point?
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Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 408.

Clerk: Question 408/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, will the Government put any proposed EU-UK treaty on a future arrangement for Gibraltar with the European Union to a parliamentary debate in Gibraltar before
925 it is entered into?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to my recent *Direct Democracy* on Radio Gibraltar, where I dealt in detail with the issue of a referendum on any UK-EU treaty over Gibraltar. During that programme I said this:
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Well, I think I have answered this question on a number of occasions. I think there is a right moment and a wrong moment for a referendum. People elected a Parliament for the purposes of the parliamentarians giving effect to their manifestos and to make the decisions that we are empowered to make through our representation of the people of Gibraltar. It is also true that this treaty, if it emerges,

– ‘emerge’ is the right word to use in a context like that –

will change our relationship with the European Union very materially. And the fact that we are in the stage at which we are arises from a decision made in a referendum in 2016, so I do believe that there is a right moment to put the issues that the treaty will give rise to in a referendum. Nobody is going to find me standing in the way of the people of Gibraltar expressing their views, especially on the work product that I have led in the context of a referendum. I am not going to shy away from submitting that work product to a plebiscite, a referendum of the people, but I think it has to be done at the right time, in the right way and in a way that is designed to empower Gibraltar and the Gibraltarians in the best possible way, in the best possible moment, because as you know, and as has been indicated on a number of occasions, this treaty will have a number of phases and Gibraltar needs to be strong and empowered throughout the period of the negotiation.

935 Finally, I do expect to put the future arrangements to a parliamentary debate before it is ratified.

Hon. K Azopardi: Mr Speaker, he will know that I follow his interventions in the media, so yes, I did hear his ... Well, I would not say assiduously. One has to do it compulsorily but not perhaps assiduously (*Interjection*) when they emerge. For those who are listening and viewing this debate, 940 he has helpfully repeated what he said, but he will understand when I say that he couched that in a manner where it was not obvious whether he was committing to a referendum or the timescale of that, so let me slice my questions up, if I may.

945 Is he saying to this House, by repeating what he said on *Direct Democracy*, that he has formed the view that there will be a referendum in Gibraltar on the issue of the EU treaty but the only question is when?

Hon. Chief Minister: Mr Speaker, I do not think I have couched my language in any particular way that is nuanced; I think I have been very clear.

950 I want to also ensure that people do not think the Government makes policy at Question Time. Calling a referendum is a hugely serious matter. The United Kingdom has got us into the bind in which we find ourselves and in which the United Kingdom finds itself because of what I can best describe as the flippant use of referenda in order to achieve a party political purpose. I do not think, given the short sweep of history since 2016, that anybody would disagree with that.

955 So I think we all have to be careful in how we approach this issue. We have to ensure that none of us uses the idea of a referendum in a way that is designed to advance our party political causes, and that is why I have been at pains to say that we must have Gibraltar’s best interests at heart in the context of the calling of a referendum in respect of this treaty and the timing of any potential referendum to be called in respect of the treaty.

960 It may be useful, party politically, for the hon. Gentleman to try to push me further, but keeping the best interests of Gibraltar at heart first and foremost, I ask him to dissect very carefully what I am saying. He and I have spoken about these issues more privately. I am happy to have a more private discussion with him if he wishes.

965 **Hon. K Azopardi:** Mr Speaker, I can be accused of many things, but I hope he does not think that when I raise these issues I do so from any other standpoint than believing firmly, always, that we have the public interests of Gibraltar at heart – both of us, by the way. Nor was I suggesting that I am asking him to make party policy or Government policy at Question Time. Indeed, he has not suggested that that is the case. He has put forward what he said on the *Direct Democracy* programme as a statement of the Government’s position. I am just trying to understand it by 970 seeking information.

975 What I asked him is am I understanding the position properly, that the Government has taken a policy decision that there will be a referendum and the question is timing, or is it the position that the Government has not taken a position yet that there will be a referendum, and so it is not necessarily about timing? That is all I was asking, so I am not sure if I understood the question. If the answer is they are not yet in a position to decide either way whether there will be a referendum, well, that is the answer; but if the answer is they have decided there will be a referendum but the question is when that will happen, that is also the answer.

980 **Hon. D J Bossino:** I think it is the former.

Hon. Chief Minister: Mr Speaker, my answer is that I believe I have already given the answer, in particular given that I have repeated the answer that I gave on *Direct Democracy*, which I think is very clear.

985 **Hon. K Azopardi:** Mr Speaker, I do not find it clear and I wonder whether other people in Gibraltar might be in the same position as me. I would ask the hon. Member to reflect further on the clarity of it.

Can I ask him, in respect of the other question, which is whether he will put the treaty to a parliamentary debate ...? He said I have asked before it was entered into. He has answered before it is ratified. They are different things, so, again, can I ask ...? My understanding of his answer is that he is saying it will not be put to the House before it is entered into.

995 **Hon. Chief Minister:** Mr Speaker treaties are entered into when they are ratified in international law. Before then, they may have been agreed, but if they are not ratified they are not really formally entered into and they do not come into effect. So what matters is that the House, in my view, should have the right to consider whether the treaty should be ratified, which is what would bring it into effect, and that is the Government's commitment.

1000 If what the hon. Gentleman is asking me is whether I will bring here a draft, for him to mark my homework and send me back to the negotiating table, the answer is that will not happen. The Government will come with the treaty that we propose should be ratified, because if we do not believe that what emerges from the discussion should be ratified we will not bring it here. We will simply not agree it. If the Gibraltar Cabinet does not agree the terms, then it will not come to this Parliament because the Government will not agree it, and then we will not be proposing that it should be ratified; but if the Gibraltar Cabinet is prepared to agree the terms, we will bring it here so that the Parliament sends it for ratification.

1010 **Hon. K Azopardi:** Mr Speaker, as I understand what he is saying, the debate would happen after it is entered into but not ratified. By 'entered into' what I mean is signed by the parties but not ratified. That is as I have understood his answer. Am I understanding his answer correctly?

1015 **Hon. Chief Minister:** Mr Speaker, the agreement treaty, or whatever it is, will not be signed unless it is agreed to by the Gibraltar Cabinet – that is to say the Gibraltar Government – and it will not be ratified unless it is agreed by the Gibraltar Parliament. That is usual in every democracy. Governments agree the terms of treaties, parliaments ratify them. That is what is going to happen here. We are going to, as a Government, agree the terms, if we can agree them. We will continue to brief hon. Members, as we have been doing, and then, once the Government has decided that it can agree something, it will come here. Obviously, if the Government does not agree that it can accept the terms, then there will not be an agreement to bring here, or anywhere else.

1020 **Mr Speaker:** One final question.

Hon. K Azopardi: Yes, Mr Speaker, and it is this, really: does the hon. Member not agree that the position, therefore, has changed? In January 2021 we had this exchange. I asked him in January 2021 is the Gibraltar Parliament going to debate the treaty before it is signed; are we going to have an opportunity to do so? He replied:

Will there be a parliamentary debate in Gibraltar before the treaty is signed? That is certainly the intention of the Government of Gibraltar ...

That is not what he is saying today. The position has changed, hasn't it?

Hon. Chief Minister: Absolutely not, Mr Speaker. The signature is the ratification. The only thing that the parties do before ratification is indicate that that is what they are taking back to their governments, and it could not be any other way.

Is the Hon. the Leader of the Opposition suggesting that he is in a different position to leaders of the opposition everywhere else in the world, where Governments bring agreements that they have done for ratification by parliament, and that is the moment when it is signed, in the context of the United Kingdom and Gibraltar by the Sovereign or on behalf of the Sovereign, only after ratification? That is the way it is going to work in this context. The ratification is what is going to matter here, because any signature that happens before is subject to ratification. It does not have any effect until there is ratification.

Mr Speaker: Is the Hon. the Leader of the Opposition content with the answer?

BUSINESS, TOURISM AND THE PORT

Q317-18/2022

OS35/LNG vessel collision –

Equipment and resources; lessons learnt and improvements for the future

1040 **Clerk:** Question 317/2022. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state what equipment and resources were found wanting in reacting to the collision of the bulk carrier OS35 with the LNG vessel over the summer?

1045 **Clerk:** Answer, the Hon. Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 318.

1050 **Clerk:** Question 318/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what lessons have been learnt from the collision, so far, and where we can improve our preparedness and response in relation to a reoccurrence of incidents of this nature?

1055 **Clerk:** Answer, the Hon. Minister for Business and Tourism.

Hon. V Daryanani: Mr Speaker, no resources and equipment were found wanting in respect of the collision of the bulk carrier OS35 and the LNG vessel.

1060 The Marine Accident Investigation Compliance Officer is currently conducting an investigation. The findings of this investigation may contain recommendations, but these are expected to be more in terms of how we can avoid or lessen the likelihood of reoccurrence, rather than measures on how we improve our preparedness or response.

1065 Additionally, I must reiterate that the Gibraltar Port Authority and its VTS team acted in a proactive and professional manner, which mitigated against a more serious incident occurring.

Hon. E J Phillips: Mr Speaker, I do not think anyone in this House would criticise those hardworking individuals who had to deal with this situation, but of course situations arise in emergency situations. Sorry, I did not hear some comment on the other side by one of the Minsters. Obviously, emergency situations occur and we can all learn from these types of incidents.

1070 The reason why I asked the question in relation to equipment and resources was in relation to the speed at which that was delivered. I know some time was taken to respond and I wondered whether any lessons had been learnt as to what we could do to increase the number of resources to cater for this type of incident in the future. The Minister has said that we have enough equipment and enough resources and there is nothing to learn from that, but I would be grateful for a bit more of an answer in relation to that.

Hon. V Daryanani: I think, Mr Speaker, it is still early days because, as I have said, the Marine Accident Investigation Compliance Officer is currently conducting an investigation. We are looking at things insofar as what we can learn, but we are always learning. This is a situation that we found ourselves in and we have handled it in a very proactive manner. The marine industry worldwide has come out and said that Gibraltar handled this situation, in the circumstances, as well as possible. We will have to wait for the next few months while we carry out the recovery of the vessel and we will see what can be looked at after that.

Hon. E J Phillips: Just insofar as the extent of the investigation that the Minister has referred to, does that extend beyond the causes of the incident?

1090 **Hon. V Daryanani:** Your next question on the Order Paper will ...

Q319/2022
OS35/LNG vessel collision –
Publication of independent investigation report

Clerk: Question 319/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state that it will publish a full, detailed report of the independent investigation into the causes of the incident and our response to the OS35/LNG vessel collision?

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

1100 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, under the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012, the Marine Accident Investigation Compliance Officer is required to make available any safety investigation to the public, and especially to the maritime sector, within 12 months of the date of the casualty. If it is not possible to produce the final report within that time, an interim report shall be published within 12 months of that date.

1105 **Hon. E J Phillips:** Mr Speaker, we are grateful for the confirmation that that process has now been engaged under the particular regulations that the Minister has referred to.

Does the Minister have any information whatsoever to provide any update to this House on how it is going and when it is likely to meet that particular target, and any initial conclusions that can be drawn from those interim reports, or, indeed, the report that will be forthcoming?

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Hon. V Daryanani: Mr Speaker, at this moment we are not prepared to make any comment because the investigation is ongoing.

1115 **Hon. K Azopardi:** Can I just ask who is conducting the report? Is it an independent body? Is it someone who is ...?

Hon. V Daryanani: We have appointed an independent expert in this field.

1120 **Hon. K Azopardi:** Can we know who that is? Is he drawn from a particular entity?

Hon. V Daryanani: Yes.

1125 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we took careful advice in respect of this. Because the investigation is ongoing, the identity of the individual should not be disclosed, so that he should not be subject to any attempts to intimidate or otherwise coerce.

1130 The person is drawn from a list of individuals who have experience and who are recommended by the United Kingdom Department of Transport, who have responsibility for the Red Ensign. Usually, the investigating state should be the state of the flag state of the vessel, which is Tuvalu. Tuvalu asked that the Gibraltar Maritime Authority accident investigation should run with the investigation. We agreed to do that, or rather the accident investigation in Gibraltar agreed to do that and to appoint somebody from outside Gibraltar to carry out the investigation from the United Kingdom.

Mr Speaker: Next question.

Q320/2022

Refurbishment of entry points – Expected timeline

1135 **Clerk:** Question 320/2022. The Hon. D J Bossino.

Hon. D J Bossino: Further to the answer given to Question 254/2022, please state when Gibraltar's entry points, particularly by sea and land, will be refurbished from their current deplorable state.

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

1145 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Government will make an announcement on this when we are ready to do so. Work to add electronic digital systems etc. is being finalised and we expect to do one refurbishment exercise.

Hon. D J Bossino: Mr Speaker, I have received representations in relation to this. I have received photographic images of the cruise liner terminal, and the external walls really are in a bad way. I have also seen, myself, and I have also received representations to the effect, by way

1150 of photographic evidence, of the pedestrian access on the Gibraltar side of the Frontier. I normally cross over by car, and even the vehicle access is not that brilliant, but I must say the pedestrian access fares worse. I have also received, very recently, complaints about Gibraltar Airport not being in a particularly good state. The toilets there, I am told, are in a really bad way.

1155 A lot of these things, I think, are capable of quick resolution. He says that an announcement will be made. I am assuming that the announcement is a precursor of something a bit more substantive and part of a project to refurbish all these things. Maybe the Minister can ... I invite him to elucidate upon that, but does he not agree with me that at least a quick patch-up job, a quick paint job, would do wonders and at least make Gibraltar's entry points more respectable than they currently look?

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have been very clear with all Ministers that I think we have a responsibility to be very careful with taxpayers' money at this moment. I can already read the question that hon. Members would put to us if we spent a penny painting a wall which we demolished four weeks later. The hon. Gentleman needs to understand that if we are 1165 looking to add electronic entry systems to Gibraltar under one set of circumstances, which should be clear in a few weeks, or not, if we are looking to change flows of people in the Airport if we do a particular deal or not, he would be the anvil with which we would be hit if we had spent money painting that wall four weeks earlier. We do not want to incur a cost to the taxpayer that would be undone a few weeks later.

1170 The hon. Gentleman has talked about the problem with the toilets, which I think neither I nor the Minister were aware of, which does not fall into that category, but all the other instances that he is talking about which we are aware of we are holding back on because we expect clarity, which will enable us to make announcements of projects in one direction or another, depending what result we emerge with from the negotiations in respect of the UK-EU treaty. That is why nothing has been done now.

1175 We are as concerned that we should look as good as we can, but we are also concerned not to spend money unnecessarily. Those are two conflicting situations and I am sure, given that they constantly tell us that we must not be overspent in any head in the Budget Book, they would not want us to paint the same wall twice, which is exactly what I am saying would happen if we were 1180 to move now.

Hon. D J Bossino: I am not sure that reply addresses some of the entry points. If I am kind to the hon. Gentleman, I think that, actually, it is a very weak response. Certainly the cruise liner terminal ... I am not sure that is going to be in any way impacted by the negotiations in relation to 1185 the EU treaty.

Can I just assuage the concerns the Government may have in relation to this? I can undertake that I will make absolutely no criticism should they spend at least a bit of money for a coat of paint to improve those entry points; I think it would be a reasonable initiative on the part of the Government.

1190 In terms of a specific question, Mr Speaker, can I ask the Minister ...? I think he said he would be making announcements soon, or words to that effect, but did he also say there were certain refurbishment works that were going to be a bit more imminent than others? He is shaking his head. Can he elucidate in relation to that? I did ask, during the course of my preamble to my earlier question, whether he could elucidate as to what type of works he is going to be carrying out in 1195 relation to the entry points. I think he has only mentioned some of them.

Hon. Chief Minister: Mr Speaker, what we said and I reiterated is that there would be different types of works done, depending on the outcome of the UK-EU negotiations, and that in some instances we will be adding electronic systems which will do one thing or another, depending on 1200 the outcome of the negotiations.

1205 We have had a number of debates in this House in relation to spending. The hon. Gentleman is saying to us, 'Spend a bit of money on paint,' as if that were, in the context of what he is saying, very little money. The hon. Gentleman obviously does not have experience of government, but it is not very little money to paint an area, in particular an area that you think you may be setting to refurbish in a different way, depending on the outcome of a negotiation that is potentially going to be concluded in a matter of weeks or months.

1210 They tell us it is terrible that we are overspent in respect of the Gibraltar Electricity Authority, even where the overspending deals with the cost of fuel so that we can have the lights on – and that is not a choice; if you want to keep the lights on, you have to pay for the fuel – yet now he is asking us to make the choice to spend on something which we will potentially undo in a few weeks. I ask him to understand that we are not trying to avoid having our entry points as spick and span as we would like them to be. We want them to be totally spick and span, but we think it is worth waiting a little while and having one job done, rather than having to undo a job that might be done.

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Mr Speaker: Next question.

Q321/2022
Gibraltar Airport arrivals –
Human resources issues

Clerk: Question 321/2022. The Hon. D J Bossino.

1220 **Hon. D J Bossino:** Please provide an update as to the human resources issues impacting on flight arrivals at the Gibraltar Airport.

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

1225 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, this is a National Air Traffic Services (NATS) problem, who are on contract to the Ministry of Defence. The Airport Terminal Director is only informed of NATS human resources issues when there is an operational impact on civilian flights, so that he can manage these, but he has no information on any HR matters, including their manning and sickness levels, or the contractual obligations between them, as there has never been a direct link to HM Government here.

1230 The Government has insisted to the MoD that it must ensure it complies with its obligation to keep the runway open and operating as per the agreement with us.

1235 **Hon. D J Bossino:** Mr Speaker, I am sure he, they, the Government, and certainly we in Opposition, are equally frustrated on this one, and we do appreciate on this side of the House that the legal factual realities are such that the Government, in a direct way, has, in some respects, very little that it can do to resolve this. This is certainly not the Government's fault, but clearly we all agree across the floor of this House, judging by the press statements we have both made as a result of this issue, that the closure so often in recent history is having an impact on flight arrivals. That is an obvious point. The danger then becomes that it could have a more medium-to-long-term effect in terms of our reputation and impact on the efforts the Government may be making to attract more airlines and more air passengers to Gibraltar.

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Can I ask him whether he has any further information and any further updates as to a proper resolution to what appear to be human resources issues impacting particularly in relation to sick leave? I imagine there is sick leave and therefore there are not enough people to cover those

1245 unfortunate absences. It is something that, as far as I am concerned, from my own memory, never used to happen before, and if it did, I do not recall the Gibraltar Airport having been closed as a result. Can I ask him for that information?

Chief Minister (Hon. F R Picardo): Mr Speaker, I had a meeting this morning – because it is my responsibility to meet with the Commander of the British Forces (CBF) once a month – where this issue was broached. I made the position extraordinarily clear on behalf of the Government and people of Gibraltar, as he would expect, and of course the Commander of the British Forces was equally trenchant in his view that the position of NATS has been entirely unacceptable in the failure of their obligations to the Ministry of Defence. There is a chain of agreements here. The Government has an arrangement with the Ministry of Defence and the Ministry of Defence have an arrangement with NATS, which is the UK air traffic control company.

Hon. Members will remember that in all of the difficult exchanges I had with Trevor Hammond, when he was in this House, I always used to say he was an excellent professional in his field, which was air traffic control etc. Mr Feetham will remember that I often berated him for not being an expert on gas, but I said he was an excellent professional when it came to the safe management of our aircraft. It never used to happen when Trevor Hammond was in charge at NATS, and I make that point repeatedly to CBF and to others. I am very concerned that the absence of an understanding of Gibraltar Airport at the management level at NATS may have been lost, and that is one of the concerns that I believe CBF also understands and is communicating to NATS.

I do fear that we are not out of the woods yet and that we are still going to have a number of instances where we are going to see Gibraltar airfield not being able to operate in the hours when it should be operating whilst they train up new people who have been recruited. It is not possible to bring people from the United Kingdom to simply do their job here, because they need to have airfield-specific qualifications or knowledge, which takes time to acquire. So you cannot simply fly people out to fill the gap that you have; you have to recruit people and train them, and that is going to take a number of months.

The position of the Government of Gibraltar and the people of Gibraltar has been made extraordinarily clear to the Ministry of Defence and from the Ministry of Defence also to NATS, and the Government has reduced the amount that we pay under the Customs and User Agreement as a result of the hours of operation of the airfield being reduced. That may not seem like much of a sledgehammer in the negotiations, but if the hon. Gentleman thinks that we have a weapon that we are not using, perhaps instead of asking us to use it he might point us to where it is.

Hon. DJ Bossino: Can I ask him a very specific question? I share the views that he has in relation to Trevor Hammond, quite apart from the fact that he is my first cousin. The specific question is: is the resolution of the problem – and I will go on to the problem now – increasing the complement, if I have understood him correctly from his meeting with the CBF this morning, and is the problem sick leave? Can he confirm that that is what is impacting the Gibraltar Airfield and its operation?

Hon. Chief Minister: Mr Speaker, the solution to the problem is recruitment. One of the aspects which requires recruitment, and probably the principal aspect, is sick leave, but not just sick leave on its own. Remember we do have something that they say I pray in aid but which has physical realities that manifest themselves, namely COVID, which has affected every aspect of how we and others run organisations and which continues to affect us because we ask people not to come to work in certain circumstances in order not to infect others. COVID is still there. It is not a killer anymore, in the way that it was. It still, unfortunately, claims the lives of some. With a vaccine we are able to live with it, but it does not mean we want people who have it to come to work, because there could be issues with infecting others.

All of that is happening in the background. Those are the things that I have been told and which I am happy to share with him, and to continue the references of praise in respect of his cousin.

Mr Speaker: Next question.

Q322/2022
Tourism development –
Measures to encourage private sector investment

1300 **Clerk:** Question 322/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state specifically how the Government expects the private sector to invest in developing tourism in Gibraltar; and what policy measures, if any, will it introduce to encourage that investment to take effect?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, the Member opposite is asking me the same question that GBC recently asked me in an interview. There are certain ways in which we can see private sector investment taking place: improving their offerings, joint marketing, and new businesses related to tourism. These are a few examples of private sector investment or involvement.

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Mr Bossino should know that we are working with the new CEO, Mr Bossino, to establish how best to progress this way of working. I am happy to brief Mr Bossino on the advice we receive from Mr Bossino in this respect.

1315

Hon. D J Bossino: I was waiting for that, Mr Speaker, and it has arrived. So be it. I am sure Mr Bossino, the CEO of the GTB, will do a very good job; I am absolutely certain of that. (*Banging on desk*)

1320

In fact, the question does not arise from his interview with GBC – although I know he made those comments in that interview, I did not watch the interview myself – but it actually arises from comments he made to the *Gibraltar Business Magazine* in its last edition. If I may quote just a few of the things he said – this is not him saying it; it is the report of the journalist saying ... I do not know whether he wishes to resile from what he said. I am sure it is in consonance with what he told the public via GBC. He said:

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The Minister believes the private sector needs to invest more in tourism,

– which is, I think, in essence, what he had told GBC. And then he said, and I think this is a direct quote:

maybe by looking into some sort of partnership with Government. I am happy to discuss ideas with them.

1330

The reason why I ask this question ... and he has given an answer in this House, but I am afraid to say that whilst there may be some more particulars in what he has said now, it is not particularly particular. He talks about improving the offering and marketing and things like that. I asked specifically whether there was a policy and policy measures in relation to this, so is there anything other than a general comment about how he wishes the private sector and his encouragement of the private sector to invest in the tourism product? Is there anything more specific that the Government is doing by way of, let's say ... I do not know ... financial assistance? For example, the

1335 Hon. the Father of the House, yesterday, in reply to questions posed by my learned friend and
colleague the Leader of the Opposition, did not provide the specific criteria which would influence
him as to whether he would accept new investment or participate in that investment, but he at
least gave a bit more information as to what the general guidelines were. I do not see that from
the hon. Member.

1340

Hon. V Daryanani: Mr Speaker, there is a lot of work that goes on behind the scenes, and when
I talk about the private sector ... I am always talking to members of the private sector businesses
related to tourism because they are key to the whole tourism business going forward.

1345 We need to understand that the Government has invested a lot of funds over the last 10 years
in our tourism product, in beautifying the Nature Reserve, the suspension bridge, investment in
St Michael's Cave, the Sky Walk ... All these things have been achieved over the last five years, so
we have invested a lot of funds in this.

1350 When I use the word 'partnership'... Partnership can be looked at in [inaudible] partnership.
One of the examples I will give you is joint marketing. The Government has certain funds that we
can invest in marketing. We need to be careful, the times that we are in at the moment, but if we
had a partnership on marketing with the private sector ... I will give you an example. I was at a
trade fair recently where Gibraltar had what I would describe as a modest stand, and then we had
a jurisdiction next to us, which will remain nameless at this moment, and they had a massive stand
with about 20 people on the stand. I thought this was quite impressive. I spoke to some of them
1355 and it showed they had a partnership with the private sector. They had hotels, they had people
who had businesses related to tourism, the Government – everybody was together. I think that is
what I mean when I say 'partnership' and what I mean by 'involvement'. It is important to have
some form of involvement from the private sector, because they benefit too.

1360 **Hon. D J Bossino:** Mr Speaker, I accept that and I am grateful for the reply. Some form of
involvement is right, and there has always been private sector investment in tourism, building
hotels and things like that, but he seems to be calling for something different because the words
he uses are 'investing *more* in tourism' and he wants that private sector involvement. His response
has been focused specifically on the issue of marketing, which is fine, but in his introduction to
1365 the reply he was talking more about bricks-and-mortar type investments when he talked about
the expenditure which I think has come from the Government finances in relation to the Sky Walk
and things like that. Is he looking at something like that, as well, whereby the private sector would,
perhaps in partnership with the Government, put some money in, in return, presumably, for some
profit-making activity which would be of benefit to them? Obviously it has to be of benefit to the
1370 private sector as well. Is that something he is looking at, in terms of bricks and mortar projects he
has in mind?

1375 **Hon. V Daryanani:** Mr Speaker, as I said, there is a lot of work that is going on behind the
scenes. I can tell you there are certain projects I have. I feel reluctant to announce them, because
we do not know where we are going. The Chief Minister said we need to see what happens with
a treaty over the coming months, so we need to wait a little bit and be a bit more patient, but I
can tell him to rest assured that we will be making some announcements because I have some
good projects online.

1380 **Hon. D J Bossino:** One final question, and I am grateful to the Speaker for his leave. Is he telling
the House that the announcement, as things stand in relation to the further particularity that I am
seeking, is being held back as a result of the conclusion of the EU treaty negotiations? Is my
understanding correct?

1385 **Chief Minister (Hon. F R Picardo):** Of course it is, Mr Speaker. How could it not? The whole
issue of entry into Gibraltar and whether people coming from Schengen areas will pass a passport

1390 control and those coming from outside will pass a different passport control goes to the root of how tourists will access Gibraltar, and that is one of the things he knows and the whole of Gibraltar knows is being negotiated in the context of the treaty. So, of course this is going to be an issue that needs to be determined before people make decisions about which investments to make in Gibraltar. It is not that there is not going to be investment if you do one or the other; it is that there may be different investment geared to different options.

Mr Speaker: Next question.

Q323/2022
Gibraltar Maritime Day –
Details of events

1395 **Clerk:** Question 323/2022. The Hon. D J Bossino.

1400 **Hon. D J Bossino:** Please provide the following details relating to the Minister for Tourism's recently launched Gibraltar Maritime Day: (i) how many events have been held to date; (ii) who comprised the Government's delegation at each event; (iii) the total cost of each trip, broken down into air travel costs, lodgings and entertainment; (iv) who the Minister met at each event; (v) what new business has been secured as a result of each trip; and (vi) the duration of each trip.

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

1405 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, no events have been held to date.

1410 **Hon. D J Bossino:** Mr Speaker, I refer the Hon. Minister to a press release he issued on 18th August. I am sure he is aware of it, and I am sure he has it there, as part of his supplementary preparations. It is Press Release 576/2022. In that press release, which is where he announced his project in relation to Gibraltar Maritime Day, which is described as a new project that will help showcase the Gibraltar maritime product abroad and which talks about bespoke events, there is a specific reference to the first event being held in London on 20th September. Did that event not take place?

1415 **Hon. V Daryanani:** Mr Speaker, the event did not take place. The first reason was that we were dealing with OS35. The Captain of the Port was busy, of course. This was going to be a project that was led by the Port Authority and the Maritime Administration; both were engaged with the OS35 incident. We were considering going ahead with it, but then obviously there was also the sad passing of Her Majesty and we decided to postpone the event.

1425 **Hon. D J Bossino:** What would the event have looked like? He talks about this particular project, which he has described as Gibraltar Maritime Day, which I imagine is activities like those which his Ministry, during this Government's time – and, indeed, the predecessor Government used to do ... It is not something new. I just want to explore a bit further how he thinks this project is going to be different than what was done before. I know in the press release it talks about bespoke events, but nothing much more than that. Perhaps he can expand on that, particularly in terms of what he was planning to do for that event on 20th September.

1430 **Hon. V Daryanani:** The hon. Member will know that the Port Authority has always been ... We have started this new event in Gibraltar, which is Gibraltar Maritime Week, and in discussions with

1435 the Captain we thought it would be a good idea to go abroad with, as I called it, a bespoke event, where we wanted to showcase the Port, the Maritime Administration – obviously, under that we are talking about ship registration, yacht registration, the bunker facilities, something related to the Port and the specific position of our Port, and to look for more business abroad.

1440 **Hon. D J Bossino:** Mr Speaker, if I can drill down a bit further, how is that different to what has been done before? If he is talking about bespoke, is it just going to be focused on Gibraltar selling its wares, so to speak, in terms of its Port activity – and its cruise activity in particular, I imagine? How is that different than what has been happening before, such that he describes this as a new project? It is literally in those terms, a new project called Gibraltar Maritime Day.

1445 **Hon. V Daryanani:** First of all, Mr Speaker, it has nothing to do with cruising. It was a very important part of this project that we did it in discussions with the private sector, with the Port operators, with the bunker companies, who are all prepared to support this Government-led project. I think that was important. I think that was different. I have been Minister for the Port for just over two years, so for me it was something new. As I said, in discussions with the Captain we both thought this was something good to do for Gibraltar, especially when the Port of Gibraltar has done an excellent job over the last two years, especially during COVID, when other ports were closed and we were open for business, bunker volumes were up, crew changes were up, and revenue was up even when other businesses were not doing well.

1450

Mr Speaker: Next question.

Q324-25/2022

Hotels –

Hotel Indigo expected date of reopening; update re new hotel

1455 **Clerk:** Question 324/2022. The Hon. D J Bossino.

Hon. D J Bossino: Is the Government in a position to state when the Hotel Indigo is expected to open?

1460 **Clerk:** Answer, the Hon. Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 325.

1465 **Clerk:** Question 325/2022. The Hon. D J Bossino.

Hon. D J Bossino: Is the Government in a position to provide an update as to the opening of a further hotel by the end of this year?

1470 **Clerk:** Answer, the Hon. Minister for Business and Tourism.

Hon. V Daryanani: Mr Speaker, the answer to both these questions is no.

1475 **Hon. D J Bossino:** That is a very unhelpful answer on this occasion. I normally like to try to improve relations with the hon. Member, but it seems that, despite my offerings, it is falling on deaf ears. I suppose that is a matter for him. He was certainly more explicit in the interview he offered to the *Gibraltar Business Magazine*, which again I quote because he says two or three

1480 more hotels would help us further. He has identified that because it is well known that, actually, our occupancy levels are quite high, although I have an issue as to statistically why that is not shown in terms of higher averages, as he knows. Not going there, but that is the precursor of what he stated, which was this:

The Hotel Indigo is set to make its debut soon.

If I have the hotel correct, is this the one that used to be the old RBS Eurolife building by the entrance to Laguna estate? It does not look as if it is going to be opening soon, I must say, and that is why I wanted to investigate it further – unless he has a *really* stretchy definition of what ‘soon’ means.

1485 Then, apart from that hotel, he talks about the announcement of one more hotel, potentially, he says, by the end of the year. That has obviously piqued my curiosity and I wanted to know which hotel it is. He was certainly more forthcoming in his interview, and I wonder if he would reconsider and be equally, or perhaps even more forthcoming in his answer to this House.

1490 **Hon. V Daryanani:** Mr Speaker, I cannot say more.

Hon. D J Bossino: Mr Speaker, he said more in the *Gibraltar Business Magazine*. He talked about, specifically, an announcement of one more hotel by the end of the year. Why can’t he at least confirm that? He may not be able to say which hotel it is, for example, but he said that the announcement of one hotel would potentially be made by the end of the year, and he talks particularly about the Hotel Indigo being open soon. I have put to him that that cannot be right in relation to the Hotel Indigo because of the state, by just looking at it, that the construction is currently in, and there does not seem to be any movement whatsoever in terms of construction in relation to that hotel.

1500 I must tell him, with the greatest of respect to him, that he is being totally and utterly unhelpful and I would ask him to please reconsider and provide more details, or allow the Chief Minister to answer for him, which is what I expect is going to happen in the next couple of nanoseconds.

Chief Minister (Hon. F R Picardo): Mr Speaker, I think the hon. Gentleman is being remarkably unfair, and, indeed, in doing so, it is he who is being unhelpful.

1505 The Hon. Minister has been asked whether he can say more than he has said in the *Gibraltar Business Magazine*. He cannot say more than he said in the *Gibraltar Business Magazine*. We are not yet at the end of the year, the time has not yet come to make that announcement and the information that the hon. Member has from those who are developing the hotel is that there are works ongoing, so it is the hon. Gentleman – who, based just on his observations as he might have driven or walked past the area of the Indigo Hotel – is reaching those conclusions and making those assumptions, and, in doing so, is, I put it to him, being both unfair and unhelpful. For that reason, I get up to set out the position of the Government, which is to stand squarely behind the things the Hon. the Minister for Tourism said in that magazine and which have a life until the end of the year, when we expect to be able to say a little more.

1515

Mr Speaker: Next question.

Q326/2022
Airbnb –
Progress re regulation

Clerk: Question 326/2022. The Hon. D J Bossino.

1520 **Hon. D J Bossino:** Please state whether any progress has been made to regulate Airbnbs in Gibraltar.

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

1525 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Government is currently looking at regulating Airbnbs. With the recent success in increase in overnight tourism in Gibraltar, the time has come to be able to regulate the industry and be aware of the detail.

In a recent meeting with the Hotel Association, we decided we would start work on this and agreed that they would come back to the Government with recommendations. I look forward to receiving these soon.

1530 **Hon. D J Bossino:** Mr Speaker, I am not sure whether it is a recent success and whether by saying that he is wanting to ... I know he is just as sensitive as the Hon. the Leader of the House is, as well as wishing to political point score and attribute that supposedly recent success to his own activity as leader of that particular Department, but can I ask him again for a bit more information?
1535 He says he has gone out to consultation, and presumably he is waiting for the result of that to take its course, but can I ask him what his thinking is? In other words, what does he think the regulation is going to be achieving and addressing?

1540 Again, I do listen and read what he says, and I quote again the interview he gave the particular magazine I referred to earlier. He talks about nothing more than saying it is something he is looking into and that he thinks, as far as Airbnbs are concerned, it requires some form of regulation. I would ask him to expand on that.

1545 **Hon. V Daryanani:** I think it is important to know what exactly is going on in the Airbnb sector. From that point of view, I think it is important to regulate, especially ... I have to be careful with my words here. When we are trying to sell Gibraltar as a potential investment spot for hotels, people ask us for figures and what is the situation of Airbnb. We are not aware of all that and I think we have seen, as I said, over last year's success in overnight tourism in Gibraltar, that there were a lot of Airbnbs, there were a lot of apartments being rented out, and therefore it is important that we know that. The hotel industry wants, I think, to be aware of what is going on,
1550 so that is why I have asked them to come back with recommendations. I was at a meeting today with the Federation of Small Businesses and they brought up the subject of Airbnb. I told them to come back with what ideas they had and how they thought we should do it. This is a new thing, so I think it is important that we get as much consultation done as possible before embarking on legislation.

1555 **Hon. D J Bossino:** Can I explore that a bit further? Is the rationale behind the seeking of further regulation simply – and it may be both things that I am going to suggest – to have more control as to how many there are, so that, presumably, that will help statistically, if people are wishing to invest in Gibraltar and opening a new hotel, to know what the current snapshot bed offering is in Gibraltar? Is that the rationale? But is it the sole rationale?

1560 I do not pretend that I have spoken to the hotel industry in relation to this, but I can imagine that one concern would be a level playing field and the fact that the hotel industry needs to comply with certain things whilst these individuals are ... almost basically a free-for-all, because there is absolutely no regulation.

1565 **Hon. V Daryanani:** I think, Mr Speaker, for statistics purposes it is important to do that. We are not here to control anything; it is more knowledge than anything else. I think it is important to distinguish that a hotel is a hotel and an apartment is an apartment, so if you have people who are going to come to Gibraltar and stay for one night in an apartment, the hotels could consider
1570 that as some form of unfair competition.

I do not know, but having looked at some of the legislation that exists in different jurisdictions, there are certain rules, and one of them that struck me was that you need to stay for certain nights. So if you are staying for four nights, you cannot stay for one night in an Airbnb. If you are staying for three nights, then you can. If not, you should stay in a hotel. That is just one example.
1575 As I said, it is still very early days to go into that detail.

I want to carry on consulting with the Hotel Association. At the end of the day, they are the experts in this field, and our new CEO, Mr Bossino, who is also an expert in the hotel industry, will be advising me on this matter.

1580 **Hon. D J Bossino:** The new CEO has the hotel industry running through in his blood.

Can I congratulate the hon. Member for what I think was a very full response and in the spirit in which I expect him to be answering the questions, hopefully, from now on? It really was an interesting response and really helpful. Can I ask him when he expects to be in a position to roll out the regulations?

1585

Hon. V Daryanani: Mr Speaker, as I said, I am waiting for a response from the Hotel Association. As soon as we have that ... and consult with whomever I think we need to consult with. I hope to do this as soon as possible because I think that is what the industry wants.

1590 **Hon. E J Phillips:** One simple question: is the Government considering short-term holiday letting legislation around this area? That might be one way to afford protections to those who rent accommodation in this way.

1595 **Hon. V Daryanani:** Mr Speaker, it is not something that has been brought to my attention, so if you have any further information on that, I am happy to look into it.

Mr Speaker: Next question.

Q327/2022
LNG vessels –
Exclusion zones

Clerk: Question 327/2022. The Hon. the Leader of the Opposition.

1600 **Hon. K Azopardi:** Good news.

Mr Speaker, does the Port Authority operate exclusion zones around LNG vessels?

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

1605 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, there are no specific or extraordinary exclusion zones established around LNG vessels specifically at anchor, particularly when they are not conducting cargo operations.

1610 **Hon. K Azopardi:** The Minister will, I assume, want to wait for the report on the OS35 and *Adam* collision, but I would ask him to reflect ... Would he agree with me that, given what has been already put in the public domain, not least by the Chief Minister, as to that information that was available at the time as to the collision, it might be something to consider for the Government in future to reflect on legislation to have exclusion zones around LNG vessels that are anchored within our waters?

1615

Hon. V Daryanani: Mr Speaker, first of all, I am not an expert in LNG, but having said that, LNG is extremely safe. We will wait for the outcome of the investigation. What I can tell him is that we apply all industry guidelines to LNG operations.

Adjournment

1620 **Chief Minister (Hon. F R Picardo):** Mr Speaker, given the time and given that hon. Members have another commitment that we want to support them being able to attend, and to express our own renewed condolences to the family of Terry Cartwright, I would propose that the House should now adjourn until tomorrow at 4.30 in the afternoon.

1625 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 21st October at 4.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 21st October at 4.30 p.m. Those in favour? (**Members:** Aye.) Those against? Carried.

This House now adjourn to Friday, 21st October at 4.30 p.m.

The House adjourned at 5.17 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.34 p.m. – 7.04 p.m.

Gibraltar, Friday, 21st October 2022

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The Gibraltar Parliament

The Parliament met at 4.30 p.m.

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

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

Questions for Oral Answer

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q332-334/2022

Chilton Court –

Parking spaces; refurbishment

Clerk: Meeting of Parliament, Friday, 21st October 2022. We continue with Answers to Questions.

Question 332/2022. The Hon. D J Bossino.

5

Hon. D J Bossino: Please state when the construction of the car park at the Chilton Court estate is expected to commence and complete.

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

10

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Questions 333 and 334.

Clerk: Question 333/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state to whom the parking spaces at Chilton Court will be made available.

15

Clerk: Question 334/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state whether the Government has any immediate plans to attend to the general refurbishment and upkeep of the communal areas, including the external façade of the blocks and external areas at the Chilton Court estate.

20

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

Hon. S E Linares: Mr Speaker, there are currently two sponsored projects, under the National Economic Plan, at Chilton Court. There will be approximately 50 extra parking spaces, of which 80% will be made available to Chilton Court residents for rent and the rest will be for the use of clubs and associations.

25

30 The project currently has outline planning approval and has now been submitted for full
planning application to be tabled at the DPC. As soon as the designs are approved I will be in a
better position to inform on the dates.

We intend to do a general refurbishment of all housing estates which have not yet been done.
Chilton Court will also have the benefit of having the estate embellished due to the car parks,
playing areas, clubs and premises building projects currently under the planning stage.

35 **Hon. D J Bossino:** Thank for that reply, to the hon. Member. In terms of the numbers, I have
here that 50 are being made available to the residents. Out of how many parking spaces?

40 **Hon. S E Linares:** Mr Speaker, the answer says 50 *extra* car parking spaces.

Hon. D J Bossino: And those 50 are being made available to residents – is that understanding
correct?

45 **Hon. S E Linares:** Eighty per cent of them.

Hon. D J Bossino: So it is 80% of the 50 extra that are going to be made available to the
residents. Does he have a total number of parking spaces? (**Hon. S E Linares:** One hundred and
eighty) Is that the totality of it?

50 And when he talks about two sponsored projects – I think he said – by the National Economic
Plan, is he choosing between the two or it encompasses all of it? There were two projects he was
talking about, if I can put it in these terms. Can he provide more detail in relation to those two
particular projects?

55 **Hon. S E Linares:** Mr Speaker, the first project is going to be the project in which the current
space in Chilton Court, which is the middle of Chilton Court, where the playground and the football
and basketball area are, will be lifted. Car parking spaces and stores will be underneath and the
replacement of the total of what is underneath will go on top. That is one project.

The second project is the one with clubs and associations, and also for the tenants to have their
own club. So it is just in the Chilton Court area and that is the second project.

60 **Hon. D J Bossino:** In relation to the balance of those parking spaces, presumably they are being
made available to the general market out there – or is there another residential area that is going
to benefit from them?

65 **Hon. S E Linares:** No, Mr Speaker, those parking areas are for where the premises are going to
be, so people who are using the premises will have certain parking spaces to put their cars in. So
the project in which there are the premises, there are stores, there are the premises for the
tenants' association and commercially it is for them. That means that they can have their own
recreational area and they can do their own children's parties. It is for them. Obviously, if there
70 are going to be premises there, there are certain parking spaces available for people who attend
the premises.

Hon. D J Bossino: I think I know what he means, but in terms of the premises, he is thinking
about clubs and sporting activity types of thing? Okay. I think he has made that clear.

75 In relation to the refurbishment, I have seen correspondence that has been sent to him as
recently as this summer – 10th July – and in fact, although there is a brief reference to the projects
which I think he has now described as sponsored projects, 80% to 90% of the letter is a list of items
that I will not necessarily need to go into now for the purposes of this session, where the residents
are complaining about a lack of attendance in terms of refurbishment works that need to be done.
80 Can he give us more details as to what he proposes to do in relation that? I think the overall

complaint is that there has been absolutely nothing done over the last 11 years. That may be an exaggeration, but certainly very little has been done in relation to refurbishment and upkeep of the area.

85 **Hon. S E Linares:** It is an exaggeration. We do, on a constant, day-by-day basis, maintenance of the whole estate. I am in constant contact with the tenants' association of the Chilton Court area and we discuss all these things. As and when they bring me things that need to be done, they are usually done. That we have not done the big refurbishment that has been done in other estates is true – yes, we have not done it – but, as I have said in my answer to the question, we are looking
90 at doing the whole refurbishment of Chilton Court as well as all the other estates.

Hon. D J Bossino: In relation to doing the whole refurbishment, which presumably is going to be a bigger project than simply touching up areas here and there, does he have a timeline as to when he expects that is likely to commence?

95 **Hon. S E Linares:** No, sir, not at this precise moment. I can tell the hon. Member that already within the projects we are doing we are looking at improving certain things around the estates that will help, but I cannot commit myself to a timeline now.

100 **Hon. D J Bossino:** By 'improving certain things' is he talking about in advance of the major projects? Is that what he is talking about? No?

Hon. S E Linares: In relation the projects we are doing.

105 **Mr Speaker:** Next question.

Q335-37/2022

Government rental dwellings –

Numbers available for allocation, undergoing refurbishment, and beyond repair

Clerk: Question 335/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state how many units are available from the housing rental stock for allocation, categorising the units into size by the number of rooms.

110

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 Questions 336 and 337.

115

Clerk: Question 336/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state how many units from the Government housing rental stock have been earmarked for allocation but cannot be allocated as they are currently being refurbished for that purpose, categorising the units into size by the number of rooms.

120

Clerk: Question 337/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government inform the House how many empty government dwellings are being refurbished for allocation and beyond repair?

125

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

Hon. S E Linares: Mr Speaker, as at 13th October 2022 there are 11 government rental properties available for allocation, all of which are currently under offer. These are one 1RKB, one 2RKB, four 3RKB, three 4RKB, one 5RKB and one 6RKB.

There are 28 properties which have already been earmarked to applicants on the waiting list and are in the process of being refurbished. These are three 1RKB, five 2RKB, 11 3RKB and nine 4RKB.

There are a total of 40 properties categorised beyond repair within the housing stock which will be put out to tender, and a further 92 properties which form part of the urban renewal project.

Hon. D J Bossino: We will take a look at the answer just given, Mr Speaker, with a bit more care – how many units are available.

In terms of the 28 properties, which he has then broken down, which are currently basically under refurb – they have been identified for allocation but they cannot be allocated until they are refurbished – can he give an indication as to more or less ...? I know it is difficult, because obviously each flat will have its own particular intricacies which will need to be dealt with, but a broad indication as to when these are likely to be made available?

Hon. S E Linares: Mr Speaker, as the hon. Member rightly said, it is very difficult to ascertain exactly, of the 28, how much time each one of them will take. I can tell the hon. Member that it is in Housing's interest to have it done as quickly as possible, but obviously, sometimes doing things quickly might not be of the standard that people expect, so it is a question of trying to balance whether we take a little bit more time in refurbishing a flat, for example, and also it depends on the condition we get the flat back in. It is very important, because we are now taking steps in trying to see that people at least return the flat somewhere near how they got it. It is incredible how, sometimes, we get flats back.

Hon. D J Bossino: It does strike me, in terms of his reply to Question 335, that the number is pretty low. Does he have a comment to make by way of expansion of his reply to the answer he has given? As I understand it, if my note-taking is accurate, there are 11 units available for allocation, and then he kindly categorises – the question was posed on that basis. Eleven does not seem like a lot if one considers the high number of individuals who are waiting for flats to be allocated, and certainly I think on this side of the House – and I suppose I speak on behalf of both parties on this side of the House – a lot of the constituency work we get is to do with housing and people waiting, in some cases, many years in very dire circumstances to be housed. I make just that comment.

Hon. S E Linares: Mr Speaker, I gave you a date, as of 13th October, because this is a moving number. For example, from the 28 properties I said are being refurbished, we might, next week, get eight or 10, or as many numbers as are ready. It is a moving number all the time. That is why I emphasised, when I answered the question ... to put a date, because that means on that date there were 11, but we do allocation every other week. Every other week, we have allocation meetings where we allocate houses to people. Sometimes we get 20, sometimes we get 10. It depends on how they are returned and how soon they are returned. It is not a fixed science where you can say every week I am going to get 11, it is moving all the time and that is why I specifically gave a date.

Hon. D J Bossino: So basically is the Hon. Member telling me – and perhaps the question needs to be phrased in a different way – that if one takes a snapshot as at 13th October, on that particular date there were 11 flats available for allocation? Is he able to tell me that he has information – or simply from experience, given he has done that job for some time – whether that

180 is an acceptable number for that particular date? How does it change? Does it tend to go up, or is it more or less ...? Is this analysed on a weekly basis? I appreciate I am asking the question perhaps without sufficient knowledge of how the system works, but if he could give some helpful comment in relation to that ...

185 **Hon. S E Linares:** Again, Mr Speaker, it fluctuates. Sometimes I am very disappointed when I go to the Allocation Committee and I only have 10 houses to give, and then in two weeks' time we have another 20 to give. So it fluctuates. I cannot give a figure. What would I like? I would like to have 40-50 every week, but I have not got them. What I am saying is that it depends on how quickly they are refurbished and turned around.

190 Some people want movement from a 3RKB to another 3RKB and that is the allocation we do, because it is not only allocating people new houses, it is also changing people in new houses. As I have explained in the House before, we tend to do chains, where family A wants to move somewhere in estate B and then we wait for that family, and at the end we get one house back. So there is a lot of movement all the time. These are probably people who might be in the private sector or living with parents ... that we allocate a specific house to a new person, but it is, all the time, moving. One week, we might get one number and ...

195 Like I said, all I am trying to do is to have the turnover of houses quicker and better. That is the only way we can work, so that we can then make inroads into the lists.

Mr Speaker: Does the Hon. Marlene Hassan wish to ask a question?

200 **Hon. Ms M D Hassan Nahon:** Mr Speaker, this is a bit of a vague question but over the years I have been going around estates, especially during election time and such, and there have been many flats – way more than the numbers I am hearing here – that have been empty, closed off, needing a revamp, and to me 28 seems very little. It is a strange question, I know, but considering how many properties there are, how can there just be 28 that are being refurbished for allocation?

205 **Hon. S E Linares:** There are two reasons why. The 28 are the 28 that we are refurbishing as from 13th October. That is the first thing, and the second thing is there are a number of flats that are empty and we cannot do anything about it, because they were sold by the GSD to the tenants, who subsequently have passed away and the families are keeping the house, and we cannot do anything at all. That has been, for us, a big mistake, in that the GSD sold houses on estates and these houses are kept empty, so it is a house that we cannot do. Not only that, it is costing the Government a lot of money because we have to create a management company and we have to create the whole of the rigmarole, the whole lot of legality because people own houses on big estates.

215 **Hon. Ms M D Hassan Nahon:** Thank you to the Minister for answering that. Can I just ask him is the GSLP Liberal Government selling houses, or not?

220 **Hon. S E Linares:** As soon as we came into government we stopped the sale of those houses. We are talking about – (**Hon. Chief Minister:** Post-war.) Yes, we are talking about post-war on the big estates. Of course we sell houses that are in the Town area, where we do the urban renewal, which the hon. Lady asked ... We sell those houses when they are empty, they are beyond economical repair and we put them out to tender, or we sell them to, say, a block of flats that has three or four people living in it, of which two are being sold and the other two are not. We will offer them the sale so that we can get rid of the whole of the stock. But we have stopped, definitely, the sale of flats on big estates because it does not make sense.

225 **Hon. Ms M D Hassan Nahon:** I thank the Minister again, but can I just ask what exactly does not make sense, or what is costly or not costly, because the GSD administration may have sold

230 flats on estates, but in the same way as you see other estates, whether private or public, and some are rented and some are sold. What is the detriment of selling apartments on estates as opposed to not?

235 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is something that I have dealt with on a number of occasions and I think it should be clear already. I have said in this House in detail what the issue is, so I am surprised I have to repeat it, but I am happy to.

When we sold, as a Government – and not the GSLP Liberal administration but the GSD administration – a post-war flat in the Government estate, we were selling it, I think, at a rate of £1,000 or £2,000 per square metre, or a lot less than that, even, and when we build, the cost of building is three, four or five times that. So the Government was alienating an asset that had a value four or five times in its hand to be able to rent to tenants, even though the rent we got was nowhere near the cost of development, and was being deprived of having that asset to rent out. The hon. Members' position from opposite was that we should continue to do that and at the same time we should continue to build for rental. So, in other words, you sell for whatever it was – I think it, literally, in some instances, might have been £500 per square metre – and then you go off and build at £6,000 to £10,000 per square metre, depending on what the cost of building might be, to rent out at the same rate as you were renting out the other property. That is economically and financially nonsensical. It is the worst possible use of taxpayers' money and the worst possible use of the assets of the Government – assets, in particular, that we held to house those who needed Government housing. This is not affordable housing; this is government housing.

245 The hon. Lady asks what is the difference with affordable housing. With affordable housing, the Government contributes the land. We then build and we sell 50% at cost and retain 50%, unless somebody wants to buy 100%. The loss is the value of the land alone, but the growth of the value of the asset and the ability of the family to have the asset available to them, first of all creates economic activity, and second has the very important function of enabling a Gibraltarian family to grow and develop within that property. It is a completely different proposition. There is not the loss that you occasion with the sale of these post-war government flats.

I have explained it a number of times. I hope that is helpful.

260 **Mr Speaker:** Next question.

Q338/2022

Constituent surgeries – Whether conducted face to face by Housing Minister

Clerk: Question 338/2022. The Hon. Ms M D Hassan Nahon.

265 **Hon. Ms M D Hassan Nahon:** Does the Housing Minister conduct face-to-face surgeries with constituents?

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

270 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, this question comes as a surprise to me. I am very proud of not only meeting with constituents in my monthly clinics but I also visit regularly the housing estates and engage constantly with the tenants' associations. I see this as part of my work as a Government Minister and will continue to do so. So the short answer is yes, very often and very many.

275 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker. I was just driving at trying to understand if the Minister could answer the process to obtaining appointments, the typical waiting times and how often they are seen, simply because I have been approached by constituents who want to see the Minister, and I wanted to ascertain this.

280 **Hon. S E Linares:** Whichever constituents go to the hon. Lady and want to see me, I can guarantee that I will see them. At the maximum it will take a month, but I usually see them within a week, so for anybody who wants to come to see me my address is GE Suite, Regal House in Queensway. They can go there and make an appointment, and I usually do see them at the monthly clinics. If the person has an urgent matter, I usually see them before.

285 **Mr Speaker:** Next question.

TRANSPORT

Q339/2022

Bus app – Expected wait for reactivation

Clerk: Question 339/2022. The Hon. E J Phillips.

290 **Hon. E J Phillips:** Mr Speaker, can the Government state why the bus app is undergoing maintenance and how long the public will need to wait until it is reactivated?

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

295 **Minister for Transport (Hon. P J Balban):** Mr Speaker, the bus tracker web app is now fully operational. As the hon. Member may appreciate, the tracking service may, from time to time, falter, as it relies on GPS technology and also telecommunications technology.

Separately, the Gibraltar Bus Company website has been under maintenance. I am pleased to advise the hon. Member that my ministerial office has been working closely with the Gibraltar Bus Company and the website is now up with the general content under review. I am hoping that, once again, all relevant important information and route timetables will be available shortly.

300

Hon. E J Phillips: Can the Minister confirm how long the site was down for – the app?

305 **Hon. P J Balban:** Mr Speaker, I believe I was told it was a matter of days. I would not be able to put an exact figure on that. I am not sure, perhaps a week, but if that information is important, I can definitely seek it.

Q340/2022

Park and ride – Government position re implementation

Clerk: Question 340/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state its position on the implementation of a park and ride scheme?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, the position of the Government remains that it intends to develop a park and ride scheme at Devil's Tower Road car park after the tunnel under the runway has become operational. Furthermore, the Government is considering the implementation of park and ride at other locations, such as the old air terminal site. These will be announced in the future.

Q341-43/2022

**Registered vehicles by fuel type –
Numbers and percentages re diesel, unleaded, hybrid and electric**

Clerk: Question 341/2022. The Hon. E J Phillips.

320 **Hon. E J Phillips:** Mr Speaker, can the Government state of all registered motorcycles in Gibraltar, how many are diesel, unleaded, hybrid or electric, broken down into percentages?

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

325 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 342 and 343.

Clerk: Question 342/2022. The Hon. E J Phillips.

330 **Hon. E J Phillips:** Mr Speaker, can the Government state of all registered cars in Gibraltar, how many are diesel, unleaded, hybrid or electric broken down into percentages?

Clerk: Question 343/2022. The Hon. E J Phillips.

335 **Hon. E J Phillips:** Can the Government state of all registered commercial vehicles in Gibraltar, how many are diesel, unleaded, hybrid or electric, broken down by percentage?

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

340 **Hon. P J Balban:** Mr Speaker, details are as follows. As regards registered motorcycles, there are zero diesel motorcycles, 15,334 petrol motorcycles, zero hybrid motorcycles and 100 electric motorcycles. The percentages are diesel 0%, petrol 99.31% – obviously, because they are petrol, 0% are hybrid and 0.65% are electric. That relates to Question 341.

The following details are for registered cars: diesel, 6,098, which makes up 24.39%; petrol, 17,289, which is 69.14%; hybrid, 1,482, making up 5.93%; and electric, 115, comprising 0.46%.

345 Finally, when it comes to registered commercial vehicles, there are 1,891 diesel, which make up 66.37%; there are 905 petrol, making up 31.77%; five hybrid, making up 0.18%; and electric, four, comprising 1.58%.

350 **Hon. E J Phillips:** Mr Speaker, I am grateful to the Hon. Minister for setting out those numbers. We asked this Question because obviously we are attempting to test not only our community's appetite for electric and hybrid vehicles but also the success of the Government's policy of moving people towards acquiring hybrid or electric vehicles.

I know the Minister will recall a public statement made by a distributor in Gibraltar. We will not name them here, but they suggested that acquisitions of hybrid and electric vehicles were at

355 around 65% insofar as new vehicles. Would the Minister agree with me that there is a very long way to go for our community to transition to electric and hybrid vehicles? And what is the Government doing further to persuade members of our community to do that, given the significant levels of air pollution in our community?

360 **Hon. P J Balban:** Mr Speaker, this very much depends on what the suppliers bring to Gibraltar. By default, most petrol vehicles that are arriving in Gibraltar now are hybrid by nature, so I expect these figures to increase pretty quickly.

When it comes to electric vehicles, I think there are a lot of things people think about when they are going to buy an electric vehicle. It is not as simple as swapping one sort of vehicle, an I.C.E driven vehicle to an electric vehicle, because you need to take into consideration things like range and size. People may want to use their cars to go away on long distances, so it means you have to factor in the next place where you could actually charge your car and, when you go on holiday, whether you choose a hotel that has electric charging points. You need to research that. When it comes to local use, I think it has a lot more potential because you can get, probably, around 400-500 km per electric charge and it makes things a lot easier locally, but the moment we move out ... I think most Gibraltarians will use their cars in Spain whenever they have a chance to.

370 So there are factors that deter people from buying electric and I think these things need to be taken into account before we start saying there has been low take-up. There are incentives, as the hon. Gentleman knows. People out there cash back, attractive cashback schemes. We have recently reduced the amount of cashback on hybrids and pushed it towards electric. There are also incentives for people to set up their own electric charging points at home. They get a deduction for that. So there are incentives in that respect.

380 **Hon. E J Phillips:** Mr Speaker, in my view, those statistics are fairly shocking insofar as the number in terms ... If you look at the commercial vehicles for one, we have debated in this House before the number of commercial vehicles that are pumping out, to use the Chief Minister's phrase, dirty, grimy diesel – in another context; let's not go beyond that. We have 1,891 commercial vehicles that are pumping out fumes onto our streets – that is 66%, and 31% are unleaded, so 95% of commercial vehicles in Gibraltar are polluting our environment.

385 What is the Minister doing to persuade businesses in our community to transit their working fleets from dirty, grimy vehicles, as the Chief Minister has characterised them in the past, to more efficient, more green aspects? Clearly this Government is founded on a child-friendly and green policy. Isn't it right, therefore ...? I would ask him this question: hasn't their policy, insofar as green Gibraltar in respect of vehicles is concerned, completely failed?

Chief Minister (Hon. F R Picardo): Mr Speaker, I have never used the phrase that the hon. Gentleman has attributed to me. The phrase I have used is 'grimy, smelly diesel', the abbreviation for which is GSD. I am surprised he does not remember. The reason why I refer them to that is because they were going to establish not any aspect that might relate to vehicles, they were going to establish a power station that was going to be exclusively a diesel power station. They were going to establish it in the Nature Reserve and it was going to be spouting grimy, smelly diesel into the Nature Reserve at the area of Jews Gate, where people would be looking over one of the attractive views of the Straits of Gibraltar. Instead of seeing the view now – of the Lathbury sports facility, which is open and operating, the fantastic green area there and the Straits – they would be seeing the six funnels spewing out grimy, smelly diesel.

400 Indeed, Mr Speaker – just before I allow the Hon. Minister to deal with other points he might raise – we introduced, in a number of Budgets, different measures to stimulate people buying vehicles which were not diesel vehicles, to stimulate people buying hybrid vehicles and to stimulate people buying electric vehicles. Those measures have been improved since they were first introduced and have attracted a considerable number of people, although not the sort of

percentage that would have been attracted if we had provided even more incentives. But hon. Members constantly tell us that we spend too much money, so I am surprised that they are encouraging us to enhance those incentives because those are fiscal incentives – that is to say incentives based on money foregone by the Government; that is money not raised by the Government. The Hon. the Minister for Transport will be able to say more.

Now, just looking at whether a vehicle is diesel or petrol is not enough. You have to look at the characteristics of the vehicle – whether it is diesel and a hybrid, whether it is a Euro 6 engine or whether it is an even more sophisticated engine – and look at the emissions. The Hon. the Minister for the Environment was reminding me the other day, in a meeting we were both attending, that actually the air quality in Gibraltar has never been better since we started to measure it. That is not to say that we do not want it to be even better and that we do not want the traffic to not create problems of air pollution. However much less air pollution there is now, any air pollution is air pollution that we need to be fighting against.

So, Mr Speaker, with that, I just hope that the hon. Gentleman will use today's exchanges to have, now, firmly in his mind that the references to grimy, smelly diesel and the initials GSD remind me always of that.

Hon. P J Balban: Mr Speaker, should I elaborate further? *(Interjection by Hon. K Azopardi)* Yes, just to add a few things I have written.

Mr Speaker: The Hon. Minister is going to be replying to the Hon. ... and then we will allow you to ask the question, Leader of the Opposition.

Hon. P J Balban: Mr Speaker, what we also have to remember is that these vehicles attract 0% Import Duty.

The question the hon. Member has asked is based on the total number of vehicles registered in Gibraltar. You have to understand that in Gibraltar there are vehicles which are 10, 20, 30, 50 years old, which means we are comparing something which is a pretty new technology as it slowly diffuses into the population of registered vehicles in Gibraltar. We have only had these incentives for a number of years and there are vehicles out there that are 30, 40 or 50 years old. Obviously, we cannot expect, just because we implement certain incentives, to have, all of a sudden, 50% of our registered vehicles ... It would be different if you had asked the question 'Of the vehicles bought in the past year, how many are diesel, how many are electric and how many are hybrid?' The figures may be more towards what you expected, which was more positive. Remember, we are diluting this figure on a massive scale, so I think it is a bit unfair to say this is not acceptable. I think the question that needs to be looked at is the short term.

Also, as my colleague the Chief Minister was saying, diesel has come a long way. We have Euro 3 diesels. When you are physically behind them – I know when I am cycling behind them – you can feel the heat of the engine and you can smell what is coming out. They all go for MoT, they are all tested for emissions and they have to conform with the emissions that they release as per the date of manufacture, but in those days the requirements were less stringent. Nowadays, we have Euro 6-plus. When we talk about Euro 6 engines, the emissions are extremely low – not that I am saying it is perfect, it is zero, but they are extremely good.

You also need to look at how you generate your source of electricity. We have our LNG, so it is a much greener form of producing electricity, but in other cities, in other countries, you have diesel power stations providing 'fuel' – electrical fuel – to vehicles. They need to see whether, in fact, it is better to have diesel or to have ...

I hope that helps a little bit more with the reply to the question.

Hon. Prof. J E Cortes: Mr Speaker, may I –? *(Interjections)*

Hon. Chief Minister: *[Mr Speaker]* ... answering one question – *(Interjections)*

460 **Hon. P J Balban:** Yes, it has been helpful. We have been – (*Interjections*)

Hon. Prof. J E Cortes: Mr Speaker, I have more answers for Mr Phillips.

Mr Speaker: [*Inaudible*] The Hon. the Leader of the Opposition.

465 **Hon. K Azopardi:** Mr Speaker, I am grateful for the Chief Minister clarifying what, in his view, grimy, smelly diesel was. The Hon. Minister gave us the statistics of the registered cars in Gibraltar, of which there were 24% diesel vehicles and 69.1% petrol vehicles. In the circumstances, does he not agree that it is more likely that there is grimy, smelly, leaded petrol – or GSLP, in fact – in Gibraltar?

470 **Hon. Chief Minister:** Well, Mr Speaker, given that one of the things we did immediately we were elected was take the GSD's Jaguar that cost, at the time, £85 to fill with petrol, and instead brought an electric vehicle – (*Interjection*) I am sorry, Mr Speaker, I am afraid that the hon. Member, from a sedentary position, is obviously getting so nervous, having realised that we were the ones who took action to lead by example, and having forgotten that, he wants to try to throw figures which are irrelevant. It cost £80 to fill the Jaguar with petrol at the time, and the cost is in the region of 80p to power the Tesla's battery for a full charge of 400 km. The GSLP Liberals led in demonstrating that electric vehicles worked and that electric vehicles could work in the Gibraltar environment in particular. We made the official vehicle of the Chief Minister an electric vehicle, instead of the vehicle that consumed the most petrol per kilometre of any class at the time.

475 So, Mr Speaker, no, I do not think we will go down in history in that way. I think they will be the ones who will always now have the difficulty of trying to establish themselves as having any environmental credentials, given what their plans were and given how they were going to finance those plans. That is why, as far as I am concerned, grimy, smelly diesel is the way they will be remembered, and that will be their legacy in terms of what they told us they were going to do for our children and their ability to generate electricity. (*Interjection*)

480 **Mr Speaker:** Hold on a second. This is getting out of hand, yet again. (*Interjection*) No. The first person – (*Interjection*) Excuse me. The first person who used unhelpful language, which has generated this exchange, is not the Chief Minister or the Leader of the Opposition. I leave it like that.

I said before that I would allow the Minister for the Environment to contribute, and then we will ask Mr Bossino, and then that will be the end of this question.

495 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Thank you, Mr Speaker.

I rise in order to add to what my hon. Friend the Minister for Transport has stated, because the Department of the Environment works together with the Ministry for Transport in the transition of forms of transport.

500 I think relying on the Government to do anything is only of limited consequence, because the industry is moving in such a way that it will, within the next decade, be very difficult to get anything other than an electric vehicle, so people will have to respond and change.

505 In any case, the Government, apart from the things my hon. Friend has said, is taking a number of steps. It is encouraging businesses to engage with providers of electric vehicles and a number of meetings and workshops have been held with the private sector introducing some of these vehicles. We are also studying the possibility of the use of hydrogen as a fuel, which seems to be the future of heavy-goods vehicles, where electric batteries may be too heavy to be efficient, so that is another aspect. And finally, if the hon. Members have been keeping aware of the media, the net zero delivery body – which is chaired by my friend and colleague the Deputy Chief Minister, and the Minister for Transport is also a member – one of its sub-committees, which has broad

representation within the public service and elsewhere, is actually looking very carefully at the transition of transport in Gibraltar. So any suggestion that we are not doing anything purely shows that the Members opposite are not keeping up with what is actually happening in Gibraltar.

515 **Mr Speaker:** The Hon. Damon Bossino.

Hon. D J Bossino: I am grateful, Mr Speaker.

In relation to the answer he gave in connection with the hybrid cars, I think the hon. Member said that of the general car population 5.9% are hybrid. He may not have this information available to him, but is he able to further particularise that, as to how many of those are plug-in or otherwise? I think they are called mild hybrids. Does he have that information?

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Hon. P J Balban: Mr Speaker, we are talking about private vehicles and the figure encompasses, globally, all the types of hybrid. That could be petrol-electric, diesel-electric, plug-in and those which are not, so I do not have that figure. If it had been asked for, it would have been provided.

525

Mr Speaker: Next question.

Q344/2022
Regulation of electric scooters –
Current position

Clerk: Question 344/2022. The Hon. E J Phillips.

530 **Hon. E J Phillips:** Mr Speaker, can the Government state where it is currently in relation to the regulation of electric scooters?

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

535 **Minister for Transport (Hon. P J Balban):** Mr Speaker, we have recently completed our discussions with the Motor Insurance Bureau (MIB) in respect of a number of matters that touch on personal light electric transporters (PLET) and other areas. We agreed with the MIB that we would conclude our discussions with them before moving forward, and we are now able to proceed in this respect.

540 The PLETs Command Paper published in May 2020 included a number of safety requirements that e-scooter riders would need to comply with, such as the wearing of helmets and having both a bell, or horn, and lights on an e-scooter. The Command Paper did not include a requirement for mandatory insurance and all the indications are that the United Kingdom will not introduce mandatory insurance for e-scooters. However, since the Command Paper was published we have been considering making third party liability insurance mandatory for e-scooters, as is already the case in a number of European countries. We have interest from one particular Gibraltar insurer to provide such third party liability cover, but the insurer is seeking comfort that there is to be strong adherence of all aspects of the Command Paper and vigorous implementation of the proposed penalties for the misuse of e-scooters. We need to determine if third party liability insurance will be generally available in Gibraltar, as to include such a requirement without a committed insurer would be pointless.

545

550

Hon. E J Phillips: I am grateful for the answer to that question, which is a much fuller response than the last time I asked this question, over six months ago.

555 Just one question relating to this subject matter. My understanding is that the Government
has received legal advice in respect of the particular use of e-scooters, because there was an
exchange in this House as to the current legality of e-scooters on our streets. I think the last time
I asked this question the former Transport Minister was unsure whether it was legal or illegal. I
think that was ventilated and we did not really get to the bottom of it. Has the Minister now got
560 to the bottom of the current legal position as to the use of e-scooters in Gibraltar?

Hon. P J Balban: Mr Speaker, when e-scooters arrived on our shores – in fact, the shores of
every modern city in the world – I think no one was prepared for them. Nobody was ready for
them, so there was, I think, what you would call – I am not sure if the word I am going to use is
565 actually correct – a lacuna in the law. Is that what you say? Yes, okay, which means whether they
were to be classified as a vehicle because they have an engine, a motor, albeit electric, or whether
they would be carved out of that particular legislation and would become equivalent to electric
bicycles or a bicycles. With the introduction of this Bill, which we will bring to Parliament, we will
see the definition of what we call a PLET become what it is.

570 Like it or not, these things have taken us by storm. They are an alternative to modern transport,
to mobility. They are greener in certain respects and I think we need to be ... I was extremely
sceptical about these devices. I think they are becoming a mainstay in many cities, but many cities
are struggling with the sorts of details you are asking me about, and if the big cities are still
struggling we may find ourselves chasing. We will be looking carefully at what other cities have
575 been doing and whether they decide to include insurance. I took some details down. For example,
in Germany, France, the Netherlands and Belgium they have introduced mandatory insurance for
e-scooters. In Spain, for example, the general orders say that there is no need for it, but having
said that, the local regulations in a number of cities – Barcelona, Valencia, Castellon and Mahon,
for example – have chosen to include insurance.

580 We need to sit down as a Cabinet, as a collective. As I said, we are ready to go, in terms of the
concerns that the MIB brought us. In fact, it was the Hon. Daniel Feetham who approached us
saying we need to look at this in further detail because he was representing the MIB at the time.
We agreed and we worked together in that respect and thought it was something where we
should really pause and ascertain where we should go. In that respect, we have satisfied the MIB
585 and now we have to decide if there is a product that could give us the assurance – which I think
would make it even better, although, remember, most cities do not have them – or it is something
that we need to consider, regulate, give it some form. Already you cannot use any scooter on the
pavement. Many people on social media say they are running wild. We legislate, we have said is
prohibited, but if you see a policeman, you are not going to be on the pavement. So it is a difficult
590 cat to skin. But that would give it form and there would be a lot more protection for the use of
e-scooters in the future.

Hon. E J Phillips: If I may, there are two questions but I will try to combine them into one, for
ease.

595 I am grateful again for the enhanced explanation to my supplementary question. One thing I
would say, though, is as part of the consultation process with members of the public as to the use
of these vehicles and the question mark over regulation and moving forward insofar as third party
insurance, is the Government also considering the level of infrastructure required to handle the
volume? As you say, it is becoming a very popular mode of transportation and a cleaner one, to
600 be fair; I accept that and I agree with him. What level of infrastructure will need to be put in place?
I know he is a keen cyclist. We all know that in this House – everyone in Gibraltar, I think, knows
it because they see him, often, cycling around our streets. What infrastructure does the
Government have to put in place to provide for that? We have limited geography and we have to
accept that, but there are things that we need to do, to make sure this is a safe activity on our
605 streets.

The second question relates to the duration. How long does he expect this process to continue before a Bill is brought to this House?

I am grateful.

610 **Hon. P J Balban:** Mr Speaker, if I can answer the latter question first, as I think it is a quicker one to answer – as I said earlier, we will be sitting collectively to discuss where we go with insurance. We just need to prod those who have shown an interest in providing this third party insurance, and if it goes ahead I think we will be ready to go in that respect. If we find that there is no appetite to cover these vehicles, then we will take the decision on how to proceed, but I do
615 not see that taking a long time. Again, it very much depends on the reply we get from the insurance company.

When it comes to infrastructure, one e-scooter occupies very little space, so if we set off from the premise that 10 more or less take the space of one car, the more e-scooters we have on the road, in theory, should mean there are fewer cars on the road if you take into consideration that
620 it could well be that one e-scooter could equate to one car. It is not the way it goes, because obviously sometimes these e-scooters rob pavements from pedestrians and they rob the buses from bus users. It is not just a straight equation. We are committed to providing infrastructure, which will be extremely helpful, whereby e-scooters will be able to share bicycle lanes in the future. We are developing our lanes in terms of a planification. We are extremely advanced now
625 in that respect, and we hope to be able to announce our vision and our plans shortly, so that at least people see where we are going. Again, this is not a plan for a year, this is a plan which will take many years because we cannot just ... There is one thing when it comes to development ... When you are developing a plot of land to build a building, you are just talking about a footprint. Cycling is taking up the whole of Gibraltar, so we are looking at the whole footprint of Gibraltar,
630 every single construction that is going on, starting or planned. It is very difficult to be able to work together to find where the disruption is going to be, or whether it is worth breaking ground – then somebody has to break ground after you.

So it needs a lot of planning; it is not as easy as I was hoping it would be. Having said that, once that infrastructure, over the years, is ready, I am very confident that we will have options to be
635 able to use roads, shared spaces, segregated bicycle lanes or just cycle lanes which are not segregated but part of the highway.

Mr Speaker: Next question.

Q345/2022

Road traffic offences in other jurisdictions – Requests for assistance from foreign authorities

640 **Clerk:** Question 345/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, on how many occasions in the last five years have foreign authorities asked for the assistance of the Gibraltar authorities in the identification of the owners or drivers of cars who are alleged to have committed a road traffic offence in their jurisdiction in each of the last five years, detailing the jurisdictions in question?
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Clerk: Answer, the Hon. the Minister for Transport.

Minister for Transport (Hon. P J Balban): Mr Speaker, these requests were received and processed through the EUCARIS platform. However, the requests would ordinarily be made via

650 the UK with no associating information as to the origin of the foreign authority in respect of the requesting member state of the EU.

655 More specifically, the Driver Vehicle Licensing Department, as the competent licensing authority for Gibraltar, has, in the last five years, received 416 requests for vehicle/owner information via the EUCARIS system. The EUCARIS platform went live in August 2020. However, as a result of Brexit, access to this platform is no longer available as of January 2021.

660 **Hon. D A Feetham:** So essentially, the position is – and we spoke about it in an earlier set of questions – that as from January 2021, effectively there is no assistance to foreign authorities asking for the identity of Gibraltar owners or drivers of Gibraltar vehicles that are, for example, caught speeding in Spain, France, Switzerland or anywhere else in Europe?

665 **Hon. P J Balban:** Mr Speaker, I think it was only yesterday the Chief Minister rose to reply to these questions, and I think he was very clear that what we had before is no longer available, since January 2021.

Hon. D A Feetham: Does he have a breakdown of the 416 in the last five years? He has given me the total – does he have a breakdown?

Hon. P J Balban: Mr Speaker, no, I do not.

Q346/2022

Road traffic offences in Gibraltar by non-residents – Requests made to foreign authorities for assistance

670 **Clerk:** Question 346/2022. The Hon. D A Feetham.

675 **Hon. D A Feetham:** Mr Speaker, on how many occasions in the last five years have Gibraltar authorities asked for the assistance of foreign authorities in the identification of the owners or drivers of cars who are alleged to have committed a road traffic offence in this jurisdiction in each of the last five years, detailing the jurisdictions to which the request were made?

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

680 **Minister for Transport (Hon. P J Balban):** Mr Speaker, as explained in my previous answer, upon checking with the Driver Vehicle Licensing Department, as the Gibraltar licensing authority, I am advised that, at present, we do not share vehicle identification or owner details directly with any foreign jurisdiction. The Gibraltar Licencing Authority shares vehicle registration information with the UK, who may, in turn, facilitate this to other jurisdictions.

685 As the hon. Member is already aware, the Gibraltar Driver Vehicle Licensing Authority shared information up until 31st December 2020 with the UK via the EUCARIS platform. Access to this platform is no longer available.

690 **Hon. D A Feetham:** Mr Speaker, with respect, I do not think he has quite answered the question; maybe he has misunderstood it. The previous question was about foreign authorities asking for assistance of the Gibraltar authorities. This is about the Gibraltar authorities asking for assistance of foreign authorities. Whether it goes through London or otherwise is immaterial.

I am asking how many times in the last five years have the Gibraltar authorities sought assistance from a foreign jurisdiction in relation to a road traffic offence committed in this jurisdiction. I have asked the question before and I think the answer was that there had not been

695 any requests. I asked this question a number of years ago, and I just wanted to see what the position is now.

Hon. P J Balban: Mr Speaker, unfortunately, as I have mentioned, we lost use of this platform a number of years ago, so in that respect there would have been no change.

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Hon. D A Feetham: No, with respect, you are still not answering the question. My question is about the last five years, Mr Speaker, and I am asking in the last five years.

We exited the system in January 2021 – that is a year and nine months – so there is still a period of time before that when you did have available access to this system. I am asking, in that period –
705 I know that after January 2021 it could not happen, but prior to January 2021, for that balance of those five years – how many times have the Gibraltar authorities asked for the assistance of a foreign jurisdiction.

Chief Minister (Hon. F R Picardo): Mr Speaker, and what the hon. Gentleman is saying is that
710 there has been no change in respect of the answer he was given. He said he asked a couple of years ago – I think he might have asked it about then.

Hon. D A Feetham: I said two years ago.

Hon. Chief Minister: You said some years ago, a couple of years ago. I think it might have been
715 about then, and the answer is there is no change. The independent prosecuting authorities, who would be the ones who would have requested this information, do not appear to have requested this information.

Hon. D A Feetham: Mr Speaker, does the Minister not think it is odd that prior to January 2021
720 there had been 416 requests by foreign jurisdictions of the Gibraltar authorities via the UK? Most of those, I know, are Spanish. Doesn't he think it is odd that we have not asked for assistance of a foreign jurisdiction in order to obtain the identities of people in those foreign jurisdictions who have committed road traffic offences in Gibraltar? The answer he has given me is zero. That is
725 what you are saying. So, from foreign jurisdictions to Gibraltar it is 416; from Gibraltar to a foreign jurisdiction it is zero. Don't you think it is odd?

Hon. Chief Minister: Well, Mr Speaker, frankly, yes, I do. I think it is odd because if the
730 independent prosecuting authorities have a channel through which they can obtain the information about people who have committed offences in Gibraltar, frankly, I think they should. But there are aspects of the mechanisms in play which might make it less odd. For example, in Gibraltar we have a system, as there is in other places, where people are found to be speeding by police officers who use speed guns. Police officers who use speed guns do not need to rely on EUCARIS or any other platform to determine the identity of the person doing the speeding
735 because they stop the vehicle, the person's details are taken and they are fined on the spot, so there is no need to make a request for the information. The same would happen in Spain. If you are caught by a speed gun, a police officer would stop you, you would give your details and there would not be a request for your details through EUCARIS. But of course, through the geography of Spain, there are many more speed cameras than there are in Gibraltar. It is the speed camera
740 that identifies only the registration mark of the vehicle, which then leads to a requirement to obtain the details of the ownership of the vehicle behind the registration mark. Here, we have had many fewer speed cameras for a shorter period, and that might be why the pertinent independent authorities have not had to seek the information and have not sought to seek the information.

Mr Speaker: Next question.
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Q347/2022

Bus service –

Intention to keep free of charge to Gibraltarians

Clerk: Question 347/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Will Government guarantee in this House that the bus service will continue to be free of charge for the Gibraltarian user?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, it is the Government's intention to keep the bus service free in the future, in line with its green policies.

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This Government made bus transportation zero-fare for the local population on 1st May 2012 by removing the club card system. In doing so, Gibraltar became the first city in the world to offer an entirely free bus service to its residents upon showing their ID cards – before Tallinn, Estonia, in 2013. Many cities are now moving in this direction, with Malta having just done so at the beginning of this month.

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Zero-fare bus transportation ticks all the right environmental boxes, putting a free, sustainable alternative mode of transport right into the hands of all residents. Any excuse may now be given for not choosing to use the free bus service, but fare will not be one of those excuses.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his answer. Can I just ascertain that this policy is a general party policy going into the future, or is it something just as long as this legislature remains?

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Chief Minister (Hon. F R Picardo): Mr Speaker, we can only answer as a Government. We are not here to be asked questions as a party.

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Hon. K Azopardi: Mr Speaker, can I just ask the Minister ...? That was a welcome change, it was a real step in the right direction, and on this side of the House I say that ... but the Hon. Minister will see, as I do, that probably we need to encourage people more. What can we do? What does he think we can do? What has he got planned to do to persuade people? Having had a free bus service for 10 years, people are still very eager not to use it. Some people are, but it does not appear to be as widely used as you would think, given that it is free.

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Hon. P J Balban: Mr Speaker, absolutely right. I would love to see a massive take-up of the bus service. What more can one do? You have a free bus service –

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Hon. Chief Minister: Pay them to use the bus.

Hon. P J Balban: That is very good!

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Hon. Chief Minister: A pound every time they go on a bus.

Hon. P J Balban: The bus routes follow very similar bus routes that we inherited. The routes have not changed that much; maybe some buses have changed. What more can one do? I think this is a question of slowly, over time, trying to encourage people by providing ... not so much the bus, because the bus is very well used by the elderly community. It is also very well used by children going to school, and that is a welcome change, because before, children were driven to school and on many occasions you would see mum or dad with one child in the car, whereas nowadays it is becoming something social. My daughter, for example, wanted to get the bus

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795 because her friends all go on the bus together and it was how they got to school. So that is something.

When it comes to other forms of encouragement, we need to develop our pavements and make things greener, encourage people to walk more. Most of our trips in Gibraltar could easily be done on foot. We have considered all the talk about why can't we have a bus after nine o'clock at night – well, the truth of the matter is there is very little take-up at night. In fact, our night buses during the weekends are much better than they were. I was surprised recently – our statistics are 800 incredible. Some nights in the past there would be zero take-up at night, and now there is never a night where there is no take-up, as far as I have seen in the statistics. But what can we do?

There are things that can be done that other cities do, but I think they are economically unviable. Instead of every 20 minutes, we could have a bus every 10 minutes or every five minutes. 805 That would make the service more efficient. You would not have to wait for the bus, but the bus tracker solved those things as well. In the previous question of the hon. Member it was clear that people enjoy using the bus tracker. It is a very useful tool. It has been down for a while, people have complained and I think that is very positive. Now you no longer have to wait for the bus, you can stay that bit longer in the park or stay that bit longer in the restaurant and just meet the bus 810 when it comes.

I think it is a good offering. I think it is a question of changing mindset. How we do it is a question up in the air, really.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q373/2022

Littering offences –

Number of people reported, warned, prosecuted or convicted

Clerk: Question 373/2022. The Hon. E J Phillips.

815 **Hon. E J Phillips:** Mr Speaker, can the Government state how many people have been reported, warned, prosecuted or convicted of littering offences?

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

820 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, 46 fixed penalty notices have been issued in 2022, so far. Two are pending payment, 22 have been paid, 12 have been passed for prosecution and 10 have been cancelled. Furthermore, approximately 450 people have been warned.

825 **Hon. E J Phillips:** I am grateful for the answer the Minister has provided. It equates to roughly 10% of the total number warned being eventually dealt with in a more serious way than just a slap on the wrist, Mr Speaker.

I just wanted to refer the hon. Gentleman to littering offences more generally and ask a question about the issue we have been discussing for a number of years before COVID, and that 830 is, of course, the depositing of cigarette butts at Harbour Views Road. I know the hon. Gentleman – as a result of our exchanges in this House, I am sure, but complaints by members of the public in relation to legislating in that area – put forward ... and we warmly welcomed the regulations that were put forward. We are certainly getting representations again about the significant volume of cigarette butts in this particular area, and the Minister is fully aware of how 835 they get deposited into the sea and the dangerous effects of that. What more can the Government do about that? We are talking about thousands upon thousands of cigarette butts being

extinguished on the gravel area between the Hospital and Morrisons car park. Clearly the warnings, if they have been happening, are not having an effect, so what can the Government do about that, insofar as pushing the enforcement process a bit further?

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Hon. Prof. J E Cortes: Mr Speaker, it is difficult because people will insist and persist. We know the problem with littering is not the fact that we do not clear up; it is the fact that it has been deposited in the first place.

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Obviously, enforcement in that particular area is a challenge. It may be possible that the employer of the vast majority of people who do it may be able to encourage their staff not to do so. I think we will start having to issue fixed penalty notices to more people, now that the warning in some cases works and in some cases it does not. We are in the process of upping the ante, as they say, to try to resolve that particular issue.

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Mr Speaker: Next question.

Q374-75/2022

Dog fouling offences –

Number of people reported, warned, prosecuted or convicted;

Trees –

Number destroyed in last 24 months

Clerk: Question 374/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many people have been reported, warned, prosecuted, or convicted of dog fouling offences?

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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, I will answer this question together with Question 375.

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Clerk: Question 375/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many trees have been destroyed in the last 24 months?

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

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Hon. Prof. J E Cortes: Mr Speaker, in 2022, 45 patrols have been conducted by the Environmental Agency for dog fouling; 145 samples have been collected; 12 fines have been placed, five paid and seven passed for prosecution; 15 fixed penalty notices have been issued for no licence and registration – three of these were passed for prosecution of non-payment of fines. Furthermore, the Environmental Protection and Research Unit carries out patrols on all beaches two or three times daily, depending on the availability of officers, as they are also engaged in other duties on land and at sea. Eighty people have been warned for not having dog registrations in place.

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In relation to the trees, 121 have been felled in the past 24 months. Trees may have been felled because they had perished, they posed a health and safety risk, or otherwise following DPC approval. In the case of the latter, trees removed are normally replaced at a ratio of two for one.

880 **Hon. E J Phillips:** Mr Speaker, in relation to the patrols that are conducted in relation to dog
fouling more generally, does the Minister agree that we need to improve that particular statistic?
We live in a small community and every part of Gibraltar is the shop window to every single tourist.
To have what I can see is a very low statistic in relation to fines – five have been paid, and there
885 have been 12 fines in relation to dog fouling and still the problem persists ... Does the Hon.
Minister agree with me that we need to improve and increase the number of patrols, so that we
can continue to prevent this disgusting activity of people leaving their dog mess on our streets?

Hon. Prof. J E Cortes: Mr Speaker, I always answer yes when I am asked whether things should
be improved, so that is a standard; in fact, I have referred to that later, on another question.

890 I think the critical figure here is not the 12 fines, it is the 145 samples collected, which is a lot
of samples. Sadly, the collection of samples does not always lead to a DNA identification, and that
is perhaps where more samples might improve that.

Clearly, we will try to do as much as possible. The Environmental Agency obviously has a lot of
responsibilities, but they now dedicate time regularly to this. I do not want to prosecute more
895 people, I do not want to fine more people; I want people to stop doing this thing, this disgusting
habit that people have of leaving dog faeces around.

Q376/2022

Trees –

Number destroyed in last 24 months

Clerk: Question 376/2022. The Hon. E J Phillips.

900 **Hon. E J Phillips:** Mr Speaker, can the Government state how many new trees have been
planted in the last 24 months?

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

905 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E
Cortes):** Mr Speaker, 207 trees have been planted in the past 24 months.

Hon. E J Phillips: Mr Speaker, I know that this is an area that really fascinates the hon.
Gentleman. I was wondering whether he would have a detailed breakdown of locations and if he
might be able to be more helpful for that particular answer. I would be grateful.

910 **Hon. Prof. J E Cortes:** Mr Speaker, I have a detailed breakdown of the trees that have perished
and been otherwise removed and of the trees that have been planted. I would be happy to send
those to him after the meeting.

Q377/2022

Refuse collection points –

Collection times

915 **Clerk:** Question 377/2022. The Hon. D J Bossino.

Hon. D J Bossino: Is this the one where he thinks there could be room for improvement?
(*Interjection by Hon. Prof. J E Cortes*)

Please provide details of the refuse collection times in respect of each collection point.

920 **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 just ask the Hon. Mr Phillips if he would remind me, by email or message, to send him the list. I do not want not to see my note and then he does not get it. Thank you,
925 Mr Speaker.

The evening shift starts at approximately 9 p.m. and arrival at each point depends on the route in question and the amount of time the refuse collectors need to empty the trucks. The three large and three small refuse collection vehicles service the following districts. The first, large, truck covers Main Street and surroundings. The second, large, truck covers Queensway and
930 surroundings. The third, large, truck covers South District to North District. The fourth truck, which is a small one – that is what I mean by that – covers the south end of Main Street and south part of Upper Town. The fifth, small, truck covers Europa Point and surroundings. The sixth, small, truck covers Main Street and surroundings for cardboard only.

The morning shift starts at 5 a.m. It consists of three large and two small refuse collection
935 vehicles which service the following districts. The first, large, truck covers the airfield and surroundings. The second, large, truck covers Laguna, Glacis and surroundings. The third, large, truck covers Varyl Begg and surroundings. The fourth, small, truck covers the Upper Town and surroundings. The fifth, small, truck covers Europa and surroundings. The length of time spent at each collection point will vary every day depending on the traffic, the amount of rubbish at that
940 point and other factors such as cars being double parked and obstructing the ability of refuse collectors to remove the rubbish.

Hon. D J Bossino: Mr Speaker, I am grateful for the full response given by the hon. Member.

There are occasions when it becomes rather unsightly and I understand that it is because the
945 collection point's time has not yet arrived. I suppose it can be dealt with in two ways, and perhaps both could be deployed by Government. I would be grateful for the Minister's view in relation to what I am about to say. One is to increase the number of occasions the refuse is collected, and the other one would be to regulate when individuals can deposit rubbish.

I know that in other cities – indeed, I think even as close by as La Linea – you cannot deposit
950 rubbish as and when you please. I have seen, on more than one occasion, individuals deposit rubbish, let's say on a Saturday morning, and the rubbish is then not collected until Monday morning. I know he is going to be consulting with the Chief Minister, so ... The final point I made, which he may not have heard me say, is that you do see people depositing their household rubbish on a Saturday morning, knowing full well that it will not be collected until the early hours of
955 Monday morning on most occasions, which is a practice that may be controlled if there was some sort of enforcement in terms of when you can deposit the rubbish and therefore avoid the unsightly mess that can stay there for too long.

Hon. Prof. J E Cortes: Mr Speaker, there are already limitations in the law – I believe is the
960 Litter Act; I may be wrong, so I would need to reference that – as to the depositing of rubbish on Saturdays and at certain hours. I think perhaps people have taken it for granted that they can deposit rubbish at any time. In fact, in relation to Main Street, we are in active discussion with the Chamber of Commerce and the Federation as to how they can assist in getting business owners, in particular – who, in Main Street, are the ones who mainly put out the rubbish – to stick to the
965 appropriate hours and co-ordinate better with the refuse collectors. We are looking at various options there.

In relation to doing the trips more frequently, this is not easy. The reason why we have to have an evening and a morning shift is because we do not have enough vehicles to do all the districts

970 in one go. These vehicles are extremely expensive and I think we would hesitate, particularly at this point in time, to purchase more vehicles.

As I said, in relation to the putting out of rubbish, we are in discussion with business in order to try to improve that.

975 **Hon. D J Bossino:** Mr Speaker, like me, he is not aware of what the Litter Act provides, and whether it controls this is something that maybe we can check. I wonder whether – given that two Members of the House are not aware and given that people, if those rules and regulations are there, are flouting them – it requires the Government to commence some sort of awareness campaign to try to curb the practice in line with the law, should that be the case.

980 **Hon. Prof. J E Cortes:** Mr Speaker, what I was not certain of was whether it was the Litter Act or another Act, but there are times set out as to the putting out of rubbish.

Chief Minister (Hon. F R Picardo): For some time since the change was introduced, which I think was either in their time or in the time of the first GSLP administration, it has been illegal to put your rubbish out on a Saturday evening. I am very surprised he does not know it. We are not allowed because there is no collection on a Saturday night, and for that reason it is an offence to put out your rubbish on a Saturday. You are not allowed to put your rubbish out until Sunday evening.

990 **Hon. D J Bossino:** It is not a major issue, honestly. I certainly was not aware. I do not do it myself, but it is not a major issue. I will be checking the point, but the specific question that I asked, which I do not think has been answered, is whether there ought to be a greater awareness campaign.

995 **Hon. Prof. J E Cortes:** Awareness, as I am going to say later, in another question, is a continuum. More awareness is always good, but the law is the law.

Hon. D J Bossino: I believe these collection times – just to confirm – do not apply on Sundays; there is no collection on Sundays. (**Hon. Prof. J E Cortes:** No.) (*Interjections*) Oh, I see. (*Interjections*)

Hon. Prof. J E Cortes: There is no collection on Saturday evenings.

Mr Speaker: Let's move on to our next question.

Q378/2022
Service provision to beaches –
Details of providers

1005 **Clerk:** Question 378/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide details of the private entity or individuals which, or who, provide services to the beaches, to include equipment for the disabled, lifeguards and beach attendants, to include their names, financial arrangements and duration of their contracts.

1010 **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, there are two companies that provide services to the beaches in this regard.

1015 The beach lifeguard service is provided by ALS Telematics Ltd. ALS Telematics Ltd has a contract for the beach lifeguard, pool lifeguard and beach attendant services provided by the Department of the Environment, providing beach management and safety standards policies, with the aim of achieving a safe environment and the enjoyable use of public beaches all year round. The current contractual fee stands at £60,000 per annum and is valid until December 2025. All required

1020 equipment related to the lifeguard service is procured by the Department of the Environment directly.

The beach-accessible equipment is provided by the Mobility Care Centre. The Mobility Care Centre carries out assessments, required repairs, calibration and certification of all our departmental beach-accessible equipment prior to the start of the official bathing season. The

1025 company also provides a repairs and maintenance programme covering on-site attendance and service, where required, throughout the duration of the official bathing season. This year has been the first year the Department has purchased new accessible, amphibious chairs, as the ones inherited from the Gibraltar Tourist Board were showing signs of wear and tear and were in need of replacement. These were purchased by the Department of the Environment through the

1030 Mobility Care Centre as the only provider of these locally.

This year's service agreement was broken down as follows: pre-inspection checks of all beach equipment, £600.00; repair and maintenance cover, including call-outs, for all equipment up to the end of September 2022, £1,800; labour costs for making ready all equipment requiring certification, £600; labour costs for certification of patient-handling equipment, including the

1035 provision of the certificates of compliance, £1,300. Upon enquiry, and to the best of our knowledge, this is the only entity that is capable of providing the required overall service to the Department.

Hon. D J Bossino: Mr Speaker, in relation to the entity he referred to, ALS Telematics Ltd, he

1040 gave us the duration of the contract – it ends in December 2025 – and, as far as the Government is concerned, that arrangement incurs on the public purse a payment of £60,000 per annum. Can he say when that contract started?

Hon. Prof. J E Cortes: Mr Speaker, there was an expression of interest in 2019. Three

1045 companies applied and the Department chose this one as the one they felt could best and most economically provide the service. This would have been either 2019 or 2020 – I am not absolutely sure as to whether the actual contract started in 2019 or 2020 – so it looks like a five-year contract.

Hon. D J Bossino: Would he have with him details of the board of directors and shareholders

1050 of that company?

Hon. Prof. J E Cortes: No, Mr Speaker, but I am sure that that information is publicly available.

Hon. D J Bossino: Is it his view that that commercial arrangement is working well – I appreciate

1055 2025 is still some way away – such that he would consider continuing with that type of arrangement? I do not know what the arrangement was before there was a private entity, whether that was the arrangement which his Government and previous Governments entered into, and it is the first time they have engaged a private entity to carry out these this work. I have asked there for two points.

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Hon. Prof. J E Cortes: Formerly the lifeguards were employed directly by the Department and we were not satisfied with that arrangement. There was not the proper supervision that we could afford and so on. This contract means that the Department can now count on, as a result of training provided through them, two in-house Royal Life Saving Society qualified trainer assessors,

1065 which allows us to keep a much closer eye on the quality and the standards. There are now new
beach risk assessment protocols and procedures which are carried out all year round, and we are
much more satisfied that the service has improved.

1070 I can give some statistics in that, for example, the number of preventive actions the lifeguards
have had to be involved in has decreased since 2019. The need for them to assist has also
decreased. It seems that they are much more on top of it, now that they have this structure, than
was the case in the past.

Hon. D J Bossino: Do I take it, from that, that it is an arrangement that he would like to see
continuing into the future? As he knows, I have accepted that in 2025 things may change, but he
1075 seems to be satisfied that the arrangements are working well.

Hon. Prof. J E Cortes: Mr Speaker, yes, fortunately, we have not had any tragic episodes on our
beaches for a long time. It could always happen, so I do not want to tempt fate. I think the lifeguard
service is much improved on what it used to be. We are of the view that we are happy for the
1080 arrangement to continue until 2025, but I am not going to express a view as to what might happen
after that. Hopefully, it will still be Government.

Mr Speaker: Next question.

Q379/2022
Charles V wall –
Details of works

Clerk: Question 379/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Please state when the scaffolding structure by Charles V wall was set up, how
long it is expected to remain there, the nature of the works which are being carried out, which
entity is carrying out those works and what the cost is.

1090 **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 thank Mr Bossino for the opportunity to talk about heritage.

1095 The scaffolding was placed in December 2020 in order to protect the public from falling
masonry. Preliminary works have commenced this week with a view to restoration works
commencing the week of 24th October – next week; this was obviously drafted previously. The
envisaged works should last between four and six months.

1100 The estimated cost is around £50,000 but could be less. It is very difficult to estimate the
restoration of heritage assets, as you do not know the extent of the damage until you start the
works themselves.

The restoration works will be undertaken by the Ministry for Heritage and Gibraltar National
Museum with the support of Electricon, a private contractor.

1105 A Victorian-era pillar was detached from the medieval wall due to the growth of two olive
trees. They were exerting pressure on the superimposed construction and are now displacing it
towards the outside, with serious risk of detachment of the constituent material. I have to point
out that it has got worse since 2020, which is why we have to act now and cannot delay it any
further.

Ornamental shields and reliefs have also been damaged. They are made with mortar from a
mould. This explains the type of breaks that the lower left shield has, due to its fragility, since it

1110 probably does not have an internal reinforcement frame. Thus, being embedded in the wall, the
horizontal crack in the wall has spread over the shield. The shield has several cracks and fissures
and some very fragile elements, so it must be removed from the wall for restoration and later be
returned to its original location. It is therefore necessary to remove the roots and remains of
1115 vegetation that are causing localised damage in the cracks in the wall and especially, given their
severity, between the wall and the pillar.

The works will focus primarily on the pillar and the wall area, including the entire area of the
walkway, where the vegetation is causing damage to the structure. The pillar and the surrounding
areas of the wall will have to be dismantled in a controlled manner in order to be able to access
the tree roots and eliminate them. Once the roots have been removed, the dismantled area will
1120 be rebuilt.

The choice of material for the reconstruction will be conditioned by the material that appears
during the dismantling – that is, if any ashlar of adequate size are present, these will be reused.
If, on the other hand, only small masonry and bricks in poor condition are present, these will be
discarded and modern construction material will need to be used. In any case, lime and sand-
1125 based mortars will be used.

In order to standardise the surface, a mortar based on sand and lime will be applied, and an
incised drawing of the ashlar masonry will be reproduced. In order to achieve homogeneity in the
surface and eliminate the signs of different repairs carried out on the wall with different materials
and techniques, it will also be necessary to eliminate the surface layer of grey cement that covers
1130 the wall and the pillars.

Hon. D J Bossino: Thank you. I think he enjoyed giving that reply, didn't he? It was very
interesting to listen to the Minister giving that mini-lecture. I am sure he misses his former role.

1135 May ask why there was what appears to be an initial delay? He gave us the date of December
2020 when there was this urgent need to set up the scaffolding because of the falling masonry, as
he was discussing – presumably because of all the things he has just mentioned. (*Interjection by
Hon. Prof. J E Cortes*) It was not, okay, it was separate to the vegetation and the things growing
there. So it was basically delayed from December 2020 to 24th October this year – if he can explain
why there was a delay.

1140 **Hon. Prof. J E Cortes:** Mr Speaker, there were various reasons. One of them was the fact that
the base of ... The scaffolding and the hoarding were placed as a precaution. It did not look as bad
as it looks now, so it was not that urgent, but you always err on the side of caution. Clearly now it
has become more urgent because of the passage of time.

1145 We had to determine whether, with the limited budget we know we have available at the
moment, it was an emergency, or not, and had to be dealt with. But there is a second reason
which is also relevant and actually probably led to as big a delay as anything else, and that is the
need to have experts working on it. We needed to identify the experts and work with the Museum
to see whether their expert was available, and that has taken quite a number of months because
1150 this is not a job that anybody can do; it has to be done very carefully under careful supervision.
Also, there was a period of time in which the whole arch and the crests and so on had to be
assessed and the details that I have read out here prepared.

So it is a combination of all these things, but I am happy to say that the work will start now,
and within four to six months we should see it repaired and the scaffolding removed.

1155

Hon. D J Bossino: He has assuaged the concern I had and anticipated the question I was going
to ask about the expertise surrounding the work, so I am very happy to hear what he has just said
in terms of the expert involvement in all of this, because we are dealing with a very important
historical heritage asset.

1160 From what he tells me, these works seem to have been very specific in the sense that it was in
response to an issue. Presumably they are taking advantage of the fact that they are there and

might as well carry out more wider works. Could this be a precursor to refurbishment – and I appreciate that there is a budgetary constraint – of other historical walls?

1165 **Hon. Prof. J E Cortes:** Yes, this was a response. I would love to have millions and millions to spend on restoring our walls. Let's make no secret of that. We have carried out some work in the past few years – the *[inaudible]*, for example. We are about to start work, within the next week or two, on the Tower of Homage, also to remove vegetation. I cannot think of any others we have on the list at the moment, but certainly we will react to any urgent damage or any place which we identify threatens the existence of walls.

1170 In the case of the Moorish Castle, the Tower of Homage has been there for over 1,300 years. We would not like it to start falling to bits on our watch, so clearly, these things are given priority.

Mr Speaker: Next question.

Q380/2022
Upper Town –
Update re redevelopment

1175 **Clerk:** Question 380/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update with regard to the redevelopment of the Upper Town, and Road to the Lines more specifically.

1180 **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, ideally – I say again – I would like to have a budget of millions to completely upgrade and restore the Upper Town and, indeed, other urban areas, such as parts of the Lower South District, through which the hon. Member walks on a regular basis, but we do not, and therefore our strategy is to encourage positive developments and invest strategically in order to do so.

1185 Examples of areas that have been totally restored over the past decade include the old Police Barracks, which were derelict and now are a beautifully restored complex. That was a private development. Nearby, we have the old St Bernard's Hospital, which now houses two primary schools and a music academy. The proactive planning process has ensured that these areas are developed in consonance with the character of the Old Town.

1190 As another example, this time in the South District, we are currently in the process of allocating the area of the former GBC building to a preferred bidder, which will improve the area and should stimulate further urban renewal.

1195 Another example is the creation of Theatre Royal Park and the refurbishment of Governor's Parade, which has revitalised the area and once again encouraged private landlords to up the ante and improve their adjacent properties. This kind of initiative, which is targeted and at relatively little cost to the public purse, will continue.

1200 Meanwhile, the Urban Renewal Committee has resumed its activity and is tackling such issues as concealing of cables and pipes, and facade restoration. The Urban Renewal Officer continues to work on improving the state of many buildings and has successfully engaged in ensuring removal of cables, junction boxes and other accretions from buildings in the Town. Further to that, in the past few years he has issued 48 notices under section 61 – formerly section 37 – of the

1205 Town Planning Act, most of which have resulted in remedial action.

In respect of Road to the Lines specifically, this House was briefed on the proposed redevelopment during the Budget session in June. The Government continues in negotiations with a preferred bidder for the area.

1210 **Hon. D J Bossino:** In relation to his last points, which really inspired this question on the back of a complaint that was raised by Action for Housing ... The Government responded by way of a press release saying that in fact that area is now going to be the subject of redevelopment, and it was indeed the subject of the Hon. the Deputy Chief Minister's Budget address. It was really that I had a particular interest in exploring further, if I may, Mr Speaker.

1215 I think he said they are still in negotiation in relation to that. The Hon. the Deputy Chief Minister, on 20th June, said that the Government was on the verge of concluding an agreement, which he explained would completely reform and refurbish the Upper Town and also the access areas to Road to the Lines and all the rest of it. Is he able to give us a bit more detail as to when he expects that to conclude, and then for the much needed works to commence?

1220 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes, there was actually a meeting this week and we are close, but we are not quite there yet.

1225 **Hon. D J Bossino:** Would he have sufficient courage to say when he expects to be in a position to announce that an agreement has been reached and works will commence?

1230 **Hon. Deputy Chief Minister:** Part of the answer to that question is part of the negotiations, so the timescales and all that are also what would be included in an MoU, hopefully, if an MoU is signed. Certainly, the Government is interested in getting this done as quickly as possible, and we are nearly there.

Hon. D J Bossino: Presumably he is not in a position to give any insight as to what the – I think he described it as significant – cash premium for the land is likely to be, or is.

1235 **Hon. Deputy Chief Minister:** Mr Speaker, not at this stage. It is still a live negotiation.

Hon. D J Bossino: These are still relevant questions, Mr Speaker.

Mr Speaker: Final question.

1240 **Hon. D J Bossino:** *[Inaudible]*

1245 **Hon. Deputy Chief Minister:** I think it depends on when the agreement is finalised. That would allow concept designs to be produced and then those could be presented to the DPC for the start of the formal consultation process with all the entities represented. So I cannot give him an exact timing until the negotiations have concluded.

Mr Speaker: Next question.

Q381/2022
Schedule of listed buildings –
Whether private properties to be added

Clerk: Question 381/2022. The Hon. D J Bossino.

1250 **Hon. D J Bossino:** Please state whether the Government has considered listing privately owned buildings such as Fortress House under the Heritage and Antiquities Act; and if the conclusion was that they should not be listed, why not?

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

1255

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Heritage and Antiquities Advisory Council has discussed the listing of private properties on several occasions. Indeed, the Heritage and Antiquities Act 2018 expressly envisages the scheduling – that is the listing in Schedule 2 of privately owned buildings under sections 15(4)(e) and 17(3). We are currently in discussion with a number of landlords whose properties we are considering adding to the Schedule.

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Hon. D J Bossino: Specifically in relation to Fortress House, I appreciate that it has been a subject of liquidation and it has already been sold. Do the negotiations include Fortress House?

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Hon. Prof. J E Cortes: Mr Speaker, the discussions, so far, have not included Fortress House. There have been discussions with the proposed developers of Fortress House in relation to their forthcoming planning application and there is another meeting, which we are setting up within the next couple of weeks, at which we will touch a number of issues, which would include this.

1270

Hon. D J Bossino: Is he able to state how many properties he has received advice on in relation to this? And, if I am slightly cheeky, which properties is he looking at?

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Hon. Prof. J E Cortes: Mr Speaker, I do not think it would be fair with to the landlord, although the Act gives me the power to include in the schedule without necessarily having the consent of the landlord. I think it is good form to engage with the landlord and try to get agreement, even though agreement is not necessary. This happened when we were setting up the Act and we discussed the places of worship with the relevant denominations and got their acceptance, even though it was not necessary.

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I do not think it is fair to give the names. I think we are talking, from memory, about maybe half a dozen, six or seven, as the initial tranche of listed private properties, but we are in discussion with landlords, as I say.

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Hon. D J Bossino: Mr Speaker, to get a sense of what the Minister's thinking is in relation to this, of the half a dozen he is considering, is it possible that he may consider proceeding to enforce even without the landlord's consent?

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Hon. Prof. J E Cortes: Mr Speaker, there are a range of views. Some landlords, because this is very new in Gibraltar, tend to feel that, even though they have no intention of damaging their property from a heritage perspective, it would perhaps provide some constraints as to what they can do, and they are worried about the value of the property. However, research in the UK has shown that listed buildings in fact increase in value and do not decrease. That is the kind of conversation we are having. As I said, it varies from those who are keen to those who are less keen.

1295

If there were private properties or artefacts like fireplaces within private properties that I felt, and on advice from the Heritage and Antiquities Council, were under threat, I think my duty to the heritage of Gibraltar would be such that I might be obliged to consider listing them with or without the landlord's consent. I do not think it would come to that because that is not the nature of the conversations we are having.

1300 **Hon. K Azopardi:** Just on this issue, is there a common theme to this bag of six or seven properties? Is it, for example, that they are all in a particular zone of heritage importance, or are they classified because of their age, even though they are in diverse parts of Gibraltar, or is it because there has been a singular assessment of their own integral value – in a heritage sense; I do not mean value in a financial sense.

1305

Hon. Prof. J E Cortes: I have to be careful because I do not want to say anything that might identify the landlords in question.

They are significant properties in the old parts of Gibraltar where, in some cases, there have already been recent restorations which have been very sympathetic to heritage and where I sense that the landlord is particularly sympathetic to heritage and therefore the conversation will be an easy conversation to have.

1310

I think it is important that we should list or schedule the first group and then use that to encourage others to come along and put theirs forward.

1315

Hon. D J Bossino: I was going to ask that question, in terms of his thought process in relation to this, whether this is the first batch of properties he is considering and not the only batch and he already has his eye ... and indeed the Council advising him to list another batch when this process is completed.

1320

Hon. Prof. J E Cortes: Yes, Mr Speaker. Coincidentally, my hon. Friend the Minister for Postal Services, Tourism and the Port and I were at the National Gallery launching the set of Gustavo Bacarisas stamps this morning and we were admiring the works of Rudesindo Mannia, who captured some of the old parts of town. That is the sort of thing that encourages us, and me with the particular responsibility, to try to ensure that we keep the look.

1325

From my point of view, we need to have a few listed buildings that will show landlords that they have everything to gain and nothing to lose, so that others will then come on board much more quickly and much more easily. I think it would be good for Gibraltar and for the future of Gibraltar's heritage.

1330

Hon. D A Feetham: Thank you, Mr Speaker, I really appreciate it.

Can I urge the Minister to actually be more ambitious in relation to this? (*Interjection*) Sorry, but yes, more ambitious in relation to this. At the end of the day, essentially listing by consent with the owners is a little bit of a cop-out if you really want to preserve the heritage of Gibraltar.

1335

If there is heritage that is worth preserving, then of course all of us who are in Government, or indeed we as a responsible Opposition, have to grasp the nettle and say we have just got to preserve these buildings and list them. It is actually not unusual in other parts, in Europe. In the UK it is obviously the system that applies there, the listing of properties from Grade 1 all the way to Grade 1*, Grade 2 etc., so could I urge the Minister to be more ambitious about this?

1340

I live in a historic house myself. If I were asked – (*Interjection*) No, I have absolutely no problem at all in listing Ince's Farm. I think it is a wonderful way of preserving heritage in Gibraltar.

Hon. Prof. J E Cortes: Mr Speaker, my ambition, not for myself but for what I do, knows no bounds, but I will consider myself duly urged by the hon. Member.

1345

Mr Speaker: Next question.

Q382/2022

**Botanic Gardens –
Refurbishment of footpaths and area near main entrance**

Clerk: Question 382/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state whether the Government has any immediate plans to refurbish the footpath and surrounding area leading to the northern main entrance to the Botanic Gardens. I hope I have described this sufficiently well, so that the Minister has been able to identify where I mean.

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, this area was earmarked for improvement as part of the Grand Parade Park and underground carpark project proposed in our manifesto. Sadly, and as this House is aware, this is one of the projects that has suffered a delay due to the economic strain of the pandemic.

Some repairs and maintenance works have been carried out in the area, and there is clearing of excess vegetation carried out as required. The area will be improved as soon as funds allow the project to resume.

Hon. D J Bossino: Given that we are in urging mode here on this side of the House, can I urge him not to wait for the wider project in relation to Grand Parade, which I imagine is going to incur quite a lot of expense, and simply fix that area I have just identified?

As he knows, I walk there on my morning walk to the office, and the Botanic Gardens are looking really good, but then, for some inexplicable reason, because it is not held by the Botanic Gardens but directly by the Government, as I understand it, the look of it is quite bad and quite deplorable. Of course, the tourists coming here will simply not be able to make that distinction as to why that is the case. It really is in a bad way and he appreciates – because he and I have discussed this, albeit by WhatsApp – that it is something that needs to be sorted out. Can I urge him to try to at least fix that area, the vegetation and all the rest of it?

Hon. Prof. J E Cortes: Mr Speaker, the Botanic Gardens as a whole are looking beautiful and much better than when I was in charge, I must say, which I am very happy to recognise.

The area is one that, when I was Director of the Gardens, always frustrated me. It is a difficult area to maintain because it is not fenced in, it is part of the ... There are many reasons, going back 30 years, why it is not – largely financial at the time.

We do carry out clearing of vegetation. A significant section of wall was repaired last year. It does need investment and, as and when we are able to provide the funds, clearly I am very keen to sort it out. I will not deny that.

Mr Speaker: Next question.

Q383/2022

**St Martin's School –
Review of capacity**

Clerk: Question 383/2022. The Hon. the Leader of the Opposition.

1385 **Hon. K Azopardi:** Mr Speaker, will Government be reviewing the capacity of St Martin's School in line with the evolving needs of students and a projection of children likely to be future students there?

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, at the 2015 General Election, the parties that I proudly represent in this House, the GSLP and Liberals, committed to build a new St Martin's, and the GSD, as then constituted, said it was not a priority for them to build such a school, but they did commit, as a priority, to build a new football stadium at Victoria Stadium. We, I believe, got our priorities right. The school we built and delivered was built for the number of pupils expected, according to the advice and projection of our professionals.

1395

The number of pupils we are now advised can benefit from attendance at St Martin's has increased. As a result, the Government is considering several options for accommodating the recent and unpredictable increase in the number of pupils enrolled at St Martin's. These include providing for Early Birds Nursery at a separate site.

1400

I would add that the staff of St Martin's and Early Birds do an excellent job and that their new school is a brilliant addition to our educational infrastructure, delivered very proudly by us and marking the difference in our priorities as parties.

1405

Hon. K Azopardi: Mr Speaker, in 2017-18 the Government assessed that there were about 1,500 pupils in Gibraltar who were classified as special needs in different ways. The trends in Gibraltar – and, indeed, worldwide, but clearly in Gibraltar – have been that there have been pupils who require greater special needs and greater assistance and so on. When the project of St Martin's was conceived, was no leeway built into the project so that they could deal with issues of capacity going forward? Was there no assessment of capacity projected?

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Hon. Prof. J E Cortes: Yes, Mr Speaker, the school was designed with the full involvement of the staff and the Department of Education's educational advisers and was projected for an increase in size based on the average entry for the past six, seven or eight years.

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I have figures here. If we look at the numbers in our pre-school for Early Birds, in 2009-10 there were seven, the following year eight, then nine, then eight, then seven, then nine, then eight, then eight, then nine in 2017-18, and then eight again in 2018-19, which is when we were dealing with designing the school. Unpredictably, the number jumped to 12 in 2019-20, 17 in 2020-21, a slight decrease to 12, and this year 25.

1420

There is no way that an average going over nearly 10 years of eight or nine could have been predicted as an entry of 25. We have been able to accommodate satisfactorily Early Birds this year, but this was not predictable. It is not that it was not predicted, it is that it was not predictable. Therefore, we are considering moving the nursery provision offsite, which would allow more classrooms for the older children there, and we are looking at other options too. But this, I say very honestly, was not something that we could have predicted.

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Hon. K Azopardi: Can I just ask the Minister – he may have a figure in front of him, given all the figures he spouted just now – what is the current number of students at St Martin's? Does he have that?

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Hon. Prof. J E Cortes: Yes, I do, Mr Speaker. At the moment, including the Early Birds Nursery, there are 109.

1435 **Hon. K Azopardi:** Mr Speaker, if there are 109 at St Martin's now, and that is a number that is giving us capacity issues, how is it that in their table, published on their website, there is a figure of 124 at St Martin's School in 2017-18? How is 109 a bigger problem than 124 in 2017-18?

1440 **Hon. Prof. J E Cortes:** Mr Speaker, I would have to check the figures on the website because the number I have for 2017-18 is 63. I can go back to 2009-10: school plus Early Birds, 34, 38, 40, 47, 48, 50, 55, 55, then it goes to 63, then the big jump to 73, 84, 94 and 109. I will clearly check the website. I am not sure whether we are looking at the same figures, but if that is the figure he has picked up from the website then clearly I will need to check that.

1445 **Hon. K Azopardi:** Mr Speaker, I encourage him to do so. It is on the Government's statistics website, in the table which is headed 'Total number of pupils with special needs for the academic year 2017-18', and for 'St Martin's Special' it has 124 in the column of ... That is what it says. It is called that on the table, 'St Martin's Special'. That is what it says on the table. You cut across and under 'Total' it is 124. That is why I could not understand the point. Perhaps the hon. Member can go and check those statistics. They may need amending, but they may also need updating, and I would encourage the hon. Member to update that because there has not been an updated table on the number of pupils with special needs for an academic year beyond 2017-18, which is on the public website. So perhaps the hon. Member can do that.

1450
1455 Can I just ask him, on this issue, so that I can understand the point a bit more ...? He says that, I assume on a temporary basis, some pupils are going to be moved off site or they are considering doing some classes off site? Has he identified those locations? Is it on the basis that there will then be – I am not sure if I captured the entire answer he gave originally – works at the current site of St Martin's to make it greater capacity?

1460 **Hon. Prof. J E Cortes:** Mr Speaker, of course I will check those figures. I can only give him the figures I have been given by the Department. I just wonder whether those figures might include the learning support facilities in some of the other schools, but I will have to check that.

1465 Regarding the alternatives, the idea is that the Early Birds nursery might move off site. If that is the case, and if we do that, there will be no need for works at the current site because it would release the classrooms that we need to accommodate the children who are not in the nursery.

As regards sites, we are looking at various, but I am not at liberty to discuss that here because we are considering different options.

1470 **Hon. K Azopardi:** I am grateful for that, but on his supposition that it might be that it includes numbers of pupils in other schools, I can tell him that staring at the table there are plenty of numbers for all the other schools, so it does not seem to me that it must be the answer, but by all means if the hon. Member can check that it would be helpful to have that.

1475 In terms of the Early Birds moving off site, again I ask the same question: has there been an identification of specific places for Early Birds? Not yet. Or any timescale of when that could happen to alleviate the capacity issues? If, as the hon. Member says, there has been some unpredictability about it, presumably the capacity issues may be worsened next year, so it would be important to act quickly. So I would urge him to do that, and perhaps he can give us some input on that.

1480 Can I ask, the Government having been surprised by what he says is the unpredictability of it, have he or his Department now engaged expert advice on a projection as to the future?

Hon. Prof. J E Cortes: Mr Speaker, I mentioned earlier that we have not yet firmly identified a site. That was one of his questions.

1485 On the projection of the future, I do not think any external expert could have projected the increase there was at the time and I rely on the great expertise I have within the Department and within St Martin's School for advice.

As to when we will work, from September to September, so we will have to be ready in September, when the term starts, to deal with the number of children with learning disabilities we will have to cater for at St Martin's.

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Hon. D J Bossino: Mr Speaker, this is, obviously, a –

Mr Speaker: I understand. That is why I am giving a lot of leeway here.

1495

Hon. D J Bossino: Thank you very much.

In terms of predictability, and he talks about September, is he or his Department able at least to have an idea of how many ...? Children at that age, when they access Early Birds Nursery, or thereabouts ... You will know a good five, six, seven or eight months beforehand that your child needs to access that type of facility. Does he have an idea of how many children he is expecting to receive in September 2023?

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Hon. Prof. J E Cortes: Yes, we will have an estimate quite soon. These things are done on a continuous basis and within the next few months we will already have an idea.

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I think it is likely that the levels will continue at the higher level rather than at the old, lower level of six, seven or eight, which was consistent for many years. That is the thing about it. But we will be aware and we will be ready. We owe it to the children and to the families. This is one thing on which I need not be urged. This is a completely different level of commitment and we will be absolutely there for them.

1510

Hon. D J Bossino: Permit me just a final question, Mr Speaker, in terms of one statistical piece of information. But just by way of general comment – and I know I have spoken to some Members opposite about this – this is going to have a huge impact going into the future, because then, obviously, of those 25, some will do well and go into mainstream, but many of them may not and will need access to the second facility after St Martin's, which is St Bernadette's. Whilst I know the intake last year was three, when you are looking at those numbers it is going to have a huge impact.

1515

The specific question I was going to ask is, of the 109 – and that is the figure he needs to check – in the current cohort in St Martin's, which I assume includes Early Birds Nursery, if he can take a snapshot – you had an intake last September of 25 – how many are currently in Early Birds? It is a pre-school year, so we will be encompassing two or three years at least.

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Hon. Prof. J E Cortes: Mr Speaker, currently in Early Birds in total we have 41. We had 31 last year and 28 the year before.

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I think this is something that we have to deal with as a community and it is an issue that we should work on without trying to score political points, if I may.

Hon. D J Bossino: I agree, Mr Speaker.

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This is going to be an unfair question, in the sense that I am sure he does not have the information, but does he have an idea at least of what the main condition is? Is it many children within the ASD spectrum, or is it other issues? I am sure he will not have that information, but maybe he has a flavour of what conditions these children are requiring special assistance for.

Hon. Prof. J E Cortes: No, I do not have that information. It is something that we work on together with the Ministry for Equality, the Care Agency and so on.

1535

I must say, Mr Speaker, that there are children who start in Early Birds Nursery and then continue in mainstream, so we do not necessarily have to assume that all those will carry on in St Martin's. Increasingly, with the learning support facilities that we have in our schools, we are

able to look after children in mainstream much more and it is something we always aim to do, but I do not have the analysis of each child, I am afraid.

1540

Mr Speaker: Next question.

Q384/2022
Unqualified teaching staff –
Whether employed in Government schools

Clerk: Question 384/2022. The Hon. K Azopardi.

1545

Hon. K Azopardi: Mr Speaker, are there unqualified persons teaching subjects in Government schools; and, if so, in which subjects and schools, and on what basis?

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, all persons teaching subjects in Government schools are suitably qualified.

Hon. K Azopardi: Mr Speaker, what does he mean by adding the word 'suitably' before 'qualified'?

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Hon. Prof. J E Cortes: That their qualification is suitable, Mr Speaker.

Hon. K Azopardi: Okay, let me ask it in this way: are they qualified teachers?

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Hon. Prof. J E Cortes: Mr Speaker, had that been the question, I would have given him the answer. All the teachers are qualified teachers. There are also instructors who are qualified in their subjects and work under the supervision of a teacher. This is a process that is widespread throughout education, largely in connection with music, where you can have specialist instructors who teach particular instruments under the supervision of the qualified music teacher.

1565

Hon. K Azopardi: Mr Speaker, I hope that the hon. Member ... It is late in the day on Friday. I am not trying to play word games with him. I thought my question was clear, but fine, we can pick on words, and that is okay too.

The hon. Member has given an example. Are there other examples in other subjects and in which schools, and on what basis, which is what I had asked and which was my original intention.

1570

Hon. Prof. J E Cortes: Mr Speaker, I believe it is just in music – I would need to check that – and this will be in Westside, Bayside and the Gibraltar College. I do not believe we have instructors other than in music, because remember that in music you can be a qualified teacher but you may not be a specialist in an instrument, in vocals or anything like that. This is why there is a long record of music instructors, always under the supervision of a teacher, dealing with classes in their specialised area.

1575

Hon. K Azopardi: But as I understand the explanation he has given, whenever it is happening it is always under the supervision of a qualified teacher – to be clear on the words, a teacher qualified in the particular subject in which the instructor is instructing?

1580

1585 **Hon. Prof. J E Cortes:** If it is music, it will be a teacher qualified as a music teacher, although I believe in one of the schools we have drama and music together, so it could be the drama teacher, but it would be a relevant subject. Clearly that does not mean that that teacher is present in every circumstance, because the instructor may have two trumpet players whom he or she takes into the studio, working on the trumpet, another instructor might be working on the piano and the teacher supervises in general but may not be in the room at the particular time.

1590 They are qualified in their instruments or speciality and their instruction is supervised by the teacher and has also got to be acceptable, if it is an examination class, to the awarding body. We have to ensure that Pearson or AQA, or whoever, would accept the qualifications of those who are instructing, and that, I am absolutely sure, is completely covered. We would not have it any other way.

1595 **Hon. K Azopardi:** If the qualified teacher who is responsible ... Let me use 'responsible'. I do not want to use the word 'supervision' because I used it in my supplementary. The hon. Member, in his explanation, has explained that they are not necessarily present at every single moment. The qualified teacher is responsible for this happening, but the instructor is there.

1600 Obviously teachers are professionals and subject to their codes of practice and so on. In relation to what code of practice is the supervisor instructing? Who is responsible for that situation? They are external people, they are not Government employees, as I understand it.

Hon. Prof. J E Cortes: We expect the standards and the processes and protocols to be identical to those of the teachers.

1605 **Hon. K Azopardi:** Presumably there is monitoring of that going on by teachers.

Hon. Prof. J E Cortes: The subject lead and the senior leadership team in the school are responsible for the professional behaviour and standards of their staff, including their instructors, absolutely.

1610

Mr Speaker: Next question.

Q385-86/2022
North Front cemetery –
Condition and works undertaken

Clerk: Question 385/2022. The Hon. the Leader of the Opposition.

1615 **Hon. K Azopardi:** Mr Speaker, is the Government satisfied with the state of the cemetery at North Front?

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

1620 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 386.

Clerk: Question 386/2022. The Hon. the Leader of the Opposition.

1625 **Hon. K Azopardi:** Mr Speaker, what works at the cemetery have been undertaken by private contractors in the financial years 2019-21 and 2021-22, by which contractor and at what cost, providing in each case a description of the works undertaken?

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

1630 **Hon. Prof. J E Cortes:** Mr Speaker, may I just comment that it might amuse the House to know that at one stage in our lives I was instructing the Hon. the Leader of the Opposition to play an instrument, he will recall. I say that with great affection, not with any –

Hon. (Interjection) [*inaudible*]

1635 **Hon. Prof. J E Cortes:** Many years go in the Scouts, I might add, just for explanation. Mr Speaker, as I have said many times, including today, I am rarely satisfied with anything, as I always feel that improvement is a continuum. The cemetery is no exception.

1640 Over the past few years the management of vegetation has improved following the engagement of a horticultural contractor, with complaints in this respect down and those that arise being dealt with quickly.

1645 Since the retirement of the Superintendent, we have been implementing a restructure of working practices at the cemetery in order to ensure greater accountability of contractors and all working practices. This has included a review of the quality of work of contractors, who, incidentally, are engaged largely privately by members of the public and not by Government. We have concerns about some of the quality and so will be introducing detailed protocols and prior assessment of contractors. To this end we will shortly be publishing a call for expressions of interest in order to establish a preferred contractors list for works at the cemetery.

1650 I now hand over a schedule with the information requested in Question 386 in relation to works contracted by the Government but not including private graves etc. The contractor for vegetation management is Greenarc. That followed a competitive process some years ago. The building contractors are Cano Monumental Masons and El Yanito. However, as the information could have commercial implications, the names of these contractors have not been allocated to specific works. The schedule mentions Contractor A and Contractor B. They are these two contractors, but I do not think here I should divulge which is which.

Answer to Question 386/2022

Construction works to North Front Cemetery

Contractor A

FY 2019 - 2021	
No payments made	

FY 2021 / 2022		
30/04/2021	White marble macael with inscriptions engraved and cross engraved and painted in black	£ 350.00
16/09/2021	Broken vaults / marble slate with inscription	£ 1,050.00
13/10/2021	Repairs to Broken Vaults	£ 420.00

FY 2022 / 2023 (APRIL - 22 TO DATE)		
07/09/2022	Construction Works to Vault	£ 1,680.00

Contractor B

FY 2019 / 2021		
10/10/2019	Repairs to paths entrance for vaults	£ 1,350.00
03/02/2020	Repairs to vault & marble cross	£ 180.00
21/10/2020	Repairs of various vaults	£ 1,950.00

FY 2021 - 2022	
No payments made	

FY 2022 - 2023 (APRIL-22 TO DATE)	
No payments made	

Contractor C - Greenarc Ltd (Vegetation Management)

FY 2019 - 2021	£ 206,856.00
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FY 2021 - 2022	£ 86,190.00
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FY 2022 - 2023 (April- 22 TO DATE)	£ 77,571.00
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1655 **Hon. K Azopardi:** Mr Speaker, may I, for the record, as the hon. Member made that aside before he answered his question, say that the instrument was a bugle and I hope I played it to his satisfaction.

Hon. Prof. J E Cortes: You did indeed.

1660

Hon. K Azopardi: Thank you. (*Interjections*) Yes, indeed.

Mr Speaker, certainly on this side of the House we welcome that there should be expressions of interest on a preferred contractors list. That makes sense.

1665 Can I ask him, first, without getting into the granular aspects of this ...? He mentioned that there is a vegetation management contractor and there are also two other contractors in respect of, as I understood it, Government works. Because you are issuing a list for preferred contractors, are they going to be asked to submit a response to the expressions of interest, so that there is then the formalisation of a proper preferred contractors list?

1670 **Hon. Prof. J E Cortes:** Yes, indeed, Mr Speaker. These two contractors have been used for what you will see is minor expenditure because the fact that they are in the cemetery already has its economical aspect. They are there already with their equipment and so on. But yes, indeed, the

1675 expression of interests will require the current contractors to reapply, or to apply, and they will be assessed together with anybody else who applies, and then we will select those we feel can best carry out these functions.

1680 **Hon. K Azopardi:** Mr Speaker, I think the hon. Member acknowledged it, but the reason for the question is because several people have passed me photographs of the state of the cemetery in some respects, and what I have seen, certainly in the photographs, and it is not just hearsay – sometimes people come to see you and they tell you something and then, when you put it to the Government, you get the answer that it is not accurate, but certainly I have seen it for myself in the photographs. What I have seen is broken tombs, the dumping of rubbish, paving issues – some of the paving broken – cement dumping, broken tiles, piping and rubbish or bricks or cement dumped next to graves; pretty disrespectful practices for any family members going to the cemetery. Does he agree that those things are unacceptable, and, to the extent that they are formalising procedures for the application of preferred contractors, that the Government needs to go beyond that and then monitor how those works happen with whatever staff they have there on site, so that these pretty disrespectful practices do not go on at the cemetery?

1690 **Hon. Prof. J E Cortes:** Mr Speaker, the problems that the hon. Member has described, I am familiar with a lot of them. I do visit the cemetery, sometimes because it is my duty to do so and other times, clearly, because of burials in Gibraltar we tend to frequent because we know so many people.

1695 There are two elements there. There is an element of supervision, which he has mentioned, and there is an element of the practices of the contractors. I think both play a part. I think it would not be right for me to go into any specific details as to what steps we are taking in order to remedy both, but what I can say is that in order to remedy one of those we are going to an expression of interest. There will be very strict written protocols, which do not exist at the moment, as to what work practices can and cannot be done, the expectation of removal of rubble, of respecting of an adjacent tomb. Those will be written protocols and failure to adhere to them would result in those contractors not being able to work in the cemetery any longer.

1700 I am very serious about this, I am not happy with the situation and I am doing something about it.

Questions for Written Answer

1705 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to table the answers to Written Questions submitted by the Hon. Edwin Reyes and the Hon. Roy Clinton numbered as W29/2022 to W36/2022.

I also table questions submitted orally by the Hon. Mr Reyes, which have now been converted to Written Questions W37/2022 to W63/2022 at his request.

1710 **Hon. D J Bossino:** Mr Speaker, simply to lay on the record of the House the understanding that we have arrived at with your good self as to how the answers which are being submitted in written form in relation to the oral questions which my hon. Friend Mr Reyes has submitted can be the subject of further supplementary questions for the next meeting of the House and not ...
[Inaudible]

1715 **Mr Speaker:** I accept the representations made by the hon. Member. I also know that the Chief Minister is happy that questions can be raised at the next meeting of the House – follow-up

questions to those oral answers converted into written answers, and they can be put forward as supplementaries but in the form of a fresh question. I understand and accept that.

1720

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I take it these are the questions which were asked of me, which I have prepared and are now in written form.

1725

Mr Speaker: I fully understand that.

Adjournment

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I have the honour to move that this House do now adjourn to Monday, 24th October at 3.30 p.m.

1730

Mr Speaker: I now propose the question, which is that this House do now adjourn to Monday, 24th October at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Monday, 24th October at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Monday, 24th October at 3.30 p.m.

The House adjourned at 7.04 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.39 p.m. – 4.11 p.m.

Gibraltar, Monday, 24th October 2022

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The Gibraltar Parliament

The Parliament met at 3.39 p.m.

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

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

New leader of UK Conservative Party elected – Statement by the Chief Minister

Clerk: Meeting of Parliament, Monday, 24th October 2022.

Mr Speaker: The Hon. the Chief Minister.

5

Chief Minister (Hon. F R Picardo): Mr Speaker, events in London, which all hon. Members will be aware of, have transpired to produce a new leader of the Conservative Party just before the House sits. In fact, whilst we are sitting, the new leader of the Conservative Party is addressing all elected Members of Parliament for the Conservative Party in the 1922 Committee.

10

Mr Sunak has been Chancellor of the Exchequer. He knows Gibraltar well from his time there and the work we did with him to secure the £500 million guarantee from the Treasury at that time, and therefore I am very confident that we will be able to work with him, as Prime Minister of the United Kingdom, as well as we have been able to work with successive Prime Ministers since we were elected – Mr Cameron, Mrs May, Mr Johnson and, most, recently Ms Truss.

15

I have written to Ms Truss on behalf of the people and Government of Gibraltar to thank her for the work that she did with us at the time when she was Secretary of State for International Trade, Foreign Secretary and, most recently, Prime Minister, and I have written to Rishi Sunak to congratulate him on becoming the leader of the Conservative Party and in anticipation of him being appointed by the King as Prime Minister. I very much look forward to working with the Sunak-led government to ensure the best possible outcome for Gibraltar in the context of the negotiations of the UK-EU treaty and all other matters, bilateral and multilateral, between Gibraltar and the United Kingdom.

20

Order of the Day

BILLS

FIRST AND SECOND READING

Pensions (Amendment) Bill 2022 – First Reading approved

Clerk: Order of business: (ix) Bills – First and Second Readings.

25

A Bill for an Act to amend the Pensions Act. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I have the honour to move that the Bill for an Act to amend the Pensions Act be read a first time.

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

Clerk: The Pensions (Amendment) Act 2022.

**Pensions (Amendment) Bill 2022 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): I have the honour to move that the Bill now be read a second
time.

35 Mr Speaker, section 6(1)(a) to (f) of the Pensions Act already sets out the criteria for the
entitlement to a pension, gratuity or other allowance of officers retiring from public service under
the Government and those public officers who have transferred to other public services. This
subsection of the Act does not provide for the situation, however, where a public officer under
40 government service and entitled to a pension under this Act transfers to a government-owned
company or corporation and then transfers again to another wholly owned company or
corporation – what you might call a double bounce. Clause 3(a) of the Bill makes provision for
section 6(1) of the Pensions Act to be amended after section 1(e), so that this situation can be
provided for in legislation as transfers from the public service to government-owned companies
45 or corporations and a further transfer to government-owned companies or corporations have
occurred within the public service. It also provides for the legislation to be given retrospective
effect to 2nd December 2019 for the purposes of including those public officers entitled to a
pension who have already retired under these circumstances.

Clause 3(b) of the Bill amends section 17(7) of the Pensions Act, which sets out the criteria
50 when an officer who dies in the service of an authority, a statutory authority or an agency or
wholly owned company or corporation is deemed to have died whilst in the public service under
the Government. The amendment has the effect of including the public officers who have
transferred to government-owned companies or corporations and then transferred again to
another wholly owned company or corporation – again, that double balance – so that they are
covered by the same provision.

55 Mr Speaker, I commend the Bill to the House.

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

60 **Hon. K Azopardi:** Mr Speaker, yes, and can I just say, before I launch into my points of
clarification, that we are rather depleted, as you will see, on this side of the House. Unfortunately,
the Members we had down with COVID have still tested positive for it. We thought that they might
be free today.

This was a Bill that was going to be taken by my colleague Mr Clinton, but on his behalf, and
65 having discussed the matter with him, can I just seek some clarification on it? In going through the
purpose of the amendment and comparing the Bill with the original Act, which goes back, of
course, to 1961, we did note that at some point – perhaps not now, but certainly ... I just flag that
this impacts on the public service in terms of pensionability, but the definition of ‘public service’
is rather antiquated and the Government may want to flag that for their own legal draftsmen, if
70 not now, for another occasion. The definition of public service, for example, still makes reference
to the East African Railways and so on and so forth, but that is an issue of detail.

On the principle of the Bill itself, can I ask the Chief Minister to perhaps give us a bit more detail on the implication of the changes? He has explained, I think in his original remarks, that the reason for the date of December 2019 was because you are bringing within scope people who retired at that date who may have fallen within the scope of this proposed amendment. Does he have details of how many, loosely speaking, public officers – if I can use that phrase – would come within the scope of this legislation? And, to the extent that he may have those statistics, how many public officers are we talking about who may have gone not just from the Government to a government-owned company, but have bounced a second or third time into another company? I was assuming, when I was going through this, that it probably is not a big number of people, but it would be helpful to understand how many people we are talking about, so that we can form our own view of the implications of the changes. I do not know whether he has any comments to add as to the financial implications of the changes, not just in terms of the number of people affected but in terms of what the financial implications of those changes are.

In terms of fixing the date at 1st December 2019, is there magic to that date, or would someone then say they have been left out because of that date? Does the Chief Minister have that information?

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, thank you.

The definition of the public service, as the hon. Gentleman says, is now one which is, apparently, of a different age. I do not disagree with him. It is one that I look at sometimes and I do wonder how it is that we have not yet amended it. There are instances when one looks at these things and wonders whether perhaps in future we might have businesses that stretch out as far as they used to in the past, but it is very unlikely that those businesses will be public businesses and therefore I think we are overdue a change of those definitions – and not just the one that the hon. Gentleman points to.

Mr Speaker, the number of people affected by this change is, in fact, as the Hon. the Leader of the Opposition has suggested, a handful. There are no more than that, but they are a handful that have to be provided for. From memory, I believe that this is an issue that was raised by the Principal Auditor in order to ensure that the payment of pensions is properly provided for, and, as a result, the issue of the date, I think, is related also to an officer who was identified as not being covered by the rules as they are presently drafted and who transferred on that date. Since then, there may have been one or others.

The reason we have not been able to do this Bill sooner is that shortly after December 2019 – and that is when the transfer happened, not when the problem was identified – most of our draftsmen became occupied with the drafting of the coronavirus legislation and regulations etc. That became very difficult, but we are now bringing the matter to the House in order to tidy up and provide clarity in respect of individuals who are caught in this instance.

I do not have a number that I can give him, Mr Speaker. It may be an issue that he wants to put a formal question on next time in the House, so that those who compile answers can check, but I think there is literally also just a handful of people who would be affected by moving from the government service to an agency or authority and then moving again to another agency or authority or another company. Those who do move should have the protection that this Bill provides for, so that thereafter, when their pensions are paid, they have the correct and full legal cover that there needs to be for the payment of those pensions. I hope that is helpful, Mr Speaker.

If I can just add – sorry – that, therefore, in terms of the financial implications, which was the Leader of the Opposition's other question, in my understanding there will be no financial implications as a result of this legislation, because if people felt that if they were to move they would lose their pensions, they would not move and the liability would be to pay the pensions. They have moved on the understanding that they will not lose their pension entitlement, and therefore this is exactly the same liability to the Government as there would be otherwise.

125 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Pensions Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Pensions (Amendment) Act 2022.

**Pensions (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

130 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

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

**Crimes (Amendment) Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to amend the Crimes Act 2011. The Hon. the Chief Minister.

135 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Crimes Act 2011 and for connected purposes be read a first time.

140 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Crimes (Amendment) Act 2022.

**Crimes (Amendment) Bill 2022 –
Second Reading approved**

145 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

The Crimes Act provides, rightly, that offenders who are convicted of particular offences – in particular, sexual offences – should comply with notification requirements under our law. That means that they are on something loosely called the sex offenders register and, as a result, they have to notify their movements in a particular way.

150 It was brought to my attention by the former Leader of the House and my predecessor, Sir Peter Caruana, that the Act did not provide any discretion to the courts, to judges in particular, to shorten the period when an individual has to be on the register of sexual offenders in appropriate circumstances. In other words, there would be no discretion allowed as to the period for which a person should be on the register of sexual offenders, whether that person was guilty of the most heinous of sexual offences or whether that person had been found to be in breach of certain rules
155 but the moral opprobrium that the court might consider should be visited upon the particular crime in question should be lesser than another type of similar offence.

160 Mr Speaker, in our law we are always very careful not to tie the hands of judges. We tend to permit judges to have the ability to determine every aspect of a sentence based on their determination of the culpability affecting an individual who has been found, or has pleaded, guilty of an offence. I think perhaps through inadvertence we had not provided that element of flexibility to permit the judge to be the party that determines whether the period should be shortened or should not be shortened in any particular instance, and so I asked my predecessor, when he brought this to my attention, to draft the piece of legislation that would be necessary to remedy that situation, to ensure that the courts did have the discretion to make those determinations having heard the details of a particular offence in question.

165 In a nutshell, that is what this Bill does. It provides the power to the judge who has heard the case or who has an application brought to him, to permit an offender who has applied to the Magistrates Court to have his or her application removed from the register or have the period when they are going to be on the register, subject to the onerous notification requirements, shortened from the otherwise statutorily provided period.

I commend the Bill to the House.

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

Hon. K Azopardi: Mr Speaker, again, for the same reasons, I rise instead of Mr Feetham to speak on these principles.

180 We will support the Bill. As the Chief Minister says, it is right that the courts that deal with offenders should have the discretion to then determine the appropriate sentences and how long those should be carried for, so we will support the principle of the Bill.

185 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Crimes (Amendment) Act 2022.

**Crimes (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

195 **Hon. K Azopardi:** Mr Speaker, may I just highlight to the hon. Members opposite that we are supporting the principles of the Bill, but when it comes to the Committee Stage ... We are not putting forward an amendment, but personally I found section 315I(2) a difficult read because of the double negative, so I just put it to the hon. Members – if they are satisfied with the drafting, that is fine, but I found it a hard read.

200 **Hon. Chief Minister:** Mr Speaker, it is really for the Committee Stage, rather than now. I do not know on what basis we are saying anything about this now, but I hear what the hon. Gentleman says and I am happy to have a look at it together, so that if there is a better sort of language we can come up with it.

Hon. K Azopardi: I appreciate it.

Mr Speaker: I would tend to agree with the Chief Minister. It was not the point at which you should have raised this matter. You should have raised it when you were talking about –

Hon. K Azopardi: I was trying to be helpful.

Mr Speaker: – general principles, but you need to raise it now at Committee Stage.

**Civil Aviation (Amendment) Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to amend the Civil Aviation Act 2009. The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Civil Aviation Act 2009 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Civil Aviation Act 2009 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Civil Aviation (Amendment) Act 2022.

**Civil Aviation (Amendment) Bill 2022 –
Second Reading approved**

Deputy Chief Minister (Hon. Dr J J Garcia): I have the honour to move that the Bill now be read a second time.

Mr Speaker, this short Bill introduces new powers to make subsidiary legislation for the purposes of regulating vehicular, pedestrian and other traffic on Winston Churchill Avenue. The regulations shall only apply in the area prescribed and will be limited to the part of Winston Churchill Avenue which intersects Gibraltar Airport, including cycle lanes and footpaths.

The need for new legislation in this area became apparent after discussions with the Royal Gibraltar Police, the Ministry of Defence and the Gibraltar Defence Police. This revealed challenges in policing this area when people are invited on to the runway and behave in an irresponsible manner or do not listen to instructions given by the Police, police officers or airport officials. A specific incident last year saw a person enter via the south barrier of Winston Churchill Avenue and refuse to exit in a timely fashion. Such behaviour can cause delays in clearing the runway and risks endangering an aircraft attempting to land.

Although offences preventing trespass on to Gibraltar Airport or entering restricted areas can be found in our Civil Aviation Act and Crimes Act respectively, such offences would not apply to persons who are invited on to the runway and remain within the confines of the road, cycle lanes and footpaths. Therefore, the proposed regulations will create specific offences which will help the authorities to deal with such incidents effectively. Enforcement will also be aided by the ability of police officers to issue fixed penalty notices.

Mr Speaker, I commend the Bill to the House.

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

245 **Hon. E J Phillips:** Mr Speaker, the Opposition will support this Bill, but just by way of clarification, was a view taken as to whether the definition of 'Gibraltar Airport', which is referred to in the interpretation section of the primary Civil Aviation Act as including 'Civil Airport and RAF Gibraltar' ... to extend that part of Winston Churchill Avenue? I just want to ask that point of clarification because of the powers it seeks to exercise on that segment of Winston Churchill Avenue, which I assume just leads on to the runway. Apart from that, we will, of course, support this Bill.

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

Hon. Deputy Chief Minister: Thank you, Mr Speaker.

255 This arises precisely when the function of the road changes from being a road to being part of the runway. That is why it was felt that the loophole that exists because of that change in function needed to be closed.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Civil Aviation Act 2009 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

260 **Clerk:** The Civil Aviation (Amendment) Act 2022.

**Civil Aviation (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Deputy Chief Minister (Hon. Dr J J Cortes): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

Mr Speaker: Is the Government going to be dealing with any further Bills?

COMMITTEE STAGE AND THIRD READING

Clerk: Committee Stage and Third Readings. The Hon. the Chief Minister.

270 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause: the Pensions (Amendment) Bill 2022, the Crimes (Amendment) Bill 2022 and the Civil Aviation (Amendment) Bill 2022.

In Committee of the whole House

**Pensions (Amendment) Bill 2022 –
Clauses considered and approved**

275 **Clerk:** A Bill for an Act to amend the Pensions Act.
Clauses 1 to 3.

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

280

Mr Chairman: The long title stands part of the Bill.

**Crimes (Amendment) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Crimes Act 2011.
Clause 1.

285

Mr Chairman: Clause 1 stands part of the Bill.

Clerk: Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

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Clerk: Clause 3.

Hon. K Azopardi: Mr Chairman, if I may, the Chief Minister has my point, which I made earlier, on the wording. I will not repeat it because he heard it earlier. If they are satisfied about the wording, then that is fine. If they want to reflect further, again we leave it with them. We found subsection 315I(2), as I said before, a hard read because of the double negative.

295

Chief Minister (Hon. F R Picardo): Yes, Mr Chairman, I am looking at it. The hon. Gentleman, I think, has expressed it in a way that is exactly right: it is a hard read. It is a hard read that reads right. In other words, it does what it needs to do, but it is a hard read because of the double negative. I am loathe, as a result, to change that wording, which is complex, and think that we are going to be able to make it easier to read if the draftsman, who has a lot of legislative experience, has considered that that is the best way to do it in these circumstances. Not all of our legislation is easy to read – hard reads are what make lawyers necessary in the end – but I do take the hon. Gentleman's point. I do not think that the text leads us to a double negative which makes the sentence nonsensical, I think it does what it needs to do, and therefore I am minded not to make any changes on the hoof, so to speak.

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Clerk: Clause 3.

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Mr Chairman: Clause 3 stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Civil Aviation (Amendment) Bill 2022 –
Clauses considered and approved**

315 **Clerk:** A Bill for an Act to amend the Civil Aviation Act.
Clauses 1 to 3.

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

320 **Clerk:** The long title.

Mr Chairman: The long title stands part of the Bill.

**Pensions (Amendment) Bill 2022 –
Crimes (Amendment) Bill 2022 –
Civil Aviation (Amendment) Bill 2022 –
Third Readings approved: Bills passed**

325 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Pensions (Amendment) Bill 2022, the Crimes (Amendment) Bill 2022 and the Civil Aviation (Amendment) Bill 2022 have been considered in Committee and agreed to without amendments and I now move that they be read a third time and passed.

330 **Mr Speaker:** I now put the question, which is that the Pensions (Amendment) Bill 2022, the Crimes (Amendment) Bill 2022 and the Civil Aviation (Amendment) Bill 2022 be read a third time and passed.

Those in favour of the Pensions (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Crimes (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

335 Those in favour of the Civil Aviation (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Adjournment

Mr Speaker: The Hon. the Chief Minister.

340 **Chief Minister (Hon. F R Picardo):** Mr Speaker, just before I move the adjournment, I am sure all hon. Members have heard that one of our number, in the course of exerting herself in pursuing the GHA's advice that we should remain active, has done herself an unfortunate injury. The whole House will want to join me in wishing Ms Marlene Hassan Nahon a speedy recovery from that injury. I know that she will miss being with us today and I hope that, despite the injury, she will be well enough to be able to join us for the House's next session, which I am happy to inform the

345 House I anticipate will be in November. I think we have agreed the 23rd is likely to be the date
when we will come back.

I move that the House should now adjourn *sine die*.

350 **Hon. K Azopardi:** Would the hon. Member give way?

Hon. Chief Minister: Of course, yes.

355 **Hon. K Azopardi:** First of all, I join him in those remarks, but because I thought we were going
to get on to that part of the Agenda, I just wanted to record my agreement with the Hon. Minister
for Health. I have a motion standing in my name, but we have agreed between us to kick that
forward while we have discussions on issues of mental health.

I certainly join the Chief Minister in the remarks about the hon. Lady.

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

I now put the question, which is that this House do now adjourn *sine die*. Those in favour?

(Members: Aye.) Those against? Passed.

The House will now adjourn *sine die*.

The House adjourned at 4.11 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.02 p.m. – 9.54 p.m.

Gibraltar, Wednesday, 23rd November 2022

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The Gibraltar Parliament

The Parliament met at 3 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

ADMINISTRATION OF OATH OF ALLEGIANCE TO HIS MAJESTY KING CHARLES III

Clerk: Meeting of Parliament, Wednesday, 23rd November 2022.

Order of Proceedings: (i) Oath of Allegiance.

The Chief Justice administered the Oath of Allegiance to the Hon. R M Clinton and the Hon. E J Reyes.

CONFIRMATION OF MINUTES

5 **Clerk:** (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 19th, 20th, 21st and 24th October 2022.

Mr Speaker: May I sign the Minutes as correct?

10 **Members:** Aye.

Mr Speaker signed the Minutes.

ANNOUNCEMENTS

Tribute to William Scott, former Member of the House

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements – the Hon. the Chief Minister.

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is unfortunate that, once again, as the House resumes its business for a new meeting, we must start remembering one of our brethren, one who was a Member of the House of Assembly, in this case William (Willie) Scott, who was a Member between 1980 and 1984 and who passed away in the period of the adjournment, aged 81.

20 Willie was a Member of the Opposition when he was a Member of our predecessor House of
Assembly with the Democratic Party for a British Gibraltar (DPBG), which was led by the father of
one the Ministers in my Government, Peter Isola Snr. That was in the period from 1980 to 1984.

25 Anyone who knew him would describe Willie as a staunch defender of the rights of the people
of Gibraltar, one of those people who was totally against the Lisbon process and the Strasbourg
process, and indeed he was, as ever, in good company having walked out of the House with Joe
Bossano and Bob Peliza in protest at those agreements.

30 Mr Speaker, I would ask, once other hon. Members have been able to express their
condolences, that we mark his passing with a minute's silence. I certainly express the most sincere
condolences of the Government – and, indeed, I am sure, of the whole House and the people of
Gibraltar – to Brena his widow, to Tracy his daughter and to the rest of his children and family.

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

Hon. K Azopardi: Mr Speaker, it is my pleasure to join with the Chief Minister in marking the
passing of Willie Scott and, indeed, passing our condolences on this side of the House to his family.

35 Willie, as the Chief Minister has said, was a Member of the Opposition during the time of,
partly, the closure of the Frontier and he was a Member of this House when there was a partial
opening of the Frontier, a crucial period for Gibraltar. I have remarked on other occasions, on the
passing of former Members, how difficult it must have been to govern – or, indeed, to be a
Member of the Opposition – in Gibraltar at those times, with the extreme proximity of the citizen
40 to the Members and indeed at a time when Gibraltar was in real distress, in particular because of
the closed-Frontier situation that put us in a very difficult economic and political situation.

Willie was not just very active in politics, he was a keen cricketer and I know my friend Edwin
Reyes, who was a member of the same cricketing side, will remember him fondly and may wish
to also say something about that. Willie made a tremendous contribution to Gibraltar politics and
45 sports and we remember him fondly, and certainly our best wishes go to all of his family.

Mr Speaker: The Hon. Albert Isola.

Hon. A J Isola (Minister for Digital, Financial Services, Health Authority and Public Utilities):
50 Thank you, Mr Speaker.

I rise because of my personal engagement with Willie as a very young man, late teens, when
he was working with my father in the DPBG, as the Hon. the Chief Minister has already mentioned.
I still can hear his very deep voice bellowing in the party headquarters as documentation,
manifestos and sheets were being prepared.

55 Willie was always an absolute gentleman. He was a caring individual. His size belied his
tenderness and he was always an absolute pleasure to be with from my side and from the years I
spent standing close to him in his political time in this House and other places around Gibraltar.

My sincerest condolences to Brena his widow, and all members of his family on his unfortunate
60 passing.

Mr Speaker: The Hon. Edwin Reyes.

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

65 I concur wholeheartedly with the Chief Minister, the Leader of the Opposition and my hon.
colleague Mr Isola.

Willie will be remembered in this House for his contributions to politics and the betterment of
Gibraltar as a whole. I simply want to add that I want to thank Willie for the happy memories that
he certainly left with people like myself on the sports field. Willie, actually, was nominated
Gibraltar Sportsman of the Year some time towards the end of the mid-1970s, but it was during
70 that era of the 1970s – we are talking of some 45 years ago – that Willie was really the cornerstone

of what was Grammarians Cricket Club ... on paper – when we were out in the field he did not want the limelight, so he always nominated someone else to be the captain. It was a great experience to share the cricket field with someone like Willie. Believe it or not, on the same side as us, on the Grammarians, we had the late Maurice Figueras playing, so I leave it to your imagination what the conversation was like at teatime at cricket. We talked about everything except cricket because politics, certainly in the days of the closed Frontier in the late 1970s, did dominate the day.

I thank Willie for all his contributions on the sports field and in Parliament, and I am sure the Almighty will reward him for his heart and his love for Gibraltar.

Hon. Chief Minister: Mr Speaker, I move that the House should now hold a minute's silence.

The House held a minute's silence.

Welcome back to Mr Clinton and Mr Reyes

Chief Minister (Hon. F R Picardo): I am grateful, Mr Speaker. May I also quickly add that it is a pleasure to see Mr Clinton back in the House. I know that he was fit and able to join us at the last meeting but unfortunately he caught COVID just in time. It is a pleasure to see him back. I know he has had a difficult summer and, despite his very difficult questions, it is always a pleasure to see him here, and also a pleasure to see that Mr Reyes has recovered from COVID.

Personal Statement by Mr Clinton

Clerk: (vi) Papers to be laid; (vii) Reports of Committees –

Mr Speaker: The Hon. Roy Clinton has been granted leave to make a short Personal Statement. The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker, and I thank the Chief Minister for his kind words on behalf of myself and my colleague Mr Reyes. Fortunately, it was a very mild COVID, so nothing too dramatic.

Mr Speaker, thank you very much for permission to make a statement. If there is one matter that we perhaps all take for granted it is our good health. I was reminded of the fragility of our existence only days after the last meeting of Parliament, which was on Tuesday, 5th July this year. As a result of what was, I thought, a routine medical check-up, it was found that I required an emergency heart bypass operation, despite having absolutely no symptoms. I was admitted to intensive care at St Bernard's Hospital on Monday, 11th July, flown to London on Thursday, 14th July, and on Friday, 15th July, at St Thomas' Hospital in London, I underwent open heart surgery resulting in a quintuple bypass, which I did not even know was possible. I am glad to report that the surgeons and doctors are satisfied with my progress and I should make a full recovery in the coming months.

To say I am thankful is perhaps an understatement, as without the speed of intervention I might not be standing here today. I wish to place on record my most sincere thanks to the medical staff at the Gibraltar Health Authority, including the consultant cardiologist, the team at intensive care, the ambulance staff, the cardiac rehab team, Sponsored Patients, and, of course, the nurse who accompanied my wife and me all the way to St Thomas's. The surgeons and intensive care staff at

110 St Thomas's performed a medical miracle and, without any exaggeration, I literally owe them my life.

Perhaps the most touching and personal care was received while I was staying at Calpe House in London awaiting medical clearance before we could fly home to recover. My wife May, overnight, became my nurse and carer, patiently changing dressings and literally holding my hand
115 as I struggled to perform simple tasks such as crossing the road. I cannot express my gratitude enough. The staff at Calpe House were fantastic. They offered constant support and assistance. Indeed, the other patients resident at Calpe House were uplifting in providing simple words of encouragement in a way that only a Llanito would understand. Until you have to use Calpe House as a patient it is difficult to understand the oasis it offers in London and I cannot praise it highly
120 enough.

Also worthy of praise are the Gibraltar Cardiac Association, who also have offered unconditional advice and support.

I have been asked by many whether my outlook on life has changed and perhaps I should take it easy in future. I accept I have certainly been given a warning shot not to take my health for
125 granted, but I am still fundamentally the same person. In that respect, it is my humble intention to continue in politics for as long as I think I can make a worthwhile contribution and my party and the electorate share that view.

Finally, I would like to thank all my family and friends who have enquired after my health and provided or offered support, as indeed have you, Mr Speaker, and parliamentary colleagues on
130 both sides of this House.

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

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might just, on behalf of the whole House ... As I said earlier, it is a pleasure to see him back. If I can just hope that it was nothing to do with my Budget that led him to the difficulties he had and say how important it is to highlight, given
135 how he has told us he was diagnosed, that people should attend those regular check-ups.

I have been asked by a Member opposite what I am wearing on my lapel. I am wearing the Prostate Cancer Support badge. This month, we are dealing with highlighting awareness of prostate cancer. Whether it is a well woman clinic or a well person clinic, we must attend to our health. There is nothing more important, as we have said.

Can I welcome his remarks about the GHA and Calpe House? I know that none of those give us a free pass on things that might go wrong in the GHA, which we are all here to better understand and improve, but so much goes right in the GHA and I am grateful to him for having highlighted that, and in particular I am grateful for his remarks in respect of the staff of Calpe House. The Government and the Trustees of Calpe House have committed to the new Calpe House, but really
145 it is the staff at Calpe House who give it its heart and I am very pleased to hear him recognise their work in that way.

Mr Speaker, I do hope he is not going to take it easy from now on and that he should take it easy on the Government because we very much welcome having him as a Member of the Opposition in this House for many years. I am very pleased to see him back.

Questions for Oral Answer

BUSINESS, TOURISM AND THE PORT

Q409/2022

Montague Park project – Update re progress made

150 **Clerk:** (viii) Answers to Oral Questions.
Question 409/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state what progress it has made with its 2020 proposed Montagu Park project?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, due to other financial priorities, Montagu Park has been delayed. Having said that, I am looking at how we could possibly revive this project.

160 **Hon. K Azopardi:** Mr Speaker, is the Minister in a position to say whether the delay will just impact on the implementation of the project or whether it will also impact on the actual scheme itself? Will it entail a review of the Montagu Park aspect of it, which was only part of a much wider press statement they issued back in 2020, which included all sorts of things, but just focusing on Montagu Park, which was described as affecting the area between Chatham Counterguard and Montagu Curtain and including a cycle lane the length of Fish Market Lane through the junction, through Market Place and Chatham Counterguard – so that anyone who is listening can remember what the Government was talking about then. Is it going to impact on the actual scheme itself or just the timing?

Hon. V Daryanani: Mr Speaker, as the Hon. the Leader of the Opposition says, this project was from Fish Market Road, all the way through Montagu to Chatham, and then there was meant to be a cycle lane which would lead us into Reclamation Road and then on to Queensway.

175 Yes, it is definitely going to impact on the timing. We are trying to see how we can get this project going again. There are issues – costs, obviously. This project was first planned before we spent £350 million-odd on COVID, so I think we need to take all those things into account, but as I said, I am looking at ways we can revive it.

180 **Mr Speaker:** Next question.

Q410-11/2022

Business Improvement District scheme – Current status; Fees paid re independent ballot

Clerk: Question 410/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the current status of the Business Improvement District scheme?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 411.

190 **Clerk:** Question 411/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the amount of fees paid to Isola in respect of the conduct of the independent ballot for the BID scheme, and also provide a copy of their engagement letter?

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

Hon. V Daryanani: Mr Speaker, I refer the hon. Member to the Government's Press Release 790/2022, which sets out the current status of the Business Improvement District Scheme.

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Isola were paid £14,821.15.

The Government will not provide copies of engagement letters, as these are commercially sensitive and to do so would disadvantage the taxpayer.

205 **Hon. R M Clinton:** Mr Speaker, I thank the Minister for his answer.

If I can perhaps go back to my first question, Question 410, in respect of the current status of the Business Improvement District, if my recollection of the Government Press Release is correct – and I am happy to be corrected if my recollection is not – the words used were 'moratorium' and that current businesses that had received levies were not being required to pay them, and there was a suggestion that anybody who had paid the levy would be refunded.

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I would be grateful if the Minister could advise if my recollection is correct; and also, if it is the case that there is a moratorium, can he point us exactly to which bit of the Business Improvement Districts Act 2021, or indeed the Business Improvement Districts Regulations 2021, he is operating that moratorium under?

215

Chief Minister (Hon. F R Picardo): Mr Speaker, insofar as the hon. Gentleman reflects what was set out in the Government Press Release, his recollection is correct.

Insofar as his question about the moratorium, it is very simple. This is a piece of civil legislation. There is a requirement for the Government to activate enforcement in order to bring about the enforcement of those aspects of the legislation and the Government is not bringing about the enforcement of the legislation.

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Hon. R M Clinton: Mr Speaker, forgive me, but my understanding of the process – and, again, I am happy to be corrected – is that a ballot was organised under the Business Improvement Districts Act 2021 and in accordance with the regulations under that Act. As a result, a ballot holder was identified, who held a ballot, and I presume that the ballot holder then certified a result. The result of that ballot presumably being in the affirmative, the Government then would have put into operation the Business Improvement District. Otherwise, I do not see how the billing authority would have issued bills. So, as far as I can work out – and I confess I am not a lawyer – everything that is envisaged under the Act has been complied with, and therefore the bid is in operation.

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There are provisions throughout the legislation where there are powers of veto, there are powers to make amendment and there are powers to terminate, but I do not see any power to have a moratorium, so I would be grateful if the Chief Minister could clarify exactly what legal instrument he is relying on to effect a moratorium. Is this moratorium, in effect, a termination of

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the BID? I am just not clear. Of course, from the point of view of the people who are against it, as opposed to the people who are for it, there obviously has to be some certainty.

240 **Hon. Chief Minister:** Mr Speaker, the provisions the hon. Gentleman is referring to are provisions of our civil law. Our civil law has engaged to make the BID active and what we are doing is not enforcing those parts of that civil law – I want to emphasise that this is not a criminal statute – which enable the Government and the BID to pursue those who have not paid the amount which the law requires that they should pay. So the moratorium is just what we might refer to as a forbearance to sue for the balance that might be due from somebody in respect of
245 the amounts they have to pay.

The Government does not want to, in any way, amend or terminate the BID until we have had an opportunity to hear all of the representations from all of the parties who have wished to engage with the Government as a result of the issues that have arisen with the BID. So we do not want to act to terminate and we do not want to act to amend until we have all of those representations
250 in. At the same time, we will not act to enforce in the civil law – because that enforcement is within our control – the payment of the amounts required under the legislation. And so the moratorium is a self-imposed forbearance to sue for the balance due in respect of those bills.

255 **Hon. R M Clinton:** Mr Speaker, I beg you indulgence – this is something that we need to develop. I understand what the Chief Minister is saying, but of course he must appreciate that the BID scheme is set up under a corporate structure and, on a voluntary basis, there are directors of the scheme and they have incurred costs in good faith, I would say – office rent, computers, staff etc. He will appreciate that they cannot operate indefinitely under a moratorium if they do not know whether they are a going concern or not. How long do you envisage this moratorium would
260 last?

Hon. Chief Minister: Mr Speaker, I do not entirely accept the characterisation that the hon. Gentleman has made, and I do not think anything turns on it in respect of his question, which is how long will the moratorium last. What we are saying is we want to engage with those who are representing those who are against the BID and those who are in favour of the BID continuing. We want to understand why this controversy has arisen, we want to understand better whether the BID has extended itself beyond the areas which the Government was consulted on, and then we will be able to make a decision. We hope to be able to do that very soon, but it is a reality, as I am sure the hon. Gentleman will appreciate, that we are a small administration. With the negotiations
270 in respect of the future relationship between the United Kingdom and the European Union in respect of Gibraltar ongoing and reaching, hopefully, a peak very soon, it is not possible to prioritise all matters, and so it is not possible for me to give the hon. Gentleman an answer to how long the moratorium will be required to continue, but we do hope to be able to engage on these matters very quickly because we do understand that those who are in favour of the BID and those
275 who are running the BID have entered into contractual obligations in respect of their liabilities.

Hon. R M Clinton: Mr Speaker, I am going to move on to the second question. I think the leader of ... (*Interjection*) may want to ... I was going to come back to the second question.

280 **Hon. K Azopardi:** If my friend is moving on to the second question, can I just ask on this issue: in the press release that the Government issued they said that one of the purposes of the moratorium was that it was able to meet the Chamber, the FSB and a representative, I think they said, of the BID. Has that meeting taken place?

285 **Hon. Chief Minister:** No, sir.

290 **Hon. K Azopardi:** I think it has been some weeks now since that meeting, and of course we understand that, for the reasons the Hon. Chief Minister has just given, there may be, obviously, attention being focused on other things, but has a meeting been diarised at least for it to take place; and, if not, does the Chief Minister agree that, for the explanation given by my hon. colleague Mr Clinton, it is important to get some clarity one way or the other for people who are on one side of the scheme or another, and indeed for the scheme itself, which was subject of legislation in this House?

295 **Hon. Chief Minister:** Mr Speaker, the meeting has not yet been diarised but it is on my officers' list of meetings to be fixed at short notice as soon as we are able to fix them.

300 Priority is something which is always in the eye of the beholder. In most instances, those who want a meeting with the Chief Minister want it because they think that their thing is important and more important than any other thing. I recognise here that there are issues which relate to third-party liabilities which need to be resolved, but it has not been possible to fix the meeting any sooner, as yet, and given the disparate individuals that we have, I do not want to set up a meeting that is going to be likely cancelled, delayed etc. Because my diary is a dynamic one, it is on the list of meetings that might be set at short notice when there is a clear moment when it can be held.

305 Hon. Members should know that it is the Government's intention to have that meeting, to try to resolve this issue, to try to bring our good offices to bear to see whether it is possible to resolve the issue in a way that ensures that those who are against have their concerns dealt with and that the BID can continue, but if that is not possible, the Government was always very clear from the beginning that this was only something we would do if businesses wanted it to happen. That is why we insisted on the vote.

310 There are now concerns being expressed about how the vote was managed, or indeed how the expense of the vote was dealt with and then who the consequences and liabilities of the BID have been visited upon who might not have had an opportunity to vote. I need to get to the bottom of all those things. There are only certain hours in the day. It is impossible to deal with more matters than one tries to deal with – I hope the hon. Gentleman, in all the criticism he will make of me, will not suggest that I am idle any minute of the day – so if it has not happened yet, it is because it has not been possible for it to happen yet.

320 **Mr Speaker:** The Chief Minister has given a full explanation and full answer to your question. We are now going to move on to Roy Clinton.

Hon. K Azopardi: Yes, he has, but I had a follow-up on –

325 **Mr Speaker:** I do not think there can be a follow-up because he has explained the reasons why he has not been able to have a meeting. *(Interjection by Hon. K Azopardi)*

I would ask the hon. Member the Leader of the Opposition to resume his seat and I will ask the Hon. Roy Clinton –

330 **Hon. K Azopardi:** Mr Speaker, can I just say that there was a follow-up because I wanted to ask him something which is not about the diarisation of the issue but something of public importance in the context of what he has said, as a follow-up question.

335 I think Mr Speaker has said that the Leader of the Opposition can ask a couple of questions on issues raised by other Members, and that is all I am seeking to do. It is a short question, with your leave.

Mr Speaker: You may.

Hon. K Azopardi: Mr Speaker, we can all agree, I think, with the hon. Member when he says that ... Certainly he is not idle, let me just say that. The Government had made clear that it was supporting the scheme because the business community was in favour of it, and I think on this side of the House we also made clear, at the time of the passage of the Bill that became the Act, that we did so on that basis as well because of the assurances that had been given.

The hon. Member says that it is important to get to the bottom of it. Of course there has been a positive vote by a small margin, by a minority of the people entitled to vote for the scheme. So if he were to get to a point in the consultation exercise where he thinks that there was something with the ballot procedure that was unsatisfactory in some way, given that there has already been a vote in favour, is it on the table that the Government would contemplate a fresh vote, a fresh ballot? Otherwise, how do you really determine whether people are in favour or against it?

Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman will agree with me that his question is based on a number of hypotheses. He is asking me what I would do 'if I reach the conclusion that ...' and 'if I think, therefore ...' I am not going to ask you to rule that the question is therefore out of order; I am simply going to ask him to accept that I do not know whether I will be anywhere near those determinations, and if I am near those determinations, I do not know whether what he is postulating as the potential outcome is the only logical potential outcome.

I have given some thought to this matter, and I can already imagine that there are potentially other positions that one could take. I do not want to explore those because they mean that I do not have the freedom of action when I am around the table to understand and hear potentially even other options.

I would put it this way: if the hon. Gentleman would like me to be inclusive of the option that he puts, and that is to say that all options are on the table – and I would have thought that that is what all parties would consider to be reasonable ... in other words, that we have the consultation with them now about the shortcomings that appear to have arisen here, with a blank canvas as to potential solutions, I think that is what will be in everybody's interests.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. If I could just move on to my second question, Question 411, I am grateful to the Minister for advising that the fee paid was about £15,000, but he says that the Government will not give us a copy of the engagement letter on the basis it is commercially sensitive. Of course, the Minister will appreciate that the nature of the ballot is not something that happens every day or every year in Gibraltar, so I do not see how it can be commercially sensitive to anyone. And, of course, being a ballot, it is definitely not covered by any form of legal privilege. But perhaps the Minister, if he is not willing to hand over a copy of the letter, would confirm that there was an engagement letter signed by, I presume, his Ministry, and that the engagement letter sets out in great detail – and I expect more than just one page – how the ballot would be conducted by whom and what processes and procedures were to be followed in terms of the independent ballot, such that an independent audit of it would be satisfied that all steps had been taken, as would in, say, the context of a general election, in that the ballot itself would pass an audit test in the way it has been done, the way ballots have been sent out and recorded, that the population has been correctly identified and all necessary contingencies have been thought of. Otherwise, if the engagement letter is not that detailed, then I fear it would be very difficult for the ballot to be deemed to be safe. I would be grateful if the Minister could advise that, indeed, the engagement letter is, as I suggested, as detailed.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is raising with us exactly the issues that are being raised in the context of the discussion, that those who are against the bid are raising with us – the integrity of the ballot in terms of its franchise etc. So, for the reasons I gave the hon. Member earlier and I gave the Leader of the Opposition, the Government does not want to get

390 into the substance of this until we have had an opportunity of meeting with all of the interested parties, not even to comment on what the hon. Gentleman is referring to.

An engagement letter sets out charge-out rates etc., sets out what rates the Government is charged versus otherwise-available charge-out rates of law firms etc. That is what is commercially sensitive about the engagement letter, not the particular work to which it relates. That aspect of an engagement letter would not usually be commercially sensitive. It would say 'to represent you in x, y, z', and that thing would be publicly known, but it then sets out the terms on which an entity is represented, in this context the Government.

400 Given that there is competition between law firms and hon. Members opposite represent some law firms, we think it is not in the interest of the taxpayer that we should be circulating the engagement letter, which contains that commercially sensitive information. We would not do it with an engagement letter that was provided to us by one of the law firms which hon. Members opposite, not just the ones who are here, represent, for that reason. Neither is there any custom of governments, in particular the Westminster government, sharing engagement letters, because they can disclose aspects which are privileged even if they are dealing with the organisation of a ballot.

405 Mr Speaker, a ballot is not a referendum and a ballot is not an election. A ballot, in this context, is more akin to a poll, and so what we need to understand is what the extent of the franchise was at the time, whether that was correct franchise at the time, but whether in fact the extension of the BID which has been referred to – and the hon. Gentleman will have seen that public reference of an extension of the BID area and application – has gone beyond those balloted or entitled to be balloted, whether or not they responded.

410 I do not want to get into that issue at the moment. I want to try to resolve this, not to have a political argument with the hon. Gentleman over it, and I would ask him to give the Government the time to be able to address these issues in order to be able to resolve them in the manner that is in the best interests of those who are representative of those who are against the bid and those who are in favour of the bid – that is to say the traders in Gibraltar, whether they are on one side or the other – to try to achieve the best thing for Gibraltar PLC.

420 **Hon. R M Clinton:** Mr Speaker, I appreciate what the Chief Minister is saying. As regards commercial sensitivity, we would, of course, accept a redacted form of engagement. We can blank out all charge-out fees, though we know what the total cost of the exercise was. We would happily accept an engagement letter that is so redacted, but if he is not of a mind to give us the letter in a redacted form, could he at least perhaps answer one simple question: was it the Government that signed that engagement letter?

425

Hon. Chief Minister: Mr Speaker, it was the Ministry, yes.

Mr Speaker: Next question.

Q412/2022

Morocco –

Actions to secure tourism and business opportunities

430 **Clerk:** Question 412/2022. The Hon. D J Bossino.

Hon. D J Bossino: What specifically is the Minister for Tourism doing to secure tourism and business opportunities with Morocco?

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

435 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Government continues to work to re-establish air links with Morocco through contacts in the airline trade. These links fell, due to the pandemic. They represent a great way to establish and maintain links of tourism and a business nature with our neighbour to the south. Separately, the Chief Minister has engaged in a number of visits to Morocco to seek to establish stronger links, and
440 announcements which show those links bearing fruit are expected in coming months.

Hon. D J Bossino: Mr Speaker, apart from improving – well, resuming, rather than improving – the air links, what specifically ...? He did mention it in his Budget speech and he talked about how extremely important it is to have the links with Morocco and that he looked forward to new
445 opportunities after Brexit, especially those linked to tourism and business, but I do not think I have had much in terms of detail, other than in relation to the air links question. Can he be more specific than he has already been in his initial reply?

Hon. V Daryanani: Mr Speaker, as I said, we will be making an announcement in the coming
450 months.

Hon. D J Bossino: Can he not give me a flavour of what that announcement is likely to entail and involve? As usual, the hon. Member is not being particularly helpful in his replies and he is always very –
455

Mr Speaker: That is unnecessary. Just ask the question. *(Interjection by Hon. D J Bossino)* No, you have to ask the question. *(Interjection by Hon. D J Bossino)* Ask the question, get an answer.

Hon. D J Bossino: Mr Speaker, I have asked it, but I think the hon. Member is going to reply.
460

Chief Minister (Hon. F R Picardo): Yes, I am going to reply, Mr Speaker.

Hon. D J Bossino: Is he replying, Mr Speaker, in relation to all the questions –?

Hon. Chief Minister: Well, Mr Speaker, I am going to reply – *(Interjection by Hon. D J Bossino)* Mr Speaker, I am going to reply because the Hon. Minister for Business has referred the hon. Gentleman to meetings I have had which will relate to the announcements that we hope will be made, but if he does not want an answer ...
465

I think that the hon. Gentleman is almost not wanting answers so that he can get up to say that he is not getting answers, which is in keeping with his style. He goes around places wanting to say that they are dirty and being disappointed when they are clean, it seems to me.
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The position is –

Hon. D J Bossino: That is entirely irrelevant to the question I have asked.
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Mr Speaker: Please resume your seat. I chair the proceedings here, not the hon. Member. Chief Minister, will you please continue?

Hon. Chief Minister: Thank you, Mr Speaker.
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The hon. Member cannot give him the flavour of what is going to be said, for reasons which are in the interests of Gibraltar. In other words, the hon. Gentleman knows that we are in the middle of a negotiation. That negotiation involves the United Kingdom, it involves the European Union and it involves Spain, as a member state of the European Union. What the hon. Gentleman is pressing me to do may disadvantage Gibraltar, because what we are hoping to achieve may not
485 be achievable by giving him a flavour of something. Indeed, already by pressing us, those who listen to every word that we say and analyse the transcript of these proceedings even before

Hansard has been published will be looking to see where they have to try to stop us from achieving what we have been trying to achieve.

490 If the hon. Gentleman wants to press us further, I will ask myself whose bidding he is doing. I hope that he is doing the bidding only of the people of Gibraltar, and that he is just too foolish to realise that he is –

Mr Speaker: That is unnecessary and hurtful.

495 **Hon. Chief Minister:** Mr Speaker, the reason I think it is not unnecessary is because the hon. Gentleman is either unable to see that what he is doing is unhelpful to Gibraltar more widely, or, if he is able to see it, must therefore be pursuing that course for a reason which is not the public interest. It is very simple. There is no way out of the horns of this dilemma. He either understands that what he is doing is not helpful to Gibraltar or he does understand it and does not care.

500

Mr Speaker: I want to remind Members that we are here to deal with the issues and not make comments on one side or the other about other issues which are not connected directly with the questions and the answer.

505 **Hon. D J Bossino:** Mr Speaker, the hon. Member made a comment about the cleaning of estates. What has that got to do with anything in terms of the questions I have asked? He has then, in effect, admitted that his hon. colleague to his right was less than open, and he has stated a reason as to why.

510 **Mr Speaker:** Please ask the question, Hon. Damon Bossino.

Hon. D J Bossino: I will ask the question. The Hon. Minister said that the Hon. the Chief Minister had made a number of visits to Morocco. Can I ask him the dates of these visits?

515 **Hon. Chief Minister:** Mr Speaker, I have not, for one moment, indicated anything that suggests that the Hon. Minister has admitted something; far from it. And my comment in relation to estates was based simply on the contradictions that the hon. Gentleman sets up for himself. He seems to ask about one thing when he is appearing to want to achieve the other, and I think that is a perfectly valid comment to make.

520 Frankly, the continued pursuit of these matters, even in relation to the dates of my visits, for the reasons I have already indicated to him, is not particularly helpful. I know that he laughs from a sedentary position and I know that what is happening is that Gibraltar and its interests are getting caught between his ambition to lead the GSD and to try and put himself above the parapet on everything and what are the things that matter to our people.

525 Can he agree with me – we have known each other for many years – that if the senior elected politician of the people of Gibraltar is saying to him that it is not in our interest that I say more, he should not pursue it for now, especially given the very live political context in which we are finding ourselves? Let me just remind him again: we are in the last throes of a negotiation between the United Kingdom ... Mr Speaker, I really do not see what it is that is making him laugh with mirth,
530 *(Interjection by Hon. D J Bossino)* but we are in the last throes of a negotiation between the European Union and the United Kingdom involving Gibraltar, and that involves the member state Spain, and this is our other nearest neighbour to the south. If he is not sighted on the politics of Morocco and the European Union – Morocco and Spain – then I do not think that he is doing all of the research that he needs to do before he pursues issues of this type.

535

Hon. D J Bossino: Mr Speaker –

Mr Speaker: This will be the final – (*Interjection*) Please! I am the person who presides over the proceedings, not the hon. Member. I am going to ask you to put your final question. Thank you.

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Hon. D J Bossino: Mr Speaker, I have hardly opened my mouth. I am not suggesting I want to preside over the meeting, all I am ... I can make, by way of comment ... just as he has made in relation to me a highly political comment – which I find acceptable, quite frankly. I do not mind that.

545

Mr Speaker: I have commented on both sides that that is not acceptable. I have said it. I have addressed it to you as an hon. Member of the Opposition and also to the Hon. the Chief Minister, so let's leave that aside and ask the question.

550

Hon. D J Bossino: What does the relevance of my personal ambitions in relation to a leader of this party and the leader of this community, which I have said openly on television ...? I have no problem with that. I have said so in the past. What has that got to do with it? Why is that relevant to the question I have asked?

555

My question was a very simple question. In the Hon. Minister's answer – I think it must have been his written answer – he said that there had been various visits by the Chief Minister to Morocco. All I have asked for are the dates. This is why I was laughing. Is he now seriously suggesting that because of my questions in relation to how many times he has visited and on what dates he has visited Morocco, when they themselves have said that they have visited Morocco, *he* has visited Morocco, I am going to put in jeopardy, at the 11th hour, the negotiations between Gibraltar and the EU and Spain? Seriously?

560

Can he just answer the question? On which dates did he visit Morocco?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman really needs to chill. He needs to chill his attitude here and his attitude to trying to achieve the leadership of his party by any means. He needs to go back and look at what he said. He did not get up and ask me for the dates of my visit to Morocco. He got up and made a preamble, which was party political, designed to achieve a point against the Minister, which it did not achieve. That is the reality of what he did. So then he gets up and paints himself as a saint, to pretend that all he did was get up and ask for a date, which he has not been given. That is not the case, and neither have I said that he is putting in jeopardy the 11th-hour treaty between the United Kingdom and the European Union in relation to Gibraltar. I have said he is putting in jeopardy other things, not that – that that is the political moment, the political moment of the negotiation is where we are, and that is putting in jeopardy other things. But he cannot quite see that because he is really ... For the first time in his life, I see him as the epitome of the person spoiling for a fight. He has spent his life being the person running from a fight.

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Finally, Mr Speaker, the last thing I would do, in relation to his question about dates etc., is refer the hon. Gentleman to the answer I gave a few moments ago.

Mr Speaker: Next question.

Q413/2022

Sea Breeze floating hotel – Government support for application filed with DPC

580

Clerk: Question 413/2022. The Hon. D J Bossino.

Hon. D J Bossino: Does the Government support the application for the *Sea Breeze* floating hotel filed with the DPC?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, as far as the Government is aware, no application has been filed with the DPC.

590 **Hon. D J Bossino:** Mr Speaker, I have the minutes of the DPC in relation to 14th September, as he is being super-technical and trying, again – September 2022 – not to answer the –

Mr Speaker: This is unnecessary. Just ask the question. (*Interjection by Hon. D J Bossino*) No, you need to ask the question. (*Interjection by Hon. D J Bossino*) Please ask the question.

595

Hon. D J Bossino: I must say, it is going to make these proceedings pretty boring. [*Inaudible*]
The reference 1/3 80-29 says ‘*Sea Breeze* small boats marina’ and there was a consideration of the Town Planner’s draft screening opinion. Is that the technical issue that he is relying on – that it has not been a formal application because it has to go through the screening first?

600

The reality is that this issue has been the subject of press comment. He and I ... Well, he did not engage on that occasion because again he was not particularly forthcoming in any replies because he did not give any in the press releases which we issued back in autumn of 2021 in relation to this issue. There was an article which appeared in the UK press with diagrams, pictures and all, showing this floating hotel on the northern side of the small boats marina, and there had been very intensive, proper investigative journalism conducted by GBC which suggested that the Government again was not particularly being forthcoming in its replies – and I can go through them. Can he please tell us openly whether they are supportive of this application, or not?

605

Hon. V Daryanani: Mr Speaker, I am sorry, but there is simply no application to the DPC.

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Hon. D J Bossino: Mr Speaker, I think I understand what he is saying, but the reality is it has been discussed by the DPC and it is being reported in the press that this matter is before them, albeit on the basis of a draft screening opinion. Is that the reason for his answer? Is he saying it is not ...? I think the Hon. Chief Minister is going to reply for the hon. Member once again. Is it the fact that there is not a formal application until the screening process is initiated and completed? Is that the answer? Can he not say whether they are supportive of this bid, or not?

615

Chief Minister (Hon. F R Picardo): Mr Speaker, I am going to reply again out of utter frustration with the hon. Gentleman because he is really, like never before, seeking to box with his own shadow.

620

There is no application before the Development and Planning Commission. The hon. Gentleman knows, or should know, what the screening process is for and what that will lead to. Until the application is made and is before the DPC, the Government cannot see what the application itself is, the detail of the application, where it goes and whether the Government is engaged to support it or not.

625

I know that the hon. Gentleman will now get up and do another political fandango around this issue, but we are trying to be as forthcoming as possible. This is not a question of there having to be investigative journalism or anything else. This is a question of projects going through various different phases, and at different phases the Government being engaged in different aspects of it. He is asking about the wrong phase – he is jumping the gun again.

630

Hon. D J Bossino: At least, as I have asked him on at least one occasion, if not two, the press reports by GBC, as a result of their investigations, showed that initially when GBC had asked

635 Government whether it had any knowledge – not whether it supported it or not, whether it had
any knowledge – of the project, which is the one that we are discussing today, the Government
said insofar as it was aware, none of the proposals involved this vessel, and they speak to various
people in relation to floating hotels. When GBC learnt who the owner of this particular vessel was,
a Mr Richard Hunt, they asked the question again. The Government said Mr Hunt is one of a
640 number of investors who have approached the Government about operating a floating hotel in
Gibraltar.

The *Sea Breeze* ‘floatel’ is the subject of a glossy brochure showing CGI drawings of the vessel
berthed in the Mid-Harbour marina at the location that was put out to tender. It is all very
specifically set out in this brochure, showing that the location of that particular floating hotel is by
the small boats marina. This is a matter of public interest and, yes, it is political. That is what we
645 are here for. We are a political Chamber. I need to ask him whether he supports this or not,
whether looking at this is something which the Gibraltar Government would support or not – and
not be technical about there not being a specific application for planning under the DPC.

Hon. Chief Minister: Mr Speaker, this is a political Chamber and it appears that their politics is
650 to be against everything, and our politics is to judge things when they are mature. That is why,
when there is an application, we will be able to make a determination, based on that application
as it is then, of whether or not we support it, because we will make a careful analysis of what the
proposal actually is before determining whether we support it on behalf of the people of Gibraltar.

They will apparently be against everything, even though the things that they may be against
655 may be the things that they were arguing for. That is to say Mr Bossino will very happily come
here and say, ‘Why haven’t you got more hotel beds in Gibraltar?’ and in the same session ask us
why we are supporting the bringing of more hotel beds to Gibraltar.

Being in government is a much more serious business than tying oneself up in contradictions,
like the hon. Gentleman is insisting on doing today.

660

Hon. D J Bossino: Frankly, Mr Speaker, that is a bit rich from the Hon. Member, talking about
contradictions, just looking at the analysis of the answers that were given to the press in relation
to this issue.

But let’s talk about more hotel beds, shall we? Let’s talk about that and an extra hotel. Let me
665 read to the Hon. Minister, if he cares to, on this occasion, reply to me rather than allowing the
Chief Minister to reply on his behalf – and it is probably because of the mess that he is making of
the Ministries he leads. He says –

Mr Speaker: Again, you are being very ... The hon. Member must stick to a straightforward
670 question and resist the temptation to make unnecessary and unhelpful comments.

Hon. D J Bossino: Then, apart from that hotel, he talks about the announcement of one more
hotel, potentially, he says, by the end of the year. Sorry, that is my question to him ... But then he
refused ... Sorry, that was my question. So that has obviously piqued my curiosity and I wanted to
675 know which hotel it is. When he said no, he said, ‘Mr Speaker, I cannot say more.’ Can I ask him
whether this is the new hotel?

Hon. Chief Minister: Mr Speaker, I rise because the hon. Gentleman has made a statement
about the Hon. Minister’s competence, and I must tell him that I have seldom worked with
680 individuals who have the commitment and competence of the team that I am surrounded by in
Government today. The Hon. Minister for Tourism and Business is one of the most able and
competent people I have worked with. Frankly, if all we are going to do is attack each other on
the basis that the hon. Gentleman has attacked the Hon. Minister this afternoon, I think it is
unfortunate that we are going to allow Question Time to descend to that. Question Time is for
685 something different. We can have debates on issues and motions etc.

I am frankly surprised at the hon. Gentleman, because this is not the Damon Bossino I know. This is not the temperate person I know. What has he done to the temperate Damon Bossino we all thought we knew? Where is that person now? What is this newfound fever that we seem to have found to drill down into minute detail, not on issues of huge substance but on any issue
690 which might enable him to show, in the few Ministries that he has been entrusted with in a way that keeps him away from the serious business of opposition, to try to pretend that he has that level of competence?

To me, it is clear what is happening, Mr Speaker, and it has nothing to do with the magnificent work that Vijay Daryanani is doing; it has more to do with who he wants to be in the future, and
695 the Hon. the Leader of the GSD can see him coming a mile off.

Mr Speaker: Can I –? (*Interjection by Hon. D J Bossino*) Please –

Hon. D J Bossino: Is that reply allowable given the control that I am being subjected to? Was
700 that a type of reply allowable under your rulings? (*Interjection*)

Mr Speaker: Please –

Hon. D J Bossino: I mean, really!

**Parliamentary exchanges –
Statement by Mr Speaker**

Mr Speaker: I am going to read something out which I drafted a few days ago on the basis of
705 how the situation was deteriorating in terms of the relationship between the Members of the Government and Members of the Opposition. I am going to read this out to you because I think it is very apropos.

‘Whilst I fully appreciate that the adversarial style of parliamentary exchanges often gives rise
710 to robust verbal clashes, I have noted that recently,’ and today in particular, ‘there has been a significant increase in the number of instances of words having been spoken which are unnecessary and disrespectful. If the trend is for a higher level of discord to become a notable feature for the remaining part of this Parliament, I urge hon. Members to exercise moderation and continue to conduct parliamentary business in a constructive and meaningful manner in
715 furtherance of their role as elected representatives of the people of Gibraltar.’

I want everyone in this House to bear that in mind. I am not picking on anybody. I am just saying that this is how the business in the House should be conducted, with respect and understanding, and I will not tolerate the use of unnecessary, hurtful words being exchanged between both sides
720 of this House.

Chief Minister (Hon. F R Picardo): Mr Speaker, can I, on behalf of the Government, very much
725 welcome your statement? No doubt we will transgress that ruling inadvertently, as will Members on all sides, and I ask you to, please, pull us up when we do. There is a lot of division in society today, and I do not mean just in Gibraltar. Social media, I think, has served only to sow division, to magnify differences in a remarkably negative way. So, if we fail to live up to that standard – and no doubt we will, and no doubt I will be the worst on this side of the House – please, Mr Speaker, we urge you to pull us up on it because we must hold ourselves up to a higher standard.

I have no doubt that I speak for all Members of the House when I reflect in that way in respect
730 of your ruling. As we move into an election year, I know that tempers will flare and we have to maintain our tempers to ensure that we give the best of ourselves for our people, which is what

we are here to do. We are not here to score cheap political points. There are plenty of other places where we can do that.

735 Question Time, as I have often been reminded by you and by previous Speakers, is about information, and too often it descends to a political debate. Sometimes that is accepted by a Speaker and you give us the rein to do so, and sometimes it is not, and we must all abide by your rulings in that respect. I, for one, am grateful and I acknowledge if I have transgressed that this afternoon.

740 **Hon. D J Bossino:** Of course, Mr Speaker, what the hon. Member has said nobody can disagree with. The thing is ... No. It is being suggested to me that I should sit down, but the reality is if, as most of us are, who are politically dedicated and find the art of politics a very interesting art indeed, and activity ... Many of us will watch the House of Commons. They do not fare that much better than we do, but invariably many of the exchanges are allowed because it gives the place a bit more colour and more of a political chamber atmosphere. It is not a question of asking
745 questions and then getting the answers.

There are two things. If the hon. Member says that I am more feverish and asks where is the temperate Mr Bossino, it is because of the frustration that I am experiencing as a result of the answers I am getting. That is all, but I think that is fine, Mr Speaker. That is absolutely fine. *(Interjection)* No, not at all. It has nothing to do with leadership ambitions. *(Laughter)* But I do
750 hope that from now on ... Let's see how long it lasts, as he says, but as he himself has admitted, he is normally the biggest culprit in relation to this, so – *(Interjection by Hon. Chief Minister)* Amen to that.

**Q413/2022 continued – Sea Breeze floating hotel –
Government support for application filed with DPC**

Hon. D J Bossino: Mr Speaker, I am not sure that he answered this precise question. Is the floating hotel – the subject of this question – the new hotel that the Hon. Minister referred to? I
755 think it was not in the House but on the back of an interview he gave to one of Gibraltar's magazines.

Chief Minister (Hon. F R Picardo): Mr Speaker, it was the leader of the party that he represents who used to remind us in this House – and I think, on reflection, probably rightly – that not
760 everything that happens in the House of Commons should be imitated or held to be the best representation of how democracy is run, and that was the mantra on which he stood for election in 2011 behind Sir Peter Caruana.

I do believe that there are elements of the traditions of the House of Commons in London which we should all seek to emulate because it is the mother of all parliaments, and there are
765 aspects of how business is done there which frankly are not edifying and do not lead to a better democracy. The Speaker of the House and the Leader of that House are the first to say that in that respect it requires some reform, and I wanted to address that in what the hon. Gentleman has said.

Mr Speaker, he also is calling on us to adopt a procedure which I think he would find unhelpful,
770 because under that procedure he would have asked me one question, he would have asked the hon. Gentleman perhaps one question, we would have given an answer, the Chair would be unable to influence the answer and he would not be able to ask many supplementaries, and certainly not the number of supplementaries that he is asking now, which are, as I understand it, a million miles away from the original question that he asked. So he brings upon himself the
775 procedures of the House of Commons, I think, either not realising that they would not avail him of assistance to be able to pursue issues in the way that he is pursuing them this afternoon,

although it would be more raucous; or not knowing what those procedures are and misunderstanding how that House is run.

780 As to the substance of the question, Mr Speaker, I will allow my hon. colleague to answer, as it relates directly to his Ministry.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, it might be the one that he is referring to, as we said a few months ago when the hon. Member questioned us on this. As we said, there were several parties interested in bringing a floating hotel to Gibraltar, but we also have other parties who are looking to build a hotel in Gibraltar. So, a little bit of patience. 785 The hon. Member will understand that these are all commercial in-confidence. It is very difficult. We cannot, over the floor, give information on names and which hotel might be interested and which hotel might not be interested. So I think we will have to wait a little bit before we can expect an announcement.

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Mr Speaker: Next question.

Q414/2022
Tours and tour guides –
Regulation

Clerk: Question 414/2022. The Hon. D J Bossino.

Hon. D J Bossino: Let's see if the calmer Mr Bossino returns. *(Interjection)* Yes, well, it depends what the replies are like. *(Interjection by Hon. Chief Minister)* But you are going to be responsible 795 for the other guy returning.

Please state how the provision of tours and tour guides is regulated.

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, all tours provided in Gibraltar have to be operated by a licensed guide under the Transport Regulations Part VI (105-115) Licensing of Guides and Sightseeing Tours. The Gibraltar Tourist Board is responsible for the granting of these licences to successful applicants who pass their written and 805 oral exam. The initial cost of the licence and exam is £50 and the licence is renewable every two years for a fee of £20.

Hon. D J Bossino: Is the Minister able to make some comment in relation to the enforcement of that? I will tell him why I have asked the question, and that may assist him in the reply. It was 810 commented to me down Main Street that somebody had heard a tour guide, in Spanish, giving a tour and talking about historical facts which were completely off the wall. He is nodding his head, so he must be aware of what issues arise.

Can I ask him what his Ministry is doing in order to ensure that the relevant statutory provisions are enforced? I am not sure whether those statutory provisions allow them to enforce anything. 815 He says it is a process of application and regulation in the sense of giving a licence to an individual to call him or herself a tour guide, but I wonder if there is any way of enforcing the thing that I have just described.

Hon. V Daryanani: Mr Speaker, he says it has been brought to his attention, and actually it has 820 been brought to my attention very recently, too, that we have guides coming in from Spain, but remember, these guides who come in from Spain come in with a transport company, a tour

operator that is Spanish. Like I said, it has been brought to my attention and he has now brought it to my attention and I will definitely be looking into it, but the enforcement side is something that ... We need to see how we can do it, but yes.

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Hon. D J Bossino: And in terms of seeing how we can do it, would that entail the introduction of any legislative initiative in order to address a lacuna in relation to that? Has it gone that far in terms of the analysis, or is he talking more about on-the-ground enforcement?

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Hon. V Daryanani: It is more of an on-the-ground enforcement. One of the things we were looking at was the possibility of maybe providing a local guide alongside the guide who comes from Spain, so that they do not give out wrong information.

Q415/2022
World Travel Market –
Details of recent visit

Clerk: Question 415/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Please provide the following details relating to the recent visit to the World Travel Market. There are five sub-points: (i) who compromised the Government's delegation; (ii) the total cost of the trip, broken down into air travel costs, lodgings and entertainment; (iii) who the Minister or any member of the delegation met at each event; (iv) what new business has been secured as a result of the trip; and (v) the duration of the trip.

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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, the Government delegation compromised myself, Mr Kevin Bossino, CEO of Gibraltar Tourism, and Tracey Poggio Magnus, Head of Media and Marketing, Gibraltar Tourist Board, London. The cost of the trip was as follows: air travel, £619; lodgings, £1,977.78; entertainment, nil. The duration of the trip was three days. Mr Bossino and I met with people across the whole spectrum of the travel trade, including travel agents, tour operators, airlines, possible hotel investors, event planners, wedding companies and several travel journalists.

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A lot of hard work goes into these marketing efforts. Competition is fierce and it is extremely important to keep the Gibraltar brand name at the forefront of the travel industry. Our hotels are full, our flights are full, Main Street is busy, cruise calls have recovered very quickly and will grow next year. All this is the business that we are attracting.

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Hon. D J Bossino: Well, I suspect a lot of that business is as a result of the lessening threat, thank God, that COVID represents. You hear it a lot that there is an extra buoyancy in the travel market, certainly from the UK, as a result of people having saved money during the closed months as a result of the COVID restrictions, and they are wanting to travel.

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Is there any reason why the hon. Member has not made any public announcements following the visits, as we are normally used to from him, with the nice pictures in the press and interviews?

Chief Minister (Hon. F R Picardo): [inaudible].

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Hon. D J Bossino: Yes, it is true. No particular reason –

Hon. Chief Minister: [inaudible].

Hon. V Daryanani: No particular reason, Mr Speaker, but the hon. Member has criticised me on many occasions for issuing too many press releases and for photographs with celebrities, he has said, in the past.

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Hon. Chief Minister: Damned if we do, damned if we don't.

Hon. V Daryanani: Absolutely. Mr Speaker, if he likes, next time I will issue photographs with the celebrities that I am –

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Hon. Chief Minister: Just send them to him.

Hon. V Daryanani: Yes.

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Hon. D J Bossino: It is because he has done it so often in the past that I am actually totally shocked that he has not done it on this occasion. I wonder if it is because maybe it was a bit of a flop.

Mr Speaker, this may answer the suggestion I made that it may have been a bit of a flop and that is why he has not made an announcement about this, but can I ask him whether he has the intention of attending the same event next year?

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Hon. V Daryanani: Mr Speaker, it is early days, but all I will say is that we have been attending this trade fair for the last 25 years. Consecutive Governments have been attending this trade fair in London. As you know, the UK market is very important to us, but it is very early days to take that decision at this moment in time.

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Hon. D J Bossino: And in relation to that, can I ask him a further specific question? Has he thought if there is any flexibility in terms of reducing the costs in relation to any future attendance?

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Hon. V Daryanani: Mr Speaker, everything that we are doing at the moment we are doing very carefully. There are many events that we are not going to, simply because of the cost, so we are always looking at reducing costs.

Q416-17/2022

Wizz Air –

Update re engagement/developments

Clerk: Question 416/2022. The Hon. D J Bossino.

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Hon. D J Bossino: What further engagement has the Minister for Tourism had with Eastern Airways?

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 417.

Clerk: Question 417/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Are there any further developments with regard to Wizz Air?

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

Hon. V Daryanani: Mr Speaker, conversations with both airlines are ongoing.

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Hon. D J Bossino: In relation Eastern Airways, once again I need to ask him if he can be a bit more forthcoming in terms of his replies. It seems to be the usual *modus operandi* of the hon. Member. I think that is fair criticism and is not breaching any of the recommendations that, Mr Speaker, you have suggested we follow.

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He said, in relation to Eastern Airways, during the course of his Budget address, that he looked forward to engaging with them – and by ‘them’ it is Eastern Airways – later on this year. This was after an explanation as to why Eastern Airways, which he had welcomed with a lot of fanfare and hosing the planes, as we were used to seeing during the COVID years... I was telling him that he should be a bit more circumspect to suggest that this was as a result of all his efforts and had more to do with the fact that we had the green lane access to the UK ... They said, actually, that flying to Gibraltar was, in effect, not economical unless they had government assistance, which he said he was not willing to provide.

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Can I ask him, given that he was very specific during the course of the Budget address that he would be meeting with Eastern Airways later on this year, how many meetings he has had and when?

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Hon. V Daryanani: Mr Speaker, you do not necessary have to meet people. Nowadays I have all the CEOs on WhatsApp, managing directors of airlines on WhatsApp – that is the relationship that we have built up – so I am constantly talking to all the airlines. You meet some face to face; some you just communicate with.

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Hon. D J Bossino: But can he tell me how many of those communications he has had with Eastern Airways and Wizz Air, and what his view is as to the progress that those communications are having and whether they will have any fruition and we will have those airlines coming back here to Gibraltar again?

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Hon. V Daryanani: Mr Speaker, it is extremely difficult to try to attract a new airline. It is very difficult to maintain routes sometimes, because at the end of the day ... Just to give you an example, easyJet operates 927 routes. Gibraltar is one of them. It just to puts it into perspective. I think the Member opposite, unfortunately, is just trying his best to make political capital out of this.

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I have told him in the past, and it is really disappointing because I have also told him to be careful on the public statements he makes regarding airlines. These can be damaging for Gibraltar, because all this is commercial in-confidence. I cannot come out here publicly and tell him about the discussions I have. If he wants me to count my WhatsApp exchanges with people from Eastern, I can do that. Is that what it is all about? We are working continuously with the airlines that operate at the moment and the ones that do not operate at the moment.

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All I can tell him is to be a little bit patient. We are working extremely hard behind the scenes. Myself and the CEO, Mr Bossino, since he has come in, already met with both the airlines that are operating out of Gibraltar, only last month, and we will hopefully have face-to-face meetings with Eastern and Wizz. Just for him to know, next week the CEO of Wizz Air will be in Gibraltar, so that will be a meeting that we will have with him regarding Gibraltar.

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Hon. D J Bossino: Mr Speaker, I will ignore the usual, quite frankly, political statements that he makes in reply to the answers that I made. (*Interjections*) I will ignore that, Mr Speaker. Clearly it is causing some consternation to some Members opposite. But let me just ask him ... In fact, I have asked him, but he has not replied. The question has been put in terms of what he thinks are the possibilities of these two airlines coming back to using Gibraltar. On Eastern Airways he said very

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specifically during the course of his Budget address that they would only be able to do so if there
965 was financial assistance from the Gibraltar Government. I am assuming that the reply he gave to
himself during the course of that Budget address, which was that the Government was not able
to do that, still applies, so it must be that he is looking at other possibilities in relation to Eastern
Airways. But can I ask him specifically whether he is now considering providing government
financial assistance; and secondly, what he thinks the chances are of these two airlines returning
970 to Gibraltar?

Hon. V Daryanani: Mr Speaker, it would be very easy to provide that financial assistance and
ask them to start flying here, but we are not prepared to do that. We are continuously talking to
them to see if we can look at some other form of assistance. We are not in a position to provide
975 any financial assistance, and he is aware of that. Whether there is a possibility for both of the
airlines to come back, yes, there is a possibility.

Hon. D J Bossino: He said there is a possibility. I have asked him how he rates the chances of
that happening, whether he is confident. I am not asking him to reveal any commercially sensitive
980 information. I am not asking him to do that. All I am saying is what impression does he have ...
whether he is able to say that he is confident that these airlines will be coming to Gibraltar, or is
it just a question of ongoing discussions which will lead to nothing?

Chief Minister (Hon. F R Picardo): Mr Speaker, that question calls for the Minister to speculate.
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Mr Speaker: May I ask the Hon. Chief Minister, please, to not mention that information?
(*Interjection by Hon. Chief Minister*) It does not help.

Q418-19/2022

Airport radar –

Maintenance checks; assurances received from MoD re flight interruptions

Clerk: Question 418/2022. The Hon. D J Bossino.

990 **Hon. D J Bossino:** What further updates can the Government provide in connection with the
maintenance checks being carried out to the Airport radar, as reported by GBC?

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

995 **Hon. V Daryanani:** Mr Speaker, I will answer this question together with Question 419.

Clerk: Question 419/2022. The Hon. D J Bossino.

1000 **Hon. D J Bossino:** What assurances has the Government obtained from the MoD in connection
with flight interruptions owing to radar maintenance works?

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

1005 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Airport radar
is currently fully serviceable. The report made by GBC was as a result of information entered in
error on the Airport website, which was corrected.

The only flight disruptions experienced recently have been due to weather.

1010 **Hon. D J Bossino:** I am not sure whether that answer is accurate. In fact, I have here a *Gibraltar Chronicle* report. It must have been more or less the same date as the GBC report. It does say that the radar is currently undergoing maintenance checks by Aquila – so it is quite detailed – engineers. It may be the case that ... I think what he was referring to is that that was the reason given for the diversion of a particular flight, but in fact that was not the reason. I think that was amended. I think that is what the hon. Member is referring to. But I am putting that to one side. I am asking him about the reports – which one must assume are true; they are very specific, and I have made my own separate inquiries – that there are in fact radar maintenance issues which are being addressed by this company, presumably on instruction of the MoD.

1015 I understand that this does not fall under his remit. What does concern me – as indeed it concerned me at the time when I asked a question in relation to HR issues which were having an impact on flight landings at Gibraltar Airport, and I mentioned it last week – is the interruption of these flights. I think it connects very nicely with the question and answer session we have had in relation to Eastern Airways and Wizz Air. The *Gibraltar Chronicle* quotes ... I am assuming it is the MoD. It says it is possible that some flights in the future will be affected by this until the issue is rectified. I would ask him to say what the Government is doing in relation to addressing and minimising the possibility of flight cancellations becoming a reality, now not only as a result of human resources issues but as a result of the maintenance works that need to be carried out on the radar.

1030 **Hon. V Daryanani:** Mr Speaker, the question he is asking has nothing to do with the radar. Going back to the radar issue, I think he is referring to the flights that ... This was on Sunday, 13th November, when there were three flights – one from Manchester, which came in, another one from Bristol that came in, and there was another one from Gatwick, which did not come in and was diverted due to low cloud over Gibraltar, not because of the radar. But there was an issue insofar as the radar ... The reason was that it was incorrectly put into the website and GBC caught on to it and reported it, but this was obviously corrected immediately, once it was brought to our attention.

1040 **Hon. D J Bossino:** But again his response is not accurate. Question 418 says ‘What further updates ...?’ and this is on the back of the yes, it was as a result of an inaccurate reason being given for the flight being unable to come to Gibraltar Airport, but that must have led to the journalists asking the questions and filing this report. I quoted him the *Gibraltar Chronicle* article talking about maintenance being carried out to the radar and the possibility of that having an impact on flight arrivals. The question is very specific. If he has got it wrong, then that is fine, but I said, ‘What further updates can the Government provide in connection with the maintenance checks being carried out to the airport radar, as reported by GBC?’ I am not talking about the reasons that were given, which were erroneous, in relation to the inability of that particular flight to come to Gibraltar. I am asking specifically about the maintenance checks on the radar. If he does not have the information because he does not understand the question, it is a matter for him.

1050 **Hon. V Daryanani:** Mr Speaker, as you know, it is not the Government that carries out the checks. The MoD carry out, continuously, maintenance and the serviceability of the radars. They are continuously doing this. There is an obligation to do it. It is nothing to do with the Government.

1055 **Hon. D J Bossino:** Mr Speaker, it impacts on one of the sectors of our economy, which is tourism and flight arrivals. There is a quote from the *Gibraltar Chronicle* – I am assuming it is quoting the MoD – that says it is possible that some flights in the future will be affected by this until the issue is rectified. All I am asking is whether he has made any inquiries in relation to this and what can be done to minimise that as far as possible, hopefully to zero, so it does not have any impact on

1060 flight arrivals to Gibraltar Airport. Or is the question also having a sensitive effect on some of his negotiations?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman is asking the Government about something one entity, which is not the Government, said to another entity that is not the Government. The Government is not answerable here for what the MoD told the *Chronicle*. What the Government has told him is that we have received assurances that whatever maintenance has to be carried out will not affect flight arrivals in Gibraltar – for the fourth time.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q420/2022

GHA waiting lists – Operations across all disciplines

Clerk: Question 420/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state the waiting lists for operations across all disciplines within the GHA?

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): Yes, Mr Speaker. Surgical waiting lists as at 15th November 2022 across all disciplines are as follows: Cardiology, seven; Dental PCC, 16; ENT, 123; General, 479; Gynaecology, 136; Minor Ops, zero; Ophthalmic, 17; Dental, 119; Paediatric Dental, 29; Orthopaedics, 468; Paediatrics, two; Pain Clinic, 99; Plastics, 105; Vascular, three.

Hon. K Azopardi: Mr Speaker, does the hon. Member have a schedule that he is about to give me, or has he just rattled off those numbers and thought that I was taking a note? It was at speed and I certainly did not take note. (*Interjection*)

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Hon. A J Isola: Mr Speaker, it is a short list and I have just read out what I have been given. I am happy to read it out again a little bit slower, if he would prefer: Cardiology, seven; Dental PCC, 16; ENT, 123; General, 479; Gynae, 136; Minor Ops, zero; Ophthalmic, 17; Dental, 119; Paediatric Dental, 29; Orthopaedics, 468; Paediatrics, two; Pain Clinic, 99; Plastics, 105; Vascular, three.

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Hon. K Azopardi: I am grateful to the hon. Member for re-reading his answer. Normally he gives us a schedule. That is why I was not taking a note. He is usually quite diligent with his schedules.

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Mr Speaker, can I just look at some of those, if I may, and perhaps the hon. Member can assist us with a bit more information? The question was about waiting lists for operations across disciplines. Some of them are low figures, but I can see that in some specialties – orthopaedics, for example, and in general surgery – they tend to be higher numbers, almost 500 patients waiting for surgery in orthopaedics or general surgery. Can he give us a sense of the kind of waiting time that that translates into, in some of the higher disciplines?

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Hon. A J Isola: Mr Speaker, no, I cannot. I do not have that information. What I can tell the hon. Member is that, as you would expect, in areas that are high ... Obviously the waiting lists here, as in the United Kingdom and all over the world, as a result of COVID, are far greater than they would have been before. As a result of that, the Director General is taking specific steps in the ones that are higher – which, no doubt, he will easily recognise – to see (1) how we are doing, what we are doing and whether we can do it better; (2) getting in support to clear some of the backlog, and, with the first step that I have mentioned, hopefully it will not arise again once we have cleared the backlog; and obviously the third point is that if there is an emergency operation, then that is not on this list. Urgent operations are dealt with far quicker than those on this list. These are programmed theatre arrangements. Those are the three steps that you would expect me to tell you and are exactly what is being done. For example, in orthopaedics we have two experts coming in January to help us with some of that work and also to help in advising us how we could be working in a more efficient way in ensuring that we do not run into backlogs.

This is a common problem around the world, as the hon. Member will know, and we are working extremely hard to see how we can bring that list to acceptable levels, which it is currently not at, in the future.

Hon. K Azopardi: Is there a sense of how long it would take to take it to acceptable levels? Clearly it has now been 18 months, I suppose – a bit longer – since the last lockdown, so I appreciate that it does not happen immediately, but it has been a while now. How long does the GHA think it needs in the discussions it is had with the hon. Member? How long do the managers think they need to break it down into acceptable levels? There will always be a waiting list, of course, but to acceptable levels.

Hon. A J Isola: Mr Speaker, I think that is exactly the point. There will always be waiting lists, but I think what COVID did was massively increase those waiting lists, and that takes longer than it would normally have done to deal with. For example, in cataracts we have moved very quickly to deal with those waiting lists by bringing people in for a week at a time to clear those waiting lists. That has enabled us to be far more efficient.

In terms of by when I think we will recover the waiting lists from COVID, I would not like to even guess. For me, I would certainly like to know within a three-month period what those timescales will be. So within a relatively short period of time, I would like to know by when we will have some normality in waiting lists, and that is where I fully expect to be by February 2023.

Mr Speaker: Next question.

Q421/2022
Radiology –
Waiting time for scans

Clerk: Question 421/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, in relation to radiology, can the Government state the waiting time for those needing all scans?

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 times for scans in relation to radiology are as follows. X-rays are walk-ins,

all of them, so there is no waiting time; ultrasound radiologist, 11 weeks; sonographer, one week – urgent ones are done within two weeks; CT scans, three weeks – urgent ones are done within the same week; for breast screening there is no waiting time, but there is a two-year protocol – in other words, it is the repetition every two years for these to occur; breast symptomatic, one-stop clinic, one week, within the week; MRI routine are three weeks and urgent are within the same week.

1140 **Hon. K Azopardi:** Mr Speaker, on the ultrasound, which is the 11-week one, is this also subject to some kind of analysis by the GHA and some kind of COVID backlog which they are dealing with? Or is this within the realms of a normal expected waiting time for ultrasounds?

1145 **Hon. A J Isola:** Mr Speaker, there is a process, and do not forget that these are programmed ultrasounds and they are not urgent. The waiting list used to be between five and six months. It has now been reduced to 11 weeks. I know that because I asked the question when I saw that the answer struck me as being high and I was told that they are working to reduce it further, but that it is on the way down and coming down from a much higher number.

Q422/2022
Bespoke ambulances –
Anticipated cost

1150 **Clerk:** Question 422/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

1155 **Hon. K Azopardi:** Can the Government state the anticipated cost of bespoke ambulances for Gibraltar, as referred to by the GHA's Director General in his public presentation on Monday, 14th November 2022?

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 anticipated cost of the two bespoke ambulances that had been commissioned by the GHA is £159,188.22.

1160 **Hon. K Azopardi:** So £159,000, loosely, for each ambulance, or for two? That is the total for the two ambulances? I see. So around £78,000 each? Okay, let's use loose language, £80,000.

Does the Minister know what is the bespoke part of the ambulance? What is the regular cost and what is the additional part that has been paid to make it a bespoke ambulance in accordance with the specifications of the GHA?

1165 **Hon. A J Isola:** Mr Speaker, I do not know what that number is. What I can tell him is that, as he has predicted in his question, there is a cost for the vehicle and then there is a cost for adapting it to the needs that we have in Gibraltar. That is the bespoke element of the vehicle purchase.

1170 The need for these ambulances is obvious and the tender process that was followed when it was acquired obviously led to the specifications that led to it becoming bespoke. I think it is very good news that we will have these two new ambulances, as well as a first new responder vehicle that has been sponsored privately; and then one of the older ambulances that will no longer be used as an ambulance is to be converted into a mobile health unit, which I have talked about before in respect of the further advancement of care within the community.

Q423/2022

**Chief Pharmacist's remarks re wasted prescription medicines –
Why no Government comment**

1175 **Clerk:** Question 423/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Can the Government state why it has not picked up on what the Chief Pharmacist has characterised as shocking and a tragedy, the nearly £1 million of wasted prescription medicines?

1180 I think it is that there are £1 million of wasted prescription medicines.

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

1185 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the first point I would make is that the up to £1 million was an estimate based on the two-week exercise that was carried out by the GHA, where they found some £40,000 worth of medication being dumped back.

1190 The reason why this has been referred to and made public is precisely because the Government and the GHA are focusing on the pharmacy, prescriptions, excess use of antibiotics and wasted medicines. As the hon. Member should know, the GHA has co-ordinated a 'DUMP' campaign as part of this process to remove outdated medicine and raise awareness on this.

Q424/2022

**GHA Director General –
Extension of current contract**

Clerk: Question 424/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

1195 **Hon. K Azopardi:** Mr Speaker, can the Government state whether it intends to extend the current Director General's appointment beyond the 18-month interim period due to expire in July 2023 and whether it has yet identified a permanent successor as stated in its Press Release 916/2021?

1200 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

1205 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the Government would like to extend the Director General's contract. Discussions are currently ongoing, but the Director General has always been clear that he views his tenure here at the GHA as interim.

Hon. K Azopardi: Sorry, I missed the end part. I do not know what ...

1210 **Hon. A J Isola:** I will read the answer again. Mr Speaker, the Government would like to extend the Director General's contract. Discussions are currently ongoing, but the Director General has always been clear that he views his tenure here at the GHA, as Director General, as interim.

Hon. K Azopardi: From that observation, which is really to pass on what the Director General views his role as, when he says that he views his role as interim he means that he does not view

1215 himself as sticking around on a permanent basis forever. But ‘interim’, of course, is a word that can be defined in different ways. It does not necessarily mean that he is going to stay only until July 2023. If he is extended beyond that period, I suppose you could take the view he is still here for a short or interim period, so I am not sure whether the observation really adds much to the answer.

1220 Is it the desire of both the Government and the Director General that there should be an extension beyond that period of July 2023?

Hon. A J Isola: Mr Speaker, I started off in the answer by saying Government would *like* to extend, and I then qualified it by saying the Director General sees his appointment as interim. The press release that announced his appointment in December 2021 specifically stated he was an interim Director General of the GHA on an 18-month contract.

1225 Government would very much like to extend that contract. The question is whether the Director General is prepared to or not, and those are discussions that we are currently having. There are many other issues in the life of the Director General that are not relevant to this, but are certainly relevant to his personal position as to whether he is able or wishes to carry on for an extended period after that. I would very much like to extend this contract, I think he is doing an incredibly good job for the GHA and for the community, but we shall see how successful I am, or otherwise, in respect of persuading him to stay.

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1235 **Hon. D J Bossino:** Is there a time period within which that determination will need to be arrived at? I am not sure whether contractually there may be something there. In other words, what I am trying to drive at is that it is not that we will find out in July 2023 whether it is going to be extended or not. Is he able to shed some light in relation to that?

1240 **Hon. A J Isola:** There is no possibility of that happening, because if there is not going to be an agreement reached – and my answer specifically says that we are having discussions – then in the short term the hon. Members would see an advert coming out for that position, which is what there would have to be to ensure that by next July, or before, we are in position with either a deputy *in situ* or someone else coming in to replace at the end of that period. Discussions are ongoing and I hope to be able to report back long before July 2023.

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1250 **Hon. K Azopardi:** But just on that point, if I may, the Director General was brought in on a specific programme of reforms and he has been quite vocal and associated himself very personally with the reform process that he has taken charge of. So clearly the hon. Member will agree with me that if he is not going to be the person carrying on that reform process, you would want to know that pretty quickly. When you are recruiting someone at the top of the tree it is not something that can be done in a short period of time. Even if you were to recruit the right individual in, say, March, the person might need to give a three-month notice period, for example, which would take you to June. So really, if you are going to start advertising, it seems to me it would need to happen pretty early in 2023. So does the Minister agree that those discussions he is having ...? I know he wants to persuade the current incumbent to stay, but does the current incumbent also know that a decision would need to be taken in principle pretty soon to enable a process to be followed, and does the hon. Member agree that that needs to be given a sense of urgency, so that there is finality in the New Year?

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1260 **Hon. A J Isola:** Mr Speaker, we are 10 months into his 18-month contract, and, as the hon. Member has alluded to, the Director General is fully embedded into the desire to carry out the reforms, to see through the vision that we had in appointing him and in supporting him all the way through introducing the project that he is working on. Of course it is critical that we have an early decision on this, and I think the hon. Members will see the results of the discussions that we are already having with him in very early 2023, if not before, because if I am not successful in

extending, then, as the hon. Member has said, we will be wanting to move very quickly to give us time to ensure that we have the best possibility of the best possible replacement should we not be successful in persuading him to stay.

Q425/2022
COVID Response Fund –
Costs incurred in three months ended 30th June

1270 **Clerk:** Question 425/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a detailed analysis of the Gibraltar Health Authority costs of £1,124,422.65 incurred in the COVID-19 Response Fund in the three months ended 30th June 2022?

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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, as has been the practice since the COVID-19 Response Fund was first established, the detailed information requested by the hon. Gentleman will appear in the annual Estimates Book, as it has done in the past.

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Hon. R M Clinton: Mr Speaker, I think either he has misunderstood my question or I have misunderstood the operation of the COVID-19 Response Fund. Of course we are talking about this year, and he already knows the Estimates Book for 2022-23 has zero budgeted for the Gibraltar Health Authority. In the COVID Response Fund gazetted for 30th June this year, there is a number there of £1.2 million. All I am asking him is can he please give us a breakdown of that number. It has nothing to do with the Estimates.

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Chief Minister (Hon. F R Picardo): Mr Speaker, that number that we would give him at the moment would not be reliable. It would potentially move between the heads, and therefore, for that reason, we do not provide information across the floor of the House until it is final, which is when it is in the Estimates Book.

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The hon. Gentleman receives from us more detailed information than we publish, and I am very happy to agree that the Ministry of Finance should provide him with that information on the basis that it is not published but he has it, and on the basis that it may change, because at the moment what we have is not fixed. There are sometimes moves between subheads of where expenses will have been incurred, but I am quite happy to let him have it on the 'behind the Speaker's Chair' rule. It is not fixed and final until it is in the Book. *(Interjection)*

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Hon. R M Clinton: This is like university ... We can consult ... Sorry, Mr Speaker. I appreciate what the Chief Minister is saying, in terms of the potential fluidity of these numbers. We have always known from day one that these are subject to audits and they are subject to change, and we accept that.

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He knows that I am generally loath to things that happen behind the Speaker's Chair, as much as other Members may accept it, and I think – consulting my colleagues – that we will probably be happy to accept them on this occasion, but I just have to ask what is it that has caused such a ...? Is there a number? Is there something in terms of recurring costs that we just did not think about when the Estimates were presented in the Budget in June/July that has cropped up, which has necessitated the GHA to incur cost that is likely to reoccur for the rest of the year? Or is it

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something ... an invoice that was forgotten and found and therefore attributed to the COVID Fund?

1315 I am just trying to get a sense of where this expense is going to go in the future. Is it something that has a fixed parameter in which we can say it is not going to grow much beyond this, or is it something that just was not identified at the time of the Budget and is likely to be a recurring cost for the rest of the year?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has used the word 'audit', which I think is the wrong word to use.

1320 Of course some of my young constituents might have referred to it as audit, but the audit is what the Principal Auditor does. It is the checking that would be the issue. At the moment what you have is a reporting and almost a live management account, if I can loosely call it that, which will be subject to internal checks to make sure that things have been booked under the right heads, and he might know that sometimes there are fluctuations in that respect. It is very unlikely, but possible, that the £1.2 million would change, but where in the subheads the allocation of the
1325 £1.2 million might be different. But it is possible that the £1.2 million might change because things may have been allocated to COVID which are being used for COVID purposes but are acquired more generally, for example, or are simply badly booked at this stage, and that happens. As he will know, in every financial year before the Book is cast there are those issues.

1330 I think I said to the House at the time when we published the Estimates Book last year, when we had the debate, that the Government's approach was to say we have had two years of pandemic, and together, in this House, we have all tried to work out what the cost of that should be in the Health Authority and we had an Emergency Budget and we provided for PPE on the go with a sort of open cheque book to the Health Authority. What we do not know is what the cost
1335 of dealing with COVID as an almost background virus – another one of the viruses that is active in our community – would be. Therefore, it was not possible to estimate what amount could actually properly be attributed to that. Indeed, one of the issues was should we have a specific cost attributed to COVID, a virus, and should that be for another year or should that be ongoing? For example, we do not have a head in the Estimates for the GHA that says cancer. We have different
1340 disciplines, many of which deal with cancer, but we do not have a cancer head. We do not have one that says flu, apart from perhaps the acquisition of the flu vaccine, but we do not have all of the costs of dealing with the flu. So this is almost a transitional year – and that is what I thought I had explained at the time that I presented the Estimates – where we are coming out of pandemic. It does not feel like we are living in a pandemic at the moment, but of course, until the World
1345 Health Organization says the pandemic is over, you are still legally in a pandemic situation. COVID is in the background. It is a virus. This year is almost a test bed for what estimate we might have to have in the future, if any, specific to COVID.

What he is going to see are very live numbers with decisions not yet finalised as to whether those costs should be attributed to the general heads throughout the GHA, or whether in fact they
1350 will have to be attributed to COVID. That is what I would say to him in the context of where we were when we cast the Estimates Book and where we may or may not go at the end of this year in a way that is designed to do two things: first, to ensure that the GHA has the ability to continue to deal with the COVID virus even after the pandemic and during the last throes of the pandemic; and second, that there should not be any suggestion that there is a blank cheque – however big
1355 or small, it should not be blank in any way – for any spending to be attributed to the head 'COVID' as if anything goes in respect of that head.

I think he would agree with me that that is the prudent way to deal with the matter and I think I have summarised what I tried to say and what the hon. Member said when he presented the
1360 Estimates for the Health Authority at the time of the Estimates last time. That is why I am suggesting that he should have these numbers round the back of the Speaker's Chair, because decisions still have to be made. I do not want him not to see what it is that we are being told should be charged to that head at the moment, but I do not want to be fixed with publication of

1365 that in the detail that is provided for. Of course, in terms of the COVID Fund, he has had the number because I thought it was appropriate that people should see that we were providing this amount and we were being told it was COVID, but the COVID Fund can be adjusted should we make a different decision going forward.

1370 **Hon. K Azopardi:** Mr Speaker, the alternative to having it behind the Speaker's Chair that I was just discussing with my hon. colleague is to understand a bit more how long the Government needs to get clarity. If the Government says, 'We are going to get clarity fairly soon,' well then we would rather wait and get the figures officially, even if we have to ask again. Or they can send us the figures. They can just undertake to send us the figures on an open basis. If, however, it is going to take much longer, then of course we would take a view on it.

1375 **Hon. Chief Minister:** Mr Speaker, the Government will make final decisions about this – and this is what I hope I clarified now – as we come to the end of the financial year and we are casting the Book, because then we have seen a full-year effect and we understand what has happened and how things should be provided for going forward. That is why I thought it would be helpful to hon. Members to at least see the numbers, so that we can continue to have one of those much
1380 more convivial conversations that we have when the microphones are not on and we have to be a little bit *Llanito* with each other, so that perhaps we could even make decisions about this, going forward, together. We have made decisions about the COVID Fund together. Making decisions about the treatment of these costs going forward together is not something that would be anathema to the Government, but without fixing these figures as they are today with the
1385 legitimacy of publication and giving them the that oxygen of legitimacy which we might all agree is not in the interest of the taxpayer going forward.

Hon. K Azopardi: Mr Speaker, it is not a question, but so there is clarity for the Chief Minister, we will, in view of that, accept it behind the Speaker's Chair.

1390 **Mr Speaker:** Next question.

Q426/2022
Gambling Act 2005 –
Feedback re replacement Bill and any proposed changes

Clerk: Question 426/2022. The Hon. R M Clinton.

1395 **Hon. R M Clinton:** Mr Speaker, can the Government advise how many responses it has received in respect of the Command Paper on the repealing and replacing of the Gambling Act 2005, and are any changes to the proposed Bill envisaged as a result of the feedback received?

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

1400 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the number of written responses received is small in number – single figures – but this is because the industry consultation response is primarily being co-ordinated by the Gibraltar Betting and Gaming Association. We have also had direct engagement with firms on the proposals and these are ongoing.

1405 I have no doubt that changes will be made to the draft as a result of this consultation process.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his response. When he says single figures, could he tell us exactly how small a number that was? And in terms of timeframe, does he have a view as to when the amended proposed Bill would come to the House?

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Hon. A J Isola: Mr Speaker, I actually do not have the number. I know it is less than 10.

To put this into context, we started this work in 2015. Then Brexit came along and it was put on the back burner and we focused on other things. Then we brought it back. All during this time we have been talking to gambling operators, both B2Bs and B2Cs, and so when this document came out, it was by no means the first time that firms had seen it. The approach is basically to enable the Gambling Commissioner to have teeth in terms of how he regulates businesses. Under the current legislation, which has been there for over 20 years, you had an Exocet missile, if I can call it that, or nothing, and so the ability of the gambling regulator to take proportionate action is something that has not been there in a sufficient volume. What we are looking to do is to give, like the financial services regulator has, a proportionate mechanism to deal with regulatory breaches. So the teeth will be put in. This will not be a shock and has long been discussed.

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We are also changing who requires to be licensed. For example, we are policing the periphery. In the past, a gambling firm which was not carrying out gambling activity but was involved in gambling – for example, a marketing firm – was outside the net. We are now going to bring that within the net, so anything that touches the reputation of Gibraltar as an online gambling jurisdiction will be within scope, and it was not before. At the same time, we are also looking at whether firms that purport to be gambling firms but are not carrying out that activity in Gibraltar should also be caught – again, those that can affect our reputation.

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The scope we have long talked about with businesses, so I am not surprised by the small number of firms that are directly writing. And, of course, all during this period we have been talking to them directly. I myself have, the regulator has, as have the people supporting us with this work. I hope that by the end of this year – latest, early January 2023 – we will have concluded our consultation process and I would very much like, within Q1 of next year, to bring the final Bill to Parliament for consideration by Parliament.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his comprehensive response. What I am about to say, I can assure the Minister, is not in any way barbed, but I have to use the word FATF. Would he see this legislation as being a necessary part of the Government's response and will assist in getting us off the grey list?

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Hon. A J Isola: No, Mr Speaker, absolutely not, and the reason for that is simple. Under the Proceeds of Crime Act, the gambling regulator, the Gambling Commissioner, is already nominated as, for AML purposes, the supervisor in respect of that work, and so the teeth in respect of AML work is in the Proceeds of Crime Act and he is the appointed supervisor. So it has absolutely nothing to do with it.

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Mr Speaker: Next question.

Q427-28/2022

FTX collapse –

**Impact on DLT licence holders and measures to protect customer assets;
proof of reserve re ZUBR Exchange Ltd**

Clerk: Question 427/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise if the collapse of FTX has impacted on any FSC DLT licence holders, and what measures has the FSC taken to protect customer assets?

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 428.

Clerk: Question 428/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise whether any proof of reserve was or has been requested of ZUBR Exchange Ltd, an FTX-owned company and FSC DLT licensee?

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

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Hon. A J Isola: Mr Speaker, the GFSC has reached out to licensed firms to ascertain any potential impact and their current exposure. Permissioned firms have confirmed they have little direct exposure to FTX or related companies.

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As part of the regulatory regime, firms are required to have appropriate measures in place for the custody and segregation of customer virtual assets. Customer moneys are required to be segregated.

ZUBR has not been operational in Gibraltar, as they had matters pending regulatory approval. Therefore, it has no customers and thus there is no risk to customer funds. Consequently, there has not been any proof of reserve, as they have none.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer, and I am glad to hear that there would appear to be little exposure in Gibraltar, but I would bring a couple of matters to his attention, whether he would like to comment on them or not. The first of them is, as he is fully aware, ZUBR – the correct name of the exchange – has formed part of the Delaware bankruptcy proceeding and is listed and identified within the bankruptcy administrator as being part of the dot com silo of FTX. Gibraltar has not, obviously, as yet been mentioned in any of the reports. You probably have noticed, as I have, that there is an article on this practically every day in the *Financial Times*, if not the financial press in general.

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My concern – and again, in a completely constructive way – is that I have just literally searched the FSC website now and ZUBR is showing is a live licensee with a live licence. The FSC has issued no comment whatsoever about this and there is no restriction against that licence. I just wonder whether it would be opportune for the FSC to perhaps make it clear what the Minister has said, that it has no clients and there is no risk. However, looking at the licence, it does not mean to say that it could not acquire clients or assets, and given that the entire structure is subject to bankruptcy proceedings and certainly regulatory scrutiny in the US and other jurisdictions with certain allegations of moneys being missing, it would be prudent for the regulator in Gibraltar to issue its own statement to pre-empt any suggestion that Gibraltar is in any way implicated in anything that may have happened in the group elsewhere, and to reassure outside observers that the FSC is doing its job as it is, as the Minister has said. I would be grateful if the Minister could comment on that, because I cannot see it happening in any other industry – in banking or

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insurance, for example – where a group goes bust in this spectacular way and a subsidiary entity is allowed to continue to hold its licence and operate as if it were business as usual. As you say, it has no clients and it is not doing business, but the licence on the FSC website does not say it cannot do business.

1500 Furthermore, Mr Speaker, if you do a search at Companies House on ZUBR Exchange Ltd, the directors are still listed and one of them is still Mr Samuel Benjamin Bankman-Fried, whom I imagine the FSC will no longer consider a fit and proper person to hold a licence. So either the Companies House information is out of date or something has not quite joined up, but I would have expected that some action would have been taken to remove this individual as a director,
1505 or, having been removed, the records updated and a note, if necessary, attached to its licence on the FSC website to that effect, because otherwise it would appear that this entity could continue trading as if nothing had happened.

Hon. A J Isola: Mr Speaker, the regulator requires to act in accordance with the law. As he may
1510 know, the law has a set process and procedure to follow to revoke the licence of a firm, and that requires them to issue a warning notice, allow a period of time for representations to be made, submitted to the decision-making committee, and then they are the people who have the ability to revoke or suspend the licence. I would fully expect the regulator to be doing that, and that is a process that takes a little bit of time, because it can be expedited – there is short notice and there
1515 are things that you can do to respond quickly. I have no doubt whatsoever that that is being done.

So let's take a step back. I would not expect today to see the directors having resigned, because those can be filed within a period of time; they do not have to be filed on the same day. With respect to the licence still appearing on the FSA website, well, it is going to keep appearing until the licence is revoked, having followed the legal process that the law in Gibraltar requires the
1520 regulator to carry out. I have no doubt whatsoever that that is what they will be doing and that is what they will do.

Is the individual fit and proper? No assessment requires to be made at this moment in time, but I have no doubt that if it was, he would not be deemed to be fit and proper for the reasons we read about every day in the world international press.

1525 In respect of the company itself, the fact that its licence is on the website does not mean that they are authorised to trade. They are two different things. ZUBR was a firm that applied for a licence promoted by other people. FTX then acquired that licence and that required them to do a number of things: change of control and a change of business. Those have not been done yet, so the company is not authorised to trade because its change of business is pending approval, and
1530 consequently, until those processes with the regulator have been seen through, they are not authorised to trade – which is why they have no clients, which is why there is no business, which is why there is no need for proof of reserve, because they have not started trading, because they are not authorised to trade. If they did trade before that authorisation had been approved by the regulator, they would be committing a criminal offence under the Financial Services Act.

1535 I hope I have made myself clear. What I would say is that the regulator has a law in place. It is following that law to be able to get it to the appropriate place, which will lead to, I assume, a revocation or suspension, or whatever it is that the DMC, the decision making committee, comes to after the process is followed.

1540 **Hon. R M Clinton:** Mr Speaker, I fully appreciate what the Minister has said, but given the unusual circumstances of the collapse, this is not a run-of-the-mill licence suspension or revocation. This is something that is as serious as it gets in this type of industry. Personally, I would have expected a much faster reaction from the regulator. I must say that the suggestion that somebody has a licence on the FSA website does not necessarily mean that they are authorised
1545 to trade seems counterintuitive because if you look on the FSC website and you see 'Is this firm licensed or regulated? Enter the name here for consumers,' and you find out if it is regulated ... If I were a consumer, I would say, 'Well, it is obviously licensed and regulated.' There is nothing to

1550 indicate that it is conditional. Certainly what I read in the press – maybe I read it wrong – was that this deal had been completed. Maybe the law firm that issued the press release jumped the gun, but the acquisition by FTX seemed to me as having been an approved and done deal. I do not recall it saying ‘subject to regulatory approval’.

Hon. A J Isola: Change of business.

1555 **Hon. R M Clinton:** Ah, so it is a change of business as well. Sorry. I will let you in.

Hon. A J Isola: Yes. They acquired it – change of control approval – and then the change of business requires to be approved before they can start taking on business. So any consumer who goes on to the website and sees ZUBR as being there is not able to do business with them because they are not open for business. This is the point I make. That is why I can tell him that they have not got a single client, because they are not open for business until they have regulatory approval.

1560 With respect to the first point, if I may answer now the other point he made about moving slowly, you will recall at the time of the Financial Services Bill being discussed in Parliament, Mr Feetham, the hon. Member who talked about it, welcomed the introduction of the DMC because the DMC removed from the regulator the ability to suspend or revoke licences. This was a checks and balances exercise that we did precisely to deal with it, and everybody in this House welcomed that step.

1570 Perhaps we should revisit emergency cases like these, because my concern is not so much this case where there are no consumers, my concern is where there are consumers. But the regulator does have the power, where there are consumers, to move a little bit quicker. In this case it is simply a process that the regulator would require to go through in order to comply with the law. I do not see any issue in going through that process and nobody is in harm’s way and nobody is being impacted upon, and nobody is saying internationally that they were regulated in Gibraltar, so those issues become less relevant. It is clear where the company was being managed from. I do not think anybody is disputing that, and so we are out of harm’s way, thankfully.

Hon. R M Clinton: Mr Speaker, I thank the Minister for his explanation, and again I assure him that I am approaching this from the point of view of protecting Gibraltar as a jurisdiction, as I am sure he is.

1580 If I can move on to my second question, or rather my first question, in terms of contagion risks he says as per the relevant protection of client assets and money rules, which I have a copy of, they are required to comply with certain requirements. I had a quick look at the number of DLT providers over the weekend, and again he can correct me if I am wrong but I count 15 providers, of which I noticed, going through each one individually, 12 have the ability to custody assets, so that would mean 80% of licensees have the ability to custody licences. There was a comment made by, I think, the Deputy Chairman of the Bank of England. It says in normal circumstances most exchanges in the old world, as it were, would not custody assets, there would be somebody else. What we have is the scenario where exchanges are not just trading whatever the object is – call it crypto assets – but there may also be custody, and that obviously creates a much bigger risk in the event where even if they follow these procedures ... They could actually have ticked the boxes and held the assets in custody with another exchange, like FTX, and then suffered a meltdown which probably could not be avoided. But my concern is whether they are self-custody. To what extent would the Minister see that as a risk?

1595 **Hon. A J Isola:** Mr Speaker, the comment by the Deputy Governor of the Bank of England, Sir John Cunliffe, whom he referred to, was calling for regulation. He was saying that we need to have regulation for digital custody holders and providers and for the firms in this space, and that is precisely what we do. I actually think that the reason why we have not been impacted upon is because we have the regulatory standards and we have the principles that we have.

1600 The different core principles that we have address specifically the issues that FCX has suffered
from: lack of corporate governance, segregated assets – they did not have them, they were all
1605 mixed in together and everyone did what the hell they wanted and they moved money in and out
without care for any of the issues that we provide for. Market manipulation – the 10th core
principle specifically prevents firms from doing what these guys appear to have been doing. It is
early days yet, but I think we should be looking at our core principles and asking why are the firms
we have so little impacted by what has happened when other firms in other places been hugely
impacted upon.

And so, instead of looking for the little tiny black spot on a piece of white paper, I think we will
be saying actually we have done pretty well, and although there are lessons learnt in everything
1610 that happens and we need to revisit some of those – and the point he has just mentioned could
be one of them – the question is what can we do to better protect consumers in our jurisdiction,
and that is an exercise that I know the regulator is very alive to and currently doing. I think the
fact that we have done as well as we have done in limiting the contagion from this business is
something we should congratulate our regulators on and see how we can do even better to
1615 protect consumers in the future than we currently have done.

Mr Speaker: Next question.

Q429/2022
Supported independent living –
Plans to meet demand

Clerk: Question 429/2022. The Hon. D J Bossino.

1620 **Hon. D J Bossino:** Please state how the Government intends to meet the demands for
supported independent living for those living with dementia, mental health issues and special
needs.

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

1625 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, Government continues to believe in providing sustainable care and support for the
most vulnerable in our community. This includes holistic development care plans, improved
communication and integration across services, so that packages of care can also be tailored to
1630 meet individuals' specific needs. The overall aim is to provide appropriate care and support to
enable individuals to live independently and safely in the community, whilst also promoting choice
and autonomy.

Hon. D J Bossino: As the hon. Member, I am sure, is aware, this issue is one ... It struck me,
1635 actually, that it does cross, as I identify them, these three distinct groups ... people who suffer
from dementia ... I know that it is a demand which is continuously made by Daphne Alcantara on
behalf of GADS. I do not know if the hon. Member saw the really good video done on behalf of
those people who have mental health issues, led by Conchita Triay.

There is also a very big issue which I think we are going to be facing as a community into the
1640 future. We heard, I think in the last session, the number of children who have been admitted to
St Martin's School in this academic year. I think it numbers 25, and that is going to have a huge
impact down the road when those children then become adults and their parents pass away and
they will need to be cared for. With the greatest respect, he talks about appropriate care and
support and packages of care, but what I am thinking more is something along the lines of a bricks

1645 and mortar approach in terms of having a centre – whether the Government has plans in relation to this, to have a centre to house and to address the needs of these three disparate and individual groups.

1650 One of the complaints that I hear, one of the issues that I hear, is that whilst you may have a carer or a nurse who visits person X, she or he then needs to visit person Y in a different flat in a completely different place in Gibraltar, and that causes issues. It causes issues of delay, transportation, all the rest of it. So I wonder if, dare I say, the Government has more ambitious plans in relation to addressing the needs of these three distinct groups.

1655 **Hon. A J Isola:** Mr Speaker, the truth is we can never do enough – that is the truth – in providing the care that the hon. Member is referring to. But I think at the same time as I say that, we also have to recognise the enormous steps that have been taken since we came into government. At the moment, we have, for example, 21 people living in care – supported independent living. When we were elected there were three. We have increased that by 19 – 19 out of 21. But can we do more? Yes. Should we do more? We would like to. And so the areas the hon. Member is touching upon in terms of a specific facility to be able to care, the answer is yes, we are looking at that. We are looking at all the different areas in which we can co-ordinate across the various providers of these services to improve the level and quantity of care that we provide. But of course, as the hon. Member knows, there is a cost and there are competing causes for that increased cost, and so what we are doing is seeking to evaluate how best we can make use of that budgetary allowance, 1660 if I can call it that, to provide better care across the different services, not just now, but more importantly in the future.

1665 I think the demands on our service providers are increasing and when I meet with the Head of the Care Agency, he always tells me about the increasing numbers that he is facing. That is something that we are very alive to, very aware of and seeking to see how we can do that ourselves by working closely together with the Ministry of Housing, my hon. Friend at the GHA, 1670 the Care Agency, looking at how we can all, together, provide different care to what we have been doing in the past by more and new. And so yes, we are alive to that and we are determined to see how we can do something significant to achieve that.

1675 **Hon. D J Bossino:** Can I press him a bit further? When he talks about the possibility of doing something new, he says we can never do enough and you are evaluating how to make best use of the funds and that we are looking at this and that. Is there anything specific that I can ask him to commit to at this stage, in terms of addressing these needs? It is a pressing issue, and what struck me at the time of the issuing of the video is how it is something which does really cut across these 1680 three different, distinct groups and it is a demand which all three different groups are making. I think that we, as a society, need to address this in terms of our medium- and long-term plans.

1685 I have not crystallised my thinking in relation to this, and I would want to discuss it with the groups further, but I think that something that may need to be looked at is building, dare I say, a centre with sufficient rooms in a centrally located place. It may not be the ideal solution, but I think it is something which needs to be considered and looked at, unless the hon. Member is able to tell me that he has considered it but has discarded it as a possibility. I am trying to get him to commit further as to whether he has considered what specific initiatives he can come forward with in order to address these concerns.

1690 **Hon. A J Isola:** Mr Speaker, I am not going to commit to anything further at this stage, for the reasons I have already given.

1695 We are looking at what we can do more. I have mentioned the work with my colleagues and I am also looking at how the GHA and the Care Agency – who each have their own ideas, and at the end of the day all of these desires are based on the advice that we receive from the professionals in each of these areas, and so it is a question of pooling those.

1700 For example, a permanent facility is one of the matters that is being considered as one of the issues. It is way too early to see if the different agencies themselves agree on whether we should do that or not. There are many different bits of the jigsaw that are being discussed, both with the ministerial colleagues working on this and the different agencies, so there are too many moving parts for me to be able to commit to anything more than I have said, other than we are alive to it, looking at it, and I hope to be able to come back within a reasonable period of time – do not ask me what that is – with something further.

Mr Speaker: Next question.

Q430-31/2022

**Proposed funeral home near North Front Cemetery –
Whether to be privately managed; provision of mortuary facilities prior to construction**

1705 **Clerk:** Question 430/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, is it intended that the proposed funeral home near the North Front Cemetery will be privately managed?

1710 **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 together with Question 431.

1715 **Clerk:** Question 431/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can Government confirm what arrangements will be made to provide mortuary facilities to bereaved families before the construction of any new funeral home near North Front Cemetery?

1720 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, the proposed funeral home near the North Front Cemetery has not been either commissioned or managed via the GHA.

1725 With regard to mortuary facilities for bereaved families, the GHA has already made alternative arrangements within St Bernard's Hospital.

Hon. K Azopardi: Mr Speaker, the Minister says it will not be managed privately. Is that how I understood his answer?

1730 **Hon. A J Isola:** Mr Speaker, I said the proposed funeral home near the North Front Cemetery, which is, I gather, where the question originated from, has not either been commissioned or managed by the GHA.

1735 **Hon. K Azopardi:** I see. Well, the question was will it be privately managed? I was not asking whether the GHA were going to manage it. Is there any other public body that is going to manage it, or is the answer to my question yes – in other words, it will be privately managed?

Hon. A J Isola: Mr Speaker, the Government has issued an expressions of interest in respect of providing that service. Until we receive those proposals, we will not know whether it is intended

1740 that they be outsourced, done at Government cost ... We just have no idea until we see what the results of that expression of interest are. The point I am making is that that proposal, that expression of interest, has not been either commissioned or managed by the GHA. It is being done by Government, not by the GHA.

1745 **Hon. K Azopardi:** I understand that. Neither of my two questions, if the hon. Member looks at them again, mentioned the GHA. The first one is directed at finding out whether it is going to be privately managed, and he answered it is not the GHA. That is not the answer; it is either yes or no. And the second asks the Government to confirm what the arrangements for bereaved families are. He has answered that question by saying the GHA has made alternative arrangements.

1750 In respect of the first question, if we go back to that, the hon. Member reminds us of the expressions of interest process, which we are aware of, hence the question. But is it not the case that the expressions of interest process was started on the basis that there must have been at least an in-principle view taken that you either want there to be private management or not of this facility? I just do not follow the circle that he is trying to take me round.

1755 **Hon. A J Isola:** Mr Speaker, I am not trying to take the hon. Member in any circle. The Government issued an expressions of interest for reasons that it did. Those could be, for example, that somebody made a proposal to us and it was therefore felt that we should put it out to an EOI before any further steps were taken. But the expressions of interest is issued by Government in the normal way, and then people are free to submit whatever proposals they wish, whether that be that they are privately managed and licensed or leased to Government or whatever that may be. So that is the first aspect.

1760 In respect of the second aspect, Question 431/2022, I said, with regard to mortuary facilities for bereaved families, the GHA has already made alternative arrangements within the Hospital.

1765 **Hon. D J Bossino:** But presumably the Government has made a policy decision to privatise this aspect of a service which was originally provided by the GHA. Is it the case that if and when this does go ahead ...? I know he has explained that it needs to go through the EOI, and presumably that decision will not become final until some point in the future. Is it the case that should they go down that route, the services which have traditionally ...? I am not sure about currently being provided at St Bernard's Hospital as a result of COVID. That may have changed; I am not too sure. Will that come to an end? I have received expressions of concern as to the ending of that facility within the Hospital facilities. Some people have come to me with the suggestion that it is culturally something that we have been used to for so long, that that service is provided by the GHA within GHA premises in the Hospital.

1775 **Hon. A J Isola:** Mr Speaker, the GHA at the moment is carrying out a space utilisation exercise to understand what areas they are using, what they could use better, who has more space, who has not enough space. Before we reach any formal conclusion as to whether it is the mortuary service as opposed to a funeral home, I think they are two ... You could argue they are the same thing, but they have, in my view, two potentially different outcomes. So we are looking at whether, within the framework that the GHA currently has, the space it currently has, we are able to provide adequate mortuary services or not. At the same time as that is happening, there is a funeral home – potentially, depending on the EOI that is being issued by Government – which could meet some or all of those requirements separately. So at this moment in time, the Government's intention is to ensure that there is provision of that service somehow and we are just not yet concluded on who, how or where, as a result of these two exercises ongoing. The place where the original mortuary was, since COVID has been used for other services, and I would hope that once we have that space utilisation survey back with us, which I expect to have before the end of this year, we will be far better placed to understand what we can and cannot do within our own areas which would meet the needs that we wish to service.

1795 **Hon. K Azopardi:** There was a slight delay in my supplementary and I am grateful for the hon. Member asking because I was trying to pull up the expressions of interest on it, but can I just ask on that last point that the hon. Member made? Does the Government accept then, or is it considering the possibility, that the mortuary might go back to its original location? That is my first question, and I will just roll up with my second question, if I may – even though it is on the other question – so we will go quicker.

1800 I am staring at the expressions of interest process. It is an invitation and it simply says, ‘The Government invites expressions of interest from developers, investors, organisations interested in developing a funeral home’ and then it has the specifications. By virtue of doing that, surely the Government in principle has decided that it is interested in receiving expressions of interest in relation to that, but that cannot ... Surely the Government has decided already that that home would be privately managed or that it might not be, but hasn’t it taken an in-principle decision that it will be privately managed by virtue of the expressions of interest? I am trying to square that circle.

1805

1810 **Hon. A J Isola:** Mr Speaker, the hon. Member says obviously it should be privately managed or it might not be. This is precisely why we do an EOI, to understand what proposals may be forthcoming. What are the people who are interested in doing something offering to us to provide that service within the land that we have identified? I think the purpose of an EOI is to understand and to gauge what are the kind of things that could happen and how could it happen. Could it be that somebody builds it for us and we lease it from them, or license it from them? There are many ... I am not going to begin to limit the breadth of what an EOI provides and will give us because it could give us a very extensive range of ideas, some of which we may be more tempted towards than others, and I am not going to pre-empt that now.

1815

With respect to the Hospital, I do not believe that going back to where they originally were is the preference, but let’s await the space utilisation survey to give us a better idea of how and where we can make maximum best use of the space that we currently have.

1820 **Hon. K Azopardi:** And my final question, if I may, Mr Speaker: what is the difference that the Government sees between that? The reason I put these questions – and he has bunched them together in answer, so we see it almost as the same thing but it might be that the Government does not see it as the same thing. If the Government were to take an in-principle decision to return the mortuary to where it was originally within the GHA premises, does the Minister think still that there is a need for a funeral home elsewhere? Is this funeral home for which you have invited expressions of interest the place to which grieving families will go when someone passes away, i.e. a mortuary, or are we talking about the possibility that there might be two locations of services? And if so, why? We would like to understand a bit more why there would be two locations.

1825

1830 **Hon. A J Isola:** Mr Speaker, I think it is too early to answer the question fully, but let me say this. We do not know what is going to be proposed, and therefore, how can I begin to share any opinion on whether we believe it is right or wrong, better or worse? I would say also that in other countries – for example, in Spain – you have funeral homes and you have mortuaries. They are not exclusive of each other, you can have both. That is why I said at the outset that there is some overlap but they are not exclusive of each other. It may well be that we have both, it may be we only have one, but until we know what is being offered, how can we possibly discount the other?

1835

1840 **Mr Speaker:** Next question.

Q432/2022

**Third COVID boosters administered –
Number by resident/non-resident**

Clerk: Question 432/2022. The Hon. the Leader of the Opposition.

1845 **Hon. K Azopardi:** Mr Speaker, how many third COVID boosters – fifth COVID vaccines – had been administered by the GHA by 15th November 2022, broken down by residents and non-residents?

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

1850 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, by 15th November 2022, 3,362 third COVID boosters, which is the fifth vaccine, had been administered, of which 3,268 were to residents and 94 were to non-residents.

1855 **Hon. K Azopardi:** As I understand it, this fifth vaccine, the third booster, they started offering it, I think, about two or three months ago, so the take up is slow – would the Minister agree?

Hon. A J Isola: Yes, I would agree, Mr Speaker, and that is the reason why, on 18th November, the GHA issued a further press release publicising the introduction of the flu vaccine and the ongoing availability of the third booster, the fifth vaccine.

1860 **Mr Speaker:** Next question.

Q433-35/2022

**Mental health patients –
Number attending St Bernard’s Hospital; number seen by GPs at PCC;
number given anti-psychotic or anti-depressant medication by GHA**

Clerk: Question 433/2022. The Hon. the Leader of the Opposition.

1865 **Hon. K Azopardi:** Mr Speaker, how many attendances were there at A&E at St Bernard’s Hospital for mental health reasons in the calendar year 2021?

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

1870 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Questions 434 and 435.

Clerk: Question 434/2022. The Hon. the Leader of the Opposition.

1875 **Hon. K Azopardi:** Mr Speaker, how many patients were seen by general practitioners in the Primary Care Centre for mental health conditions in the calendar years 2020 and 2021?

Clerk: Question 435/2022. The Hon. the Leader of the Opposition.

1880 **Hon. K Azopardi:** Mr Speaker, how many people were administered anti-psychotic or anti-depressant medication by the GHA in the calendar years 2020, 2021 and 2022 to 31st October 2022, giving a breakdown by each year?

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

Hon. A J Isola: Mr Speaker, there were 370 attendances at A&E for mental health reasons in the calendar year 2021.

1885 The number of patients seen by general practitioners at the Primary Care Centre for mental health conditions was as follows: 2020, 4,031; 2021, 4,221.

The number of people who have been administered an anti-psychotic or anti-depressant medication by year is as follows: 2020, 4,007; 2021, 4,182; 2022, 3,939.

1890 **Hon. K Azopardi:** Mr Speaker, can I just ask ...? On the first question, which is how many attendances were there at A&E for 2021, he said 370. In 2020 there were 1,047 attendances at A&E for mental health reasons. Can the Minister comment on the difference, why there is such a lower number in 2021?

1895 **Hon. A J Isola:** Mr Speaker, I am not sure where his number has come from, but from the information I have, the number I have given is the accurate number, and I am certainly not going to guess as to what the reason could be for any change in that number.

1900 **Hon. K Azopardi:** I think the Minister has misunderstood my question. I asked him for the stat for 2021, he said it is 370, and I have said to him that in 2020 there were 1,047 attendances at St Bernard's Hospital for mental health reasons. So can he comment on the difference, why there is a marked drop in attendances being logged as mental health reasons in the next year? Is that a logging issue, or is it that there has been some kind of analysis within the GHA or a shift of patients into another service?

1905

Hon. A J Isola: My response was where is that 1,000 number?

Hon. K Azopardi: From the Mental Health Strategy that the GHA has produced.

1910 **Hon. A J Isola:** Mr Speaker, the hon. Member will recall in the last sitting of Parliament that he referred to a number of 1,846 people being prescribed medication for mental health conditions by the GHA, and the number he said in that press release on 20th October ... that he had asked to check why there had been a drop from 4,000 to the one five ... I know it is not the question, but I will come to the answer. In that press release in October, the day after we had the meeting of
1915 Parliament, he said, 'How could it have been 4,000 and now it is 1,846?' The reason is simple. The reason is because the question that was asked was receiving medication at that date. There was no time span. The answers that he has asked for today are for a 12-month period, which gives you the 4,000, but the 1,846 that he referred to in his press release – in my view, totally wrongly – confused one number with the other.

1920 The reason I give that information, the reason I say this, is because I am loath to comment on difference on numbers, like the one the hon. Member has mentioned, in case, as happened in the press release they issued last time, you are not comparing like with like, and the result of that is you give a distorted impression of the reality. This is something that is far too serious for me to bring this down to a numbers game, and so I am not going to comment on what the difference is,
1925 but I will certainly go back and seek to understand, based on the hon. Member's question, why there is a discrepancy, because the numbers in 2020 – in total patients – 2021, 2022 are actually very similar and therefore consistent. So if the hon. Member's question and the numbers he is using are consistent, then there is something to look at, but I need to be sure that we are comparing like with like, and that, at this moment in time, I am not able to do.

1930

Hon. K Azopardi: Mr Speaker, that was quite a roundabout way of saying he does not know the answer. (*Interjection*) No, Mr Speaker, if I may – (*Interjections*) He started with not the

1935 question that I was asking, because I was actually asking him to comment on the difference
between the stat that had been given in their own Mental Health Strategy of 2021-2026. He asked
me where I derived the information from. I derived it from their own document, which says that
1940 in 2020 there were 1,047 attendances at A&E for mental health reasons, and it went on to
comment on the analysis. They published the Mental Health Strategy, so when I ask what is the
number for 2021 and he says it is 370, my question is: is there a reason behind the fall? The reason
might be something to do with the strategy, so I was giving him the opportunity to comment on
it.

1945 If he says he does not know, then I would be grateful if he does obtain the answer and perhaps
he can write to me on that basis, because I do agree with him that it is not a numbers game and
nor am I, in my questions, seeking to play a game. Indeed, the reason for my question, which was
Question 435, about how many people were administered anti-psychotic and antidepressant
1950 medication, was because there was a discrepancy – he knows that we had that discussion about
it, last time we were in Parliament, when he gave that number of 1,800, but that was Mr Phillips’
question, which I was fielding for Mr Phillips because he was absent from the Chamber – I thought
that I would table the question in exactly the same format which I had tabled originally when I got
that number of 3,900. It is pretty much the same one that – (*Interjection*) No, not for the 1,800.
1955 He needs to understand what I am saying. I am saying that he answered 1,800 in respect of a
different question – I accept that – and that is why I have tabled a question now, Question 435,
based on the same wording that I tabled when he originally gave an answer, which I said to him
last time was out of sync with the 1,800, which was closer to 3,900. Those stats I can see are similar
for 2020, 2021 and 2022. The numbers of people receiving anti-psychotic or antidepressant
medication are within the frame of 3,900 to 4,100 – loosely speaking, 4,200 people.

1960 Does he agree with me that that is a statistic that the GHA needs to analyse and factor in, in
their strategising on the issue of mental health? My view – personal view only – would be that I
would be concerned to see those figures, but of course I am not an expert and I would want to
seek expert advice. Will the Minister agree to seek expert advice on these numbers?

1965 **Hon. A J Isola:** Mr Speaker, the Minister does not agree with the premise of the question, and
the reason why is really quite simple. The hon. Member has said that last time in Parliament,
fielding Mr Phillips’ question, he asked a question that was different to the one he has asked
today. Yes? I agree it was different, but his press release did not say it was different. His press
release said:

A statement continued: ‘While that in itself is a number of concern the Leader of the Opposition Keith Azopardi
asked the Minister to check how that answer had been prepared because of possible inaccuracy of the statistics. In
a previous answer given to him in January 2020 the Government had said that almost 4000 people were on anti-
depressive and antipsychotic drugs.

‘It is important to get to the right number ...

Hon. K Azopardi: Yes, it is.

1970 **Hon. A J Isola:** Yes. So the Member opposite, the Leader of the Opposition, is telling the
community that he needs to check the number because Government said 1,846 and 4,000 to the
same question. He has just accepted now that they were different questions. I agree with him, we
have to get the right number, so I am not going to accept the premise of the question, which is
that we are comparing like with like, for the reasons I said before. What I also said to him was that
1975 if the numbers that he is referring to are like with like, then I most certainly will go into detail to
understand why there is a difference, but I am not accepting it at this moment in time, like I did
not accept it last time, but it did not stop them issuing a press release the day after, comparing
one answer with another answer which had got nothing to do with each other, because the first
one said medication on a particular day and the second question – the 4,000 this time is correct –

1980 is for a 12-month period. If we are going to compare one with the other, let's please compare like with like.

1985 **Hon. K Azopardi:** Mr Speaker, the hon. Member really needs to listen to my question and see through the red fog in his mind, because on the one hand he says let's not play political games, and then he basically starts making political points about press releases. None of what I said in that press release, by the way, which he has quoted, was inaccurate. It reflects accurately the debates that we had in this House before, where we both agreed – I thought we had both agreed – that there needed to be accuracy in the numbers, and we had had that exchange. That is all that press release did. It reflected that exchange, where it is important. I thought we had both agreed that it was important for there to be accuracy in the numbers because we both agreed that mental health is an important issue.

1990 That is not the question that I am asking today. I am asking him a question which he has not answered because he has gone off on a tangent answering something else which he thinks I have asked, but I have not asked. What I asked him to comment on is the statistics he has just given me on Question 435, where there are between 3,900 and 4,200 people having anti-psychotic or anti-depressant medication. Does he think that is a serious thing that requires analysis by the GHA, on which he will seek expert advice?

2000 **Hon. A J Isola:** Mr Speaker, I have already answered the question. What the hon. Member needs to understand is that he is asking me questions about numbers and all I am saying to him is I am not going to accept that we do not compare numbers that are like for like, which is exactly what he did on 20th October in issuing a press release where he compared one number, which is for a totally different period – it is a non-existent period – to one that was for a 12-month period.

2005 If we are going to compare numbers and if you want me to take responsibility for those numbers, I have no problem at all, but let's compare like with like, because the evidence on the record is that the press release of 20th October does precisely the opposite. I know the hon. Member does not want me to go back to that press release, but it is not that long ago. It is actually a month and two days, or three days ago.

2010 **Chief Minister (Hon. F R Picardo):** They are embarrassed by it.

2015 **Hon. A J Isola:** He says himself it is important to get the right number, having just put two numbers together ... that is like two and two make 12. They have nothing to do with each other. All I am saying to him is if, when I look at the numbers, there is a discrepancy and we are comparing like with like, I will look at it. That is what I am saying to the hon. Member, but I am not sure if they will, because from the track record I suspect that we may not be looking at like with like. That is all I am saying. Are the numbers 4,000 in 2020, 4,000 in 2021 – and I am guessing it will be 4,000 in 2022 with the month and a bit that we have left – concerning? Yes, and that is why we are doing the work that we are doing to address that and see how we can provide support to all of those people.

2020 **Mr Speaker:** I think the question has been thoroughly aired (**Hon. K Azopardi:** Well –) and the answer has been given to the Leader of the Opposition (**Hon. K Azopardi:** Mr Speaker –) regarding whether the Hon. Minister is prepared to look at those figures again –

2025 **Hon. K Azopardi:** Yes, but I –

Mr Speaker: – to clarify and confirm the accuracy.

2030 **Hon. K Azopardi:** Mr Speaker, with all due respect, can I just say this? I wanted to ask one final question on this, because they bunched up these things. First of all, he has gone back to my press

2035 release. That is not the question I was asking. I was not asking him to – (*Interjection*) I know he likes that point because he thinks it is an attractive political point from him, but that is not what I was asking. I was asking him to comment on the stats he has given me, the like-for-like stats that he has given me on Question 435, 2020 and 2021. And yes, you have 10 months for ... But this is the supplementary that I want to ask him, because I do not want him to go round the edges again like he has for the last two questions. He has accepted that they are serious numbers and he said that they are doing something about it in the context of their work. What is it that they are doing precisely in relation to that?

2040 **Hon. A J Isola:** Mr Speaker, he would have to ask me that question specifically, rather than the statistical question that he has asked me. If he wishes me to get a comprehensive response from each of the professionals engaged in that provision of service, I would be very happy to provide that to him, but to be clear, the question he has asked me in Questions 433 and 434 is not the 1,000 number that he seeks to compare the 370 that I have given him to. (*Interjection by Hon. K Azopardi*) Of course you are. (*Interjection by Hon. K Azopardi*)

2050 **Hon. Chief Minister:** Mr Speaker, I am very conscious of the fact that you have been in the Chair for three hours and listening to all of us with varying degrees of patience, so I wonder whether this might be a convenient moment to pause, if only for 15 minutes, and then come back with the temperance that you said you expected of all of us.

Mr Speaker: The House will now recess for 15 minutes, to return at 6.15.

The House recessed at 6.04 p.m. and resumed at 6.20 p.m.

Q436/2022
GHA facilities –
Digitisation of mental health records

2055 **Clerk:** We continue with Answers to Questions.
Question 436/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what steps are being taken to digitise the paper notes of patients at Ocean Views and any other mental health records that are not digitised in other GHA facilities?

2060 **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 plan is to digitise all GHA medical records, including Mental Health. In the interim, some of the new pathways, including the Crisis pathway, and Children’s Services have already been set up on EMIS.

2065 The GHA has programmed to commence the full digitisation process in March 2023 and the entire project, including legacy files, should be completed within 12 months.

2070 **Hon. K Azopardi:** Mr Speaker, to be clear on what they are trying to achieve when he says that the plan is to digitise all – which we welcome on this side of the House – does that mean that they are digitising all historical records, or is it historical records up to a certain point and not beyond that?

Obviously, the GHA must have a vast number of paper records, and if they are digitising, can he give us information as to the digitisation process? In other words, is it simply records from a

2075 certain date, or is it that they are going far back in time? Obviously we would welcome the widest possible exercise, but we are just seeking an assurance as to the width of it.

2080 **Hon. A J Isola:** Yes, Mr Speaker, the process has started and is ongoing. For example, paediatrics is complete and the GHA is currently working through St Bernard's Hospital outpatient activity. The intention is that by 12 months after March 2023 – in other words, February 2024 – all medical records, including legacy files, should have been completed. So the answer is everything, including legacy records, by March 2024.

2085 **Hon. K Azopardi:** And just on that, can I ask: all medical records, presumably, of all living patients on the GHA register, but not ...? What does he mean by legacy files?

Hon. A J Isola: Historical.

2090 **Hon. K Azopardi:** Yes, historical, but in respect of what, living patients but presumably not deceased patients – is that right?

Hon. A J Isola: Legacy files in respect of patients' historical records, who are still alive. I think it is what the question was aimed at. Yes.

Q437/2022
Mental Health Act 2016 –
Code of practice re interpretation

Clerk: Question 437/2022. The Hon. the Leader of the Opposition.

2095 **Hon. K Azopardi:** Mr Speaker, is the code of practice to help the interpretation of the Mental Health Act 2016 ready?

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

2100 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the code of practice, which is a very extensive document, is in draft form and in the process of being finalised.

2105 **Hon. K Azopardi:** Mr Speaker, that is no different to the position as it was when the National Mental Health Strategy 2021 document was published, where, in that document, on page 4, it said:

the Code of Practice to help interpret implementation of the Act needs to be finalised and implemented

Can the hon. Member explain to us why it is taking so long, given it is such an important document?

2110 **Hon. A J Isola:** Mr Speaker, I think for that very reason. The document is over 300 pages long. It has been the subject of consultation with all stakeholders. That takes time. It is in its fourth draft at this moment in time. It is in the process of final evaluation before it comes for a policy steer on a number of issues where decisions are required to conclude the draft, by which time I would then hope to be able to finalise and publish the code.

2115 It has been the same answer for a very long period of time, but a huge amount of work has gone into it since that time.

Hon. K Azopardi: I certainly had not appreciated it was a document of that order, so I can see that. Does the hon. Member have a sense of when he would hope ...? I am not going to hold him to it, obviously; I will not be issuing any press releases on this issue, on the timescale. But does he have a sense of when he would like to aim to get this code of practice out there?

Hon. A J Isola: Mr Speaker, I do not mind if he issues a press release, provided it is accurate. That is my only complaint.

2125 I would hope and I am requesting that it be ready for publication in Q1 of 2023.

Q438/2022
Reporting to FATF –
Whether deferred and reason why

Clerk: Question 438/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, has – and, if so, why has – Gibraltar deferred reporting to the FATF?

2130

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, Members will recall that the FATF report and action plan were dated June 2022, as ratified by the FATF plenary of that date. The next FATF plenary was held in October 2022. If Gibraltar wished to have reported in time for consideration at the October plenary, we would have been required to make written submissions in August, a few months after the June report. Realistically, no meaningful progress on the action plan could have been made in that time. Interestingly, it was the FATF secretariat that actually suggested to us that we could delay any submission to a later plenary once significant progress could be demonstrated. This is exactly what we are doing.

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Hon. K Azopardi: I think the hon. Member has indicated to the House before – and he will correct me if he has not precisely said this, but I thought in my recollection he had said that they were aiming, within 12 months, in effect, to try to get us off the Grey List, which would put us somewhere in May/June next year. Are we still on target for that? Is there going to be a plenary before that, for us to be able to manage to get across that line on the ...?

2145

Hon. A J Isola: Mr Speaker, the process is not quite that simple. We are in the process of finalising, this week, our written submissions to the FATF in respect of the significant progress that we have made since June 2022. Those will be submitted next week to the FATF, following which there will be a consideration of those written submissions. There is likely, then, to be a questions and answers in respect of that written representation, which we will be required to answer within a very short timescale. There is then an acceptance of those written submissions, which takes you to the next stage of a Q&A, face to face in Paris, like we did last time, which would be in the second week of January 2023, and if that progresses well, there would then be a recommendation to the plenary – the next one after that, which I think is in April – to proceed with recommending ... Sorry, not the plenary ... the recommendation that in the June plenary Gibraltar should come off the list if they are satisfied with the progress that we have made during that time.

2155

2160 So we are on track for continuing to progress in the way that we have previously stated. There
is a huge amount of work ongoing now amongst the relevant regulatory authorities and law
enforcement agencies. We are only reporting in respect of the two recommended action points,
not everything else; it is simply on those two action points. As I have said in my answer, the reason
why we did not ... and we were very surprised to have read the commentary because it was
2165 actually FATF that said, 'There is no point reporting now, it is too early, you have not had enough
time to show any progress.' So we are doing it in the way that we have to, to be able to make an
application to be delisted in June of next year, because there is a very detailed process that is
followed when you have to go through plenaries before you get to the plenary in June by this
process of written representations, answers to further questions, face to face, and then a meeting
2170 that approves that, and then you go to plenary for their ratification on that decision.

Hon. K Azopardi: And just finally, can I ask – and I am grateful for the hon. Member giving us a
description of the process – is the Minister going to take an interest in that process? Let me put
the question in a different way, because obviously he is taking an interest in the process, but it
2175 just took me back a bit to ... Clearly, it seems to me, in the description of the process, that the
face-to-face meeting in Paris will be hugely important for Gibraltar, and so I was going to ask the
Minister who will lead the Gibraltar delegation in that. I only ask that because I do recall from my
time on that side of the House when we were trying to persuade the FATF to put us on the White
List, on one of the original White Lists that we had ... we did have a delegation go to Paris, which
2180 was led by me when I was Minister for Financial Services, and it was important to show
governmental support at that level. Is that something that he intends to do at that face to face, or
is somebody else going to head the delegation?

Hon. A J Isola: As the hon. Member will know, because he has been there, these sessions are
2185 very factual and deliberate. By that, I mean that there is no time for chit-chat. I led the one to
Paris earlier this year and I was allowed to speak for three minutes, which I did. I just set the
context in terms of the political commitment that the Government has not only to meet, but to
comply with what was being proposed and anything that happens in the future. I fully intend to
do the same again at the next one, if I am allowed to. They are factual and deliberate. They are
2190 not interested in politics; they have politicians walking out of doors promising the Earth and they
are not delivering. Fortunately, I was in the position, last time, of being able to demonstrate that
we delivered 73 of the 75 recommended actions, or 75 of the 78 recommendation actions. I agree
it is important, and so, if I am allowed to be there I most certainly will be.

I have every confidence in the work that the team has done. When I was there last time at the
2195 Q&A, where they answered questions for about five hours, the professionalism in the team
answering the questions was really incredibly impressive. I have said this before and I will never
tire of saying it. I was hugely proud to sit behind them and listen to them deal with very intrusive
questions and detailed and specific questions across the whole array of AML and *[inaudible]*
activity, not just in Gibraltar but elsewhere. I fully expect we will go through that same process
2200 again in January.

Mr Speaker: Next question.

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q439/2022

**Europa Sports Complex –
Temporary management and manning system**

Clerk: Question 439/2022. The Hon. E J Reyes.

2205

Hon. E J Reyes: Mr Speaker, further to the answer given to Written Question W37/2022, can the Minister for Sport explain the temporary management and manning system currently in place at Europa Sports Complex whilst we await a final long-term agreement?

2210

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 answer remains the same as my answer to Written Question W37/2022.

Hon. E J Reyes: Mr Speaker, the answer given to Written Question W37 did not actually explain [*inaudible*] the temporary manager. It said there was some arrangement in place, but I am asking for an explanation of who or what is running the place on a day-to day-basis, who oversees what. What is the management system?

Hon. S E Linares: In relation to the current management, it is a continuation of the people who used to do the project management. Therefore, the company that was doing the project management of the whole of the complex, we are continuing with them running the place. But I can tell the hon. Member that I have had meetings this week and I am sure to have one more meeting next week, where I will see the end of the Europa, as in to do with the management arrangements, which I have explained before will be run by basically the three sports it is the home of, and a trust and all that, which I have already explained in the House.

Hon. E J Reyes: Thank you, Mr Speaker, that helps a bit.

2215

In the other part, in respect of the manning of the place, am I correct in concluding that the same people who have been employed by the project managers and so on are the ones who continue in situ – confirmation that there is not either GSLA or any other Government-related body that are actually manning the premises on a day-to-day basis?

2220

Hon. S E Linares: Well, as I have just said, the GSLA have nothing to do with it. It is an extension of who were the project managers that are still running it, as in to do with employees. Once we have the management agreement, it will be up to the trust to employ people, and if they feel that they want to re-engage the people who are now the employees of the project manager's company, and if they want to carry on with them, it is up to them. I would not intervene in that. It is up to the trust to run the place after, and therefore I would not be ... A government should not say, 'Well, you have to take on those who are there,' because those who are there now are employees of the project management team.

2225

Q440 and Q448-452/2022

Employment Tribunal cases –

**Number of current cases; number awaiting appointment of Chairman and date of filing;
appointment of Lead Chairperson; effect of reforms**

Clerk: Question 440/2022. The Hon. E J Reyes.

2230 **Hon. E J Reyes:** Can Government update this House if there have been any changes to the number of cases currently going through the Employment Tribunal process since the last answer provided to Question W39/2022?

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

2235 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Questions 448 to 452.

Clerk: Question 448/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2240 **Hon. E J Reyes:** How many claims filed with the Employment Tribunal are awaiting the appointment of a Chairman?

Clerk: Question 449/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2245 **Hon. E J Reyes:** Of those claims filed with the Employment Tribunal that are waiting for the appointment of a Chairman, please state the month and year the claims were filed?

Clerk: Question 450/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2250 **Hon. E J Reyes:** During his 2022 Budget speech, the Minister for Employment committed to a 'Lead Chairperson, who will be appointed shortly and will also be carrying out the functions of President of Chairpersons' in relation to the Employment Tribunal. Has that occurred?

Clerk: Question 451/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2255

Hon. E J Reyes: Does the Minister for Employment believe, as he said in his 2022 Budget speech, that the Government's reforms will also ensure that all Employment Tribunal cases are heard in a timely and judicious manner?

2260 **Clerk:** Question 452/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

Hon. E J Reyes: Does the Minister for Employment still stand by the statement he made in his 2022 Budget Address that the reform of the Employment Tribunal in recent years has delivered an effective, modern tribunal system?

2265

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

2270 **Hon. S E Linares:** Mr Speaker, in answer to Question 440, the changes to the number of cases currently going through the Employment Tribunal process are as follows: awaiting appointment of Chairperson +3; awaiting appointment of mediator +2; awaiting mediation outcomes -3; awaiting response +4; undergoing hearings or directions +3; and awaiting judgments -3. It is important to note that the status of these claims is extracted from live data and is constantly changing as cases progress across the various stages.

2275 In answer to Question 448, the total number of claims filed with the Employment Tribunal which are awaiting the appointment of a Chairperson stands at 59.

In answer to Question 449, awaiting appointment of Chairperson by date claim received are as follows: 2020 – January 1, October 3, November 1, December 1; 2021, January 1, February 2, March 1, April 1, June 1, July 3, August 5, September 3, October 4, November 3, December 3; 2022 – January 1, February 1, March 2, May 5, June 9, July 7, September 1.

2280 In answer to Questions 450 to 452 – which includes Question 451, obviously – I stand by what I said in my Budget speech. Since the introduction of the Employment Tribunal reforms in 2016 there have been an average of 50 cases filed per year. The total number of outstanding cases for 2020 and 2021 stands at 33. The hon. Member – and I am referring to the hon. Member Mr Feetham – may recall that services across Gibraltar and beyond were halted, with facilities reduced, in compliance with COVID-19 restrictions. Given the above, this shows, in my opinion, the success of these reforms.

2285 The Employment Tribunal reforms were undertaken in consultation with the stakeholders and have successfully introduced rules which are straightforward, making the Employment Tribunal accessible to all, whether they be employers or employees, without added financial burden.

2290 Mediation services are provided to parties in dispute and the majority of cases settle instead of proceeding to be heard at formal Tribunal settings. This has made the Employment Tribunal more accessible and less costly for the parties involved, thus delivering a more flexible, effective and modern Employment Tribunal system that meets the needs of Gibraltar's modern-day economy.

2295 The recruitment process for the position of Lead Chairperson is currently ongoing. The expectation is to conclude the recruitment process by no later than the end of January 2023.

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

2300 If I may, the Minister made reference that the figures he was giving us were live statistics, that they were obviously constantly changing. Can he give us a date as to when these figures are valid? Is it something that was valid as of yesterday, or perhaps at the end of a previous quarter, so we have an idea for comparison?

2305 **Hon. S E Linares:** Mr Speaker, I am not going to go into the debate that there has been with the Hon. Mr Feetham when he has asked previous questions in relation to this, because most of the statistics are given on a quarterly basis and therefore, because they are live, it is impossible to give him, at one precise time, a number.

2310 As I understand it, it has been given on a quarterly basis, a generic number which deals with the issues of quarterly ... and this has been a debate in this House with the Hon. Mr Feetham because there have been issues, like the hon. Member is now asking me, as to what date is this live from. This might have been live because things are being given quarterly, it might be live before, but these, I can tell you, were the figures that we brought out as soon as the hon. Members put the question. So this is what is now. Maybe some have changed from when he asked the question to today. I cannot verify that, but this is live as from when the question was asked.

2315 **Hon. E J Reyes:** I am grateful, Mr Speaker, that the Minister is trying to explain, which is why, in the prelude in my supplementary, I asked were the figures quarterly or not. But I am not clear. If these figures were as at the end of the third quarter of the calendar year 2022, then it would be as at the end of September, but the Minister ended up saying that the figures were updated as when I posed the question. So would that be sometime in mid-November? Sometimes I even hand in the question before the day – it could even be a day before the deadline, so I am not even sure what date it is the Minister is referring to. He may have been provided with the dates by whoever compiled the statistics for him.

2325 **Hon. S E Linares:** Mr Speaker, the answer I gave out is what is current, which, in fact, is exactly
the same as when the question was posed last time, which is that I said, in answer to Question 449,
'awaiting appointment of Chairperson by date claim received are as follows', and I spelt out the
whole list, which I can give him, if he wants, later on – 2020 January 1, October 3 ... These are
2330 what the figures are. The issue is now these are live then and they are still current because that is
the information that I have been forwarded.

Hon. E J Reyes: I am grateful, Mr Speaker. I look forward to receiving shortly ... but the figures
he is going to give me are a reflection based on what data? I do not know if I am making myself
understood. Is it –?

2335

Mr Speaker: I think you are very clear.

Can you give a date? When were those figures prepared for you?

Hon. S E Linares: They were prepared last week, Mr Speaker, when the question was posed.
2340 Last week when the question was posed, all the questions from Mr Feetham and the hon.
Member, the statistics he has asked for were brought out and put to him today.

Mr Speaker: Would that satisfy you?

2345 **Hon. E J Reyes:** Thank you, Mr Speaker, yes. Give or take 24 hours, one could more or less say
it is of the 16th November deadline. I have to ask, because the Minister made a reference to it. In
wanting this side of the House to accept that some numbers may be much higher than he would
like and so on, he makes a reference to COVID pandemic system and so on. However, there are
statistics he has produced of appointments to be made for a Chairman dating back to January
2350 2020, which is certainly well before the very first ever lockdown. So, even if I take on board that
there have been inevitable delays beyond ministerial control on the appointment of a Chairman,
can those waiting from early 2020 have a ray of hope by having an approximate estimation date?
Will they have a Chairman appointed by the end of this calendar year? Is the Minister in a position
to be able to at least give them that Christmas present?

2355

Hon. S E Linares: Well, I am not Father Christmas, but we can try our best. I can tell the hon.
Member that the post did come out. There were people who applied; I think there were two or
three candidates. When they came back, they were not sure about whether they were going to
take on all the cases or some of the cases, so we are in the process of going back. That is why we
said January 2023 when we were hoping to have the full-time ... Again, it is because it is very
2360 difficult to get somebody to be a full-time Chairperson of the Employment Tribunal. It is very
difficult. We are having issues with that and therefore we are trying to overcome those issues in
order to get the person as soon as is possible, and we are hoping that by January we will be able
to get a Chairperson.

2365

Hon. K Azopardi: Mr Speaker, can I just ask a couple of things? I will just ask them together, if
I may, both things, because it might make it easier. The hon. Member, in the original part of the
answer he gave when he was giving statistics, got to two points in his list where he gave minus
numbers when he was reading. He said 'awaiting judgment -3'. I can understand the positive
2370 cases. I do not understand how there can be anything on his list that says minus. I do not
understand it, so perhaps he can explain – (*Interjection*) I will give way.

Hon. S E Linares: Mr Speaker, this is in relation to the question that was asked previously, and
therefore whatever the number was previously, it is now minus three that number.

2375

Hon. K Azopardi: I am grateful. That clarifies, because I was not following.

2380 In relation to Question 448, which says ‘How many claims filed with the Employment Tribunal
are awaiting the appointment of a Chairman?’ he said 59. That is exactly the same number he
gave, I think about a month ago, when there was a written question of a similar statistic. That
suggests there has been at least no progress – when I say no progress, statistically – in that about
a month ago there were 59 and there are 59 now. There may have been some cases where there
has been an appointment, but there have been new cases added to the list. I do not know if that
is the case or if these are exactly the same cases that are still awaiting the appointment of a
Chairman. Is this linked? Is the Minister saying that there will be no cases where a new Chairman
2385 will be appointed until you appoint a full-time Chairman? Or is it that some of the cases will be
dealt with? And, if so, when will the Minister expect that there should be some progress, because
clearly in the last month there has not been any?

2390 **Hon. S E Linares:** Well, precisely why I have said that we were having issues in the appointment
of a Chairperson and therefore the number of cases is still static. These are the numbers of cases
that we have, and until we appoint a Chairperson – and I understand the hon. Member might say
there are more cases coming, or fewer – we try to lower it down to see if the cases can go to
mediation as well. But it is obvious that these 59 want to go to the Employment Tribunal and it is
fixed at that number.

2395 **Hon. D J Bossino:** What are the issues which are impacting on the decision in relation to a
permanent Chairman?

2400 **Hon. S E Linares:** Mr Speaker, it is very difficult to get someone to do the job full time. That is
one. And two, it is to do with the funding. It is to do with the remuneration, how we remunerate
each case and how each case ... because some cases, as the hon. Member must understand, are
more complex than others. These are the issues that are pertaining to trying to get a Chairperson.

2405 **Hon. I Azopardi:** Is the intention to offer remuneration on a case-by-case basis or on a salaried
basis?

2410 **Hon. S E Linares:** This is what we are actually looking at, to see which is the best one to do,
depending ... In a way, it is a formal negotiation with the one candidate who might want to take
on the responsibility.

Mr Speaker: Next question.

Q441/2022
Youth clubs –
Refurbishment works

Clerk: Question 441/2022. The Hon. E J Reyes.

2415 **Hon. E J Reyes:** Can the Minister for Youth provide details of forthcoming planned
refurbishment works in respect of all our youth clubs?

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

2420 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Youth
Service has always had a very strategic refurbishment programme to ensure that premises are
always up to standard. The team will continue to assess the needs of all premises, so that we

ensure that any refurbishment requirements are acted upon in a timely manner, as the management team and staff are very conscious of their health and safety obligations.

2425 **Hon. E J Reyes:** Mr Speaker, I heard the Minister's answer, but I was requesting details of the forthcoming planned refurbishment works. I would at least attempt to say this particular youth club is scheduled to have the premises painted, another one is now at a stage in life where it needs its plumbing or electrical works done, or whatever. That, I thought, would have been covered by saying 'provide details of the forthcoming planned refurbishment works' as opposed to an
2430 emergency repair because there has been a water leak. If – I do not doubt – as the Minister says, the Youth Service plans ahead and within the budget says 'These are the refurbishment works we would like to do at this stage in the financial year,' I think by now we could have had some information in respect of the details of those forthcoming works.

2435 **Hon. S E Linares:** Mr Speaker, I asked for information about that, but it is difficult to have details forward looking because of the refurbishment we have done before. So what I am going to tell the hon. Member is that in 2017, our temporary home in La Laguna Youth Club went to the Glacis estate and was refurbished to meet the needs of the premises as a youth club. The Dolphin Youth Club underwent a major refurbishment programme that included the repairing of the roof in 2020,
2440 and the Youth Centre underwent a significant refurbishment programme in 2021. The Plater Youth Club has just recently had its refurbishment programme completed. We are satisfied that at least the four youth clubs that we manage are up to standard, so now what we do is continue maintaining them and when things crop up we will fix them. But the last one was 2017, which was the Laguna, and we are looking at different options from what is now the Glacis Estate Youth Club,
2445 which is the Laguna.

Hon. E J Reyes: I am grateful, Mr Speaker, that the Minister tries his best to provide information, but the information that he is providing is not what I have requested in my question. My question is any forthcoming ... in other words, what is planned for the future? Grateful as I
2450 am – and I am sure the youngsters are even happier than I am for the works that have been done in the last few years, such as the Minister has stated – if he has asked for the information and that has been provided to him, in all honesty the Minister would have to stand up and name and shame whoever is the Government official who has been paid and has not provided information to this House. Can we have some clarification? Is there something planned? Or perhaps he is completely
2455 satisfied and there is no need to incur in any other programme, at least for what remains of this financial year. But we cannot have our cake and eat it. I need that information, if it is available.

Hon. S E Linares: There are no forthcoming repairs, as the hon. Gentleman is asking, because we have done them all before.

2460

Mr Speaker: Next question.

**Q442 and Q453/2022
Laguna Youth Club –
Update re new premises; residential building on original site**

Clerk: Question 442/2022. The Hon. E J Reyes.

2465 **Hon. E J Reyes:** Can the Minister for Youth update this House in respect of providing premises for the Laguna Youth Club within their own housing estate?

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

2470 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 453.

Clerk: Question 453/2022. The Hon. D J Bossino.

2475 **Hon. D J Bossino:** Please state who the new residential building at the site of the Laguna Youth Club is expected to house.

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

2480 **Hon. S E Linares:** Mr Speaker, the Youth Service will soon be getting a new, purpose-built youth club at Laguna estate. Already, discussions have been had between the Youth Service senior team and the developers, who have met to discuss the design of the new youth club. At present, the project is at the stage of obtaining planning permission. Once this has been obtained, there will be further meetings between the developer, contractor, architect and the youth work team. Further meetings have been held with the Laguna Tenants' Association and they have been made
2485 aware of the project. The youth club will be an asset to the neighbourhood.

The residential building at Laguna Youth Club is a purpose-built facility to accommodate pensioners. To date, these types of apartments have only been made available for locals who were eligible to apply under the housing scheme. These apartments will initially be offered to local pensioners who, in their day, purchased affordable homes from the Government and now wish to
2490 downsize and relocate to purpose-built facilities that will cater for their needs. This is an initiative to cater for our youth and pensioners alike, and thus has the full support of our Government.

Hon. D J Bossino: I assume, so that we are completely on the same page, this relates to the notice under the relevant section of the Town Planning Act which was dated 14th November and
2495 signed on behalf of – it does not have a name on this occasion – Community Supplies and Services Ltd, where it says that the development is at the Laguna Youth Club, Winston Churchill Avenue, details of who the applicant is, and it says that it is to construct a new residential building with apartments, day centre, elevated playground and a car park on the ground floor class E3 and so on and so forth. Is that the same one? Are we talking about the same one?
2500

Hon. S E Linares: Yes, sir.

Hon. D J Bossino: Can he advise who the developers and contractors are?

2505 **Hon. S E Linares:** As stated in the application.

Hon. D J Bossino: Yes, we have a company, which is Community Supplies and Services Ltd – presumably that is the developer – but can he identify what that company is and who the other one is? Can he just give that information?
2510

Hon. S E Linares: Mr Speaker, it is in the application to the planning. The notice of the application gives you the information of who is doing it.

2515 **Hon. D J Bossino:** It gives you the information of one entity, but there are two. Is he saying that that entity represents both the developer and the contractor? We only have information in relation to one.

Hon. S E Linares: We only engage with the developer, not the contractor.

2520 **Hon. D J Bossino:** Fine, but he has referred to a contractor. Does he not have the name of the contractor?

Chief Minister (Hon. F R Picardo): Mr Speaker, it would be unusual to have the contractor before the planning permission because you have not got permission to build the thing yet. The engagement with the contractor is once the planning permission is provided, because a lot of that will be about the internal layout etc.

Hon. D J Bossino: Is he saying that at this stage the Government does not know who the contractor will be?

2530 **Hon. Chief Minister:** Not that we do not know who the contractor will be, but that we are not engaging with the contractor. We are engaging with the developer until the developer formally engages the contractor. That formal engagement has not happened yet, and so it would be premature to talk about the contractor at this stage. *(Interjection by Hon. D J Bossino)* Potentially – very unlikely, but potentially.

2535 **Hon. E J Reyes:** Mr Speaker, coming back to my original question, it is certainly good news that the Laguna Youth Club is moving back to premises within its estate. Can I ask: in comparison to the size of the premises that the youth club used to previously operate from, is the new building – which has to incorporate, now, houses and parking and so on ... will this actually give more internal and secluded external area to the youth club users, or will they lose out in favour of the flats and the parking spaces?

2540 **Hon. S E Linares:** Mr Speaker, I can guarantee the hon. Member that what has been planned will be big areas outside and a big area inside, which the Youth Team, the Tennis Association and everybody we have engaged with are very satisfied with, the excellent youth club that will be there at the Laguna.

2545 **Hon. E J Reyes:** I am glad to hear that, Mr Speaker. I know perhaps I am being a bit liberal, but does the Minister have any information in respect of the temporary premises that are being occupied by the Laguna Youth Club, which actually is physically inside the Glacis Youth Club? Will those premises remain as used, for youth services, or does he have any other plans envisaged for them?

2550 **Hon. S E Linares:** Mr Speaker, the hon. Member remembers that used to be the St Theresa's Parish Hall, which used to belong to the Church – or at least the Church used to hire it out, or whatever. It used to be Father Charlie's storeroom, where he used to store every single piece of furniture he could find, and it was full up to the brim with furniture.

2555 What we did, because of the demand for schools, which we are so proud of having – two magnificent schools, which are St Anne's School and Notre Dame School – is we moved the Laguna from where it was originally ... I always was of the opinion that whilst we were doing construction and all the schools, it was imperative that we had, at least, premises for the youth club. That is why we moved the youth club to the Glacis estate. I am pleased that at least during the years that there has been construction, there has been a lot of work being done by the Youth Service in that youth club.

2560 Now I am happy to say that they are going to get a purpose-built youth club which will have all the amenities that they need, and it will be obviously much better than the Glacis estate one. What will happen to the storeroom, or whatever, as in where it is now, I do not know. The hon. Member will probably have to put a specific question on that, to find out what is going to happen after we leave the Glacis estate old Parish Hall.

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Hon. E J Reyes: I am grateful for that. The Minister has been as informative as he can be. I am sure, given the way the Minister finished his answer, Mr Speaker might allow me, say in four months' time, to ask the question as a follow-up because the Minister is obviously saying he does not know at this particular stage what is going to happen with those premises.

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Hon. S E Linares: Mr Speaker, I would assume they would go back to Father Charlie, who is the original owner, but again, I am just speculating. It used to belong to the Church, so ...

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Hon. E J Reyes: I accept that. Just a small clarification for the record: it does not belong to the Church. I am talking as a primary source of evidence in that respect. Going back to the 1980s, it was something that was licensed out to the Church. We are grateful to Father Charlie, the current parish priest, or priest in charge of St Theresa's, for his co-operation with Youth Services. I do not think there would be a major uproar if it goes back to community use, even if under the management or chairmanship of Charlie, but technically it does not belong to them. It is a Government property within a Government housing estate, which the Government is legally entitled to use for whatever purposes the Government of the day may decide.

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Mr Speaker: Next question.

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Clerk: Question – *(Interjection by Hon. D J Bossino)*

Mr Speaker: He has a supplementary.

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Hon. D J Bossino: Yes – a supplementary, though, Mr Speaker? There is a lot of information that I think requires quite a number of supplementaries in the answer that the hon. Member has given. There is a way of doing this. I will have something like four or five, but I think it is in the public interest to have this information coming out here today, rather than wait until the next session of the House.

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Mr Speaker: Is the hon. Member not pre-empting the replies? Remember that a supplementary flows from a reply given to an earlier supplementary. Please continue with the supplementaries.

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Hon. D J Bossino: Thank you, Mr Speaker. This clearly has Government support. The hon. Member has provided us with the answer in relation to this development. This is a company which is featuring in respect of many other developments and is the subject of further questions on the Order Paper, Community Supply and Services Ltd. Can I ask him, firstly, who is going to be paying for this development?

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Hon. Chief Minister: Mr Speaker, the Minister with responsibility for the National Economic Plan is not here today. I do not think it is something that the Hon. Minister for Youth should be dealing with. If the hon. Gentleman wants to ask when Mr Bossano is here, he will be here tomorrow. He has just landed in Gibraltar now.

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Hon. D J Bossino: Mr Speaker, I do not have the power or authority to organise how the Government answers the questions. The question has been laid. I do not think it identified any particular Minister, but the Minister for Housing is the Minister who has given the answer. If, with Mr Speaker's permission, one can be allowed to ask that question when the Hon. the Minister for Economic Development is present in the House, then I am willing to take that route.

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Hon. Chief Minister: Mr Speaker, what he can do, which would be in order, is lay a question in respect of that company, and then the person with responsibility would be able to answer it.

2625 This is arising out of an answer because the hon. Gentleman has referred to the application to the DPC which is signed by that company, but the question is about the youth club, not about the company that is developing it.

Hon. D J Bossino: With respect, the hon. Member has answered two questions. My question is not in relation to the youth club, it is in relation to the new residential building, and I think, given that the hon. Member has not provided that answer, it flows from that answer that I am entitled to ask who is going to be paying for it.

2630 I am surprised that neither the Minister nor the Minister responsible for Finance are able to answer this question in the House and they need to wait for Sir Joe to land in Gibraltar and answer the question for them.

2635 **Hon. Chief Minister:** That is not what he has been told, Mr Speaker. First of all, he does not have to wait for Sir Joe to land in Gibraltar because Sir Joe has landed in Gibraltar. Second, it is not that we cannot answer, it is that the person with responsibility for that is not here. The issue that is being raised, about a youth club and about the building in which the youth club is going to be housed, has been answered by the Minister with responsibility for youth, but he is asking about a particular company and the person with that responsibility is not here. If the hon. Gentleman wants to be formalistic about it, he should simply file a question at the next meeting of the House about that company.

2645 **Hon. D J Bossino:** Mr Speaker, let's try ... (*Interjection*) Yes, the cost of the development, which I think arises from it, but we have the answer we have had, and I suppose we need to accept it.

Mr Speaker, what type of construction will it be? Is it a modular type of construction, like in relation to the other developments at Coaling Island?

2650 **Hon. S E Linares:** Mr Speaker, it is going through the planning stage and the Chief Minister has just said that we still do not know the contractor. How can I now state what type of building the construction is going to be?

2655 May I also say, in relation to the previous thing the hon. Member has asked who the building is expected to house, so the question is specific to who it is going to house, not who is going to build it, how much it is going to cost and all that. The hon. Member can put all these questions, but it says who is it going to house. I said it will house pensioners and I read out who it is going to house, so I have answered the question.

2660 **Hon. D J Bossino:** The hon. Member has not answered the question as to the type of construction. He does not have that information available, and that is fine. (*Interjection*)

Mr Speaker, all these questions are supplementary. I am entitled to ask them and they arise from the answers given. You would have expected the Minister to be properly briefed and not to have to pray in aid another Minister who is obviously the individual who is the architect behind all of this, and not any of them here present.

2665 But anyway, Mr Speaker, the third question. Third time lucky, maybe. How many units are envisaged to be built?

2670 **Hon. Chief Minister:** Mr Speaker, it is a bit rich, coming from an Opposition where we have seen many of the Members asking questions in respect of individuals who are not here, that they should be referring to a Minister who is not here because his questions were not listed for today and he was travelling because he is out doing his ministerial business.

It is not a question of the hon. Member being briefed or not being briefed, it is a question of what are the questions that they asked. Now he is going off to ask us about the type of construction. Well, they could ask me about any of the projects that I am responsible for. I could be entirely properly briefed on any one of those subjects and I might not be able to tell them

2675 which type of joist the engineers are going to use in the context of the particular building. The
hon. Gentleman is asking a question that can be said to arise because it relates to the same subject
matter, but which goes to the engineering aspects of the development. I cannot think that it is
appropriate to criticise a Member for not being properly briefed simply because you do not have
that level of detail and simply say it is because another Minister is the architect. That is, frankly,
2680 not fair and I do not think it is conducive to elucidating information – which the hon. Gentleman
has not been told he will not have; he has just been told to ask for it and then we will bring it. If
the hon. Gentleman asks what type of construction is going to be used, the hon. Member will get
from the relevant individual what type of construction is going to be used, and it might, if it were
to be modular, not be simply the type that is going to be used in Coaling Island; it might be the
2685 type that have been used in many other places.

Therefore, Mr Speaker, I think that we have provided the answers. We are properly briefed.
There is no question of the hon. Gentleman being able to suggest that we are waiting for another
Minister to be able to provide the answers because he is the architect. It is that they are asking
about an area of responsibility which he has said, already, publicly, and they know he is dealing
2690 with because we are the only ones with a post-Brexit National Economic Plan and he is the
Minister with responsibility for it.

Mr Speaker: I do not think that the Hon. Minister could have anticipated all these rather
technical questions, but I do understand you want an answer, so either you speak to the Minister
2695 and give him the questions that you wish to put and he can provide that in his own time, or you
wait to tomorrow, or you submit the questions in the December meeting of the House. Those are
the three options.

Hon. D J Bossino: Mr Speaker, I will wait until tomorrow. If I am allowed to do that, I will wait
2700 until tomorrow, but I think we need to be careful about one thing. We need to be careful about
not being lulled by the Hon. the Leader of the House into the characterisation that these questions
are in any way so detailed, going into the engineering of it, that the hon. Members opposite, any
of them – how many of them are there in the House today? – are not able to answer and that they
need to wait for Sir Joe.

2705 I had no intention of pointing out, as he suggested earlier, Sir Joe Bossano's non-presence in
the House. I had absolutely no intention of doing that. (*Interjection*) No, I asked the question and
he, the Hon. Minister for Housing, has decided to answer it. That is not anything to do with us. So
he should have been here ready to answer the obvious questions which arise from the answer
that he has given. It is not correct for the hon. Member –

2710 **Hon. Chief Minister:** Point of order. (**Hon. D J Bossino:** No –) Point of order, Mr Speaker. My
point of order is this. You, Mr Speaker, have ruled that the Hon. Minister could not have
anticipated the question, and the hon. Gentleman, in what he is saying now, is, in my submission
to you, challenging your ruling. You have already ruled on whether that was an issue that arose
2715 from that question, and you have ruled it was not.

Hon. D J Bossino: Mr Speaker, in response to the point of order, may I ask for your confirmation
that what, in my view, was simply a remark and an opinion over the dicta, and not a ruling, as he
again is trying to characterise it, to put you on the spot ... That was not a ruling, Mr Speaker, as far
2720 as I am concerned.

Mr Speaker: I could very easily call it a ruling, but in this instance I think I have to come back
to what I said earlier on, that the Hon. Minister could not possibly have anticipated the
supplementaries. Of course, one piece of information that he gave was the name of the developer,
2725 which is what you, hon. Member, were hoping he would disclose, which meant that you would

then press for all that information, but I think it is rather unfair to ask the Hon. Minister to respond in that respect.

2730 I do not want to make it a ruling, but you must understand what I am saying, and if you want the information you have the option. I am sure the Hon. Minister would not mind providing the information if you give him the supplementaries behind the Speaker's Chair and he can give the information to you in due course. Or, although it has never been done before, we might change the practice and allow in this instance for the hon. Member to ask the Hon. Minister responsible. Or, ideally, you can come back in December and ask the questions afresh in the form of individual questions which are the supplementaries which you have prepared for this particular question.

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Hon. Chief Minister: Mr Speaker, thank you.

2740 The practice has built up in this House – I know not under which rule – of hon. Members in the Opposition frequently saying to you, 'Can I go back to a Question 405?' the day after Question 405 was answered, or hours after Question 405 was answered. So they can avail themselves of the latitude that you have given them in that respect. I am surprised the hon. Gentleman feels otherwise.

2745 Secondly, Mr Speaker, I am surprised at the approach that the hon. Gentleman has taken, referring to your rulings as being potentially not deciding a particular issue. The practice under *Erskine May* is that when the Speaker speaks, his word is law. That is to say you do not have to be asked to make a ruling on something for what you have decided to have been decided – that is to say *res judicata*, Mr Speaker – and therefore you have decided that what the hon. Gentleman was being asked for did not arise from his question. There is no *obiter* element to that. It is a ruling, whether you call it a ruling or not. And when you tell us to sit down, you do not get up and say, 'Well, Mr Speaker, can I ask you to rule that you are asking me to sit down?' Your word is law.

2750 That is the way that this match is run.

2755 **Mr Speaker:** I have to say again that in all the time that I have watched the proceedings of the House of Commons, I rarely have ever seen a Member of Parliament challenge the Speaker. Rarely. Here, it has become a matter of course. This is not something that has happened during my time, this has been going on for years, but it is now coming back to haunt this place.

The reality is that if I say something, you should not challenge unless I made a rather big error – then I am quite happy to listen. But frankly, you should not be challenging. I have given you, now, options. So let's refocus, choose the option and then hopefully we will get where you want to get.

2760 **Hon. D J Bossino:** Mr Speaker, there was absolutely no intention of challenging you. I was simply getting up because of the characterisation of the Leader of the House's remarks. That is the only point I made, and I stand by it, with all due respect.

2765 There was a question in the melee which had nothing to do with what the Hon. Chief Minister describes as a technical question that he is unable to answer and the Minister could not possibly have thought I was going to ask. But the question was asked, and I think surely that is a question the hon. Member can answer, which is how many units? The question was asked. Is that something which the hon. Member does not have available to him?

2770 **Mr Speaker:** If the Minister is unable to answer the question because he does not have the information, that is his answer – full stop. And if later on you wish to pursue it, then you can ask the question in December. It is very simple, with respect.

2775 **Hon. D J Bossino:** Mr Speaker, no challenge on my part, but was there an answer? Is the answer to the specific question as to how many units we are talking about here given? Is the answer 'I do not have this information with me – the Hon. Sir Joe Bossano will answer'?

Mr Speaker: We are not even going to go down that stage now.

What you are going to answer is his question. Do you have the information? No. Then what we do is next time round, in December, they ask the question first.

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Hon. Chief Minister: Mr Speaker –

Mr Speaker: We are not even going to go down tomorrow now. This man, the Hon. Minister, will give an answer. The answer is that he does not know, or he has not got the information. He has not got the information: fine.

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Hon. Chief Minister: Thank you.

Mr Speaker, I want to record, because this is hugely important, that in standing up, the hon. Gentleman once again, as *Hansard* will show, has challenged that your ruling is your ruling, and I think that it is hugely important, whether we are on the receiving end of rulings or not, that we accept your rulings are rulings – full stop. We might sometimes not like them, but my advice to the hon. Gentleman is that in the run of play we usually get 50/50 each, and just to accept that.

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Hon. D J Bossino: But, Mr Speaker, no. Why is the hon. Member doing your job? That is what he is doing. He is doing your job. *(Interjections)* No. He is putting –

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Mr Speaker: I have to say that that is below the belt.

To you. You cannot say that. You cannot accuse the Speaker of toeing the line or accepting what the Chief Minister has said as the way forward. It is absolutely out of order. It is out of order.

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I am going to try to refer to you what I told Members – if I can find it – in October. I have not got it here, but one of the things I said – and it was as a result of the issue we had with the Hon. Daniel Feetham – was that you cannot challenge the Speaker. It is disrespectful and unacceptable. You just cannot do that. It is not done in the House of Commons; it should not happen here. I know it has been happening for years on end. I know it happened with the last Speaker, Speaker Canepa, and he had difficulties because there were challenges left, right and centre, and even before that, but frankly it is not acceptable. No challenges.

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What I am saying is that if you have an issue with any decision I take, then please come and see me. We will deal with it behind the Speaker's Chair, or you write to me. We are here for a purpose and the purpose is for the Government to be held to account by the Opposition for its actions, the answers that it gives, its policies etc. I allow that. That is how it should be. The Government have got to account for what they do in this Parliament. That I allow, but if an hon. Member is unable to answer the question because, in his estimation or anticipation, that potential question was not brought into play – *(Interjection)* then you need to accept and not try to build something out of virtually nothing.

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As I said, there are the two ways forward now – not three, two. *(Interjection)* No, because you ... Either you speak to the Hon. Minister and seek the information behind the Speaker's Chair, and then I will give you the opportunity in December to ask further supplementaries on it, or you come back in December and ask those supplementaries as questions. I think that is pretty fair.

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Hon. D J Bossino: Mr Speaker, simply to make the point that there is absolutely no intention on my part to challenge you. That was not the intention. I do not think, in fairness, that that is what I did. But if I may ask one –?

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Mr Speaker: I am grateful for that.

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Hon. D J Bossino: May I ask one question? I think there can be very little doubt that arises from the answer he has given, and let's see if this, now, on the fifth occasion, he is able to answer. He said, as I understood it, that the policy in relation to the allocation of these pensioner flats is now going to be relaxed, opened to include those individuals who are benefiting currently from the

2830 Government's housing scheme. Can he tell us what the policy is going to be in relation to the sale of those flats? Presumably they would be downsizing. Does he have that information available to him on what the policy is and can they sell at market prices, things like that, or will that be subject to some control?

2835 **Hon. S E Linares:** Mr Speaker, I refer the hon. Member to the answer I gave before, which I am going to repeat. The residential building at Laguna Youth Club is a purpose-built facility to accommodate pensioners. To date, these types of apartments have only been made available for locals who were eligible to apply under the housing scheme. These apartments will initially be offered to local pensioners who, in their day, purchased affordable houses such as Montagu
2840 Gardens and all the others from the Government and now wish to downsize and relocate to purpose-built facilities that will cater for their needs.

It is very clear who we are targeting, the people who are going to have the opportunity. I hasten to say the hon. Member Mr Reyes will be able to buy his house because he came to this House and said, 'I would like to buy a pensioner flat as well.' He came here and he said it. He will be able
2845 to buy, if he wants to. This is the type of market that we are looking at.

Hon. D J Bossino: With all due respect to him, he has read out the answer again. I paraphrased in my introduction to my supplementary question what I understood to be the answer, and I think I have understood it correctly. What I am talking about are the sale terms, whether there is going
2850 to be any control in relation to the sales. And so, when those individuals want to – as he puts it and I set it out for him in my preliminary to the question – downsize, how can they do it? Is there going to be any control in relation to that? That was my question. He has not answered it.

Hon. Chief Minister: Mr Speaker, if that is his question –
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Hon. D J Bossino: Yes, it is.

Hon. Chief Minister: – then the characterisation that he made of the answer was not, in our view, accurate.

2860 First of all, the apartments will be available for sale, so this is a different situation to the situation where we develop housing for rental for pensioners, where somebody is renting from us a larger property and we move them to a smaller rental so they release the larger property. This is a property that will be made available for sale. The criteria of who they will be sold to will be published, so that people understand what the opportunity is. The price will be published. The
2865 resale price and any potential entailment of the obligation to sell back to the developer will also be published and is being developed as we speak. Whether that entails the potential to hand to the Government a property in ownership of the pensioner rather than sell, or whether there will be restrictions on to whom the pensioner's property will have to have been sold ... All of that is to be developed and published in the same way as we published the criteria for eligibility for
2870 purchasing affordable housing, which hon. Members will have seen in the press releases that we issued at the time, which set out the priorities and who would have first priority etc. All of that is to be settled and published, so that anybody who is interested will see objectively what that criteria is.

2875 **Hon. D J Bossino:** One further supplementary. I am grateful for the reply. I understand that this is full criteria which will be set out in writing when the appropriate time comes, and on that basis perhaps the Minister's reply was simply an overview of what may happen, but he specifically mentioned those who currently enjoy affordable housing. When he talks about the possibility – and that piqued my interest in terms of those individuals who may surrender their ownership of
2880 the privately owned flats – would that be limited to those who perhaps own on a 100% basis those schemes in the affordable homes, or can it be anybody else?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is giving an overview and I am giving an overview because the specific criteria will be set out.

2885 It is potentially not something that will be limited to people who are in affordable housing. Affordable housing comes into play as the manner in which a lot of our community ended up as homeowners rather than as renters from the Government, or renters from third parties, because if you are renting from the Government or if you are renting from a third party, you are eligible to be on the housing waiting list and therefore you are eligible for a pensioner flat. We have a large rump of people since the what we might call Bossano home ownership revolution of the late
2890 1980s, who, instead of relying on the Government to rent, bought, and those people who bought are getting just as old as the people who rented. The people who rented are able to move to a pensioner flat because they release a larger flat to the Government, and those who buy are sitting on potentially a very attractive capital gain but they then cannot sell to downsize without using all of their capital, or potentially, in an unattractive way, tying up all of their capital late in life. So the
2895 opportunity is to provide something for those types of people who unencumbered the Government from housing them by buying privately and who now would not be able to put all of their capital gain to work to buy something smaller.

This is not an easy criterion. I think we have debated it a little bit in this House; we have debated it a lot internally. We are trying to set it out in a way that is fair. Talking about affordable housing
2900 is the shorthand, but it is actually something that is likely to be available to anybody who is of pensionable age, is a homeowner and is downsizing, but the Government may need to curtail how the gain is realised or may be advised that we cannot curtail how the gain is realised on affordable property which you own 100% or which you own 50% of, non-affordable property that you own entirely, etc.

2905 So it is a moving feast. The policy is being developed. My view is that the only way we will be able to have a policy is if we have an imperfect policy, because there are no perfect policies. As we know from the criteria for affordable housing, whenever you finally think that you have made the right decision and you put it out in writing, 30 other instances come up which you considered but you had to deal with and you had to put another group in priority. So we will do that. We will
2910 set it out as the manner in which these properties will become eligible for purchase by pensioners. I hope hon. Members will agree that we will be doing our best to ensure that these types of persons are able to purchase these properties with the right level of priority and in the right way, as we have debated in this House in some instances, which I hope, when we set it out, will not curtail the very generous offer that the hon. Member made across the floor of the House that
2915 certainly Edwin Reyes will be able to buy. We are talking about that type of purchaser of affordable housing in the past.

Hon. D J Bossino: Mr Speaker, there is one question which I think is also of public interest, and when people hear the reports about this question and answer session will be asking themselves. I appreciate that the Government may not be able to have that information available to them.
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Simply to add an aside, I think it was the Canepa administration that started with home ownership, but it was at the tail end. But anyway, that is a historical point. Clearly, Sir Joe Bossano, in his first administration, went ahead with that policy with much greater vigour.

The question is this: does he have an idea as to timings as to when these still unknown units
2925 will be completed and available for sale? Presumably, around about that time is when we will know what the criteria will be in terms of actual access and purchase of these units.

2930 **Hon. Chief Minister:** Mr Speaker, I was talking about affordable housing. We can have a debate, if the hon. Gentleman likes, about Brympton and vineyards and when they were brought into the affordable housing net, when the bankruptcy of Brympton happened and how it was saved and all the rest of it. I think anybody who looks at the history of Gibraltar will say that even though in his mid-century he has become extraordinarily *arisco* when it comes to Sir Joe Bossano, his initial approach when he was in his teens, which was to praise him for the affordable housing revolution in Gibraltar, was the right one.

2935 As to timings, I have an idea of timing but I do not want to commit. I do not want to say it is going to happen in three months because if it happens in four months I will be told I was trying to mislead the House.

2940 This is something we have to get right. The process of application to the DPC has already commenced. I would actually venture to say that we are likely putting our toe in the water with this because I think we are going to find that this is an area of potential growth. I think that we need to ensure that with this we also provide for circulation. So I will put out there that I think what should happen is that people should buy for their lifetimes and that the estate of those individuals should be made whole once they no longer need that property, which is likely to happen either because they go to a nursing home or they pass away. They get back what they invested with some, perhaps, cost of money, but that property then becomes available again for 2945 the same type of individual. Otherwise what you end up with is that you have developed properties for pensioners to buy that, when the pensioners die, are filled by the teenage grandsons of the pensioners. So, in order to ensure that it is always a pensioner flat, when the pensioner dies the flat has to be once again put into the pool of pensioners. But the pensioner's family and estate should not lose out, so they should have the money back that they invested in 2950 there, plus, perhaps – and I am giving hon. Members my thinking; we may end up with something completely different – either the cost of money over that period ... Say, for example the pensioner has had that flat for 20 years. You look at what interest rates or inflation have been in that period and you say, 'You bought it for £100,000, the estate now gets £160,000,' although the market value of that property might then be £½ million. Or you say, 'You get 5% a year for every year that you live here, and if you live here for 20 years somehow ...' But it then has to come back into the development estate, so that it is then available for the next pensioner, because that is what is going to create the circularity.

2960 Hon. Members might or might not recall the, in many respects excellent, speech that the former Chief Minister gave as his valedictory in the Budget for 2015, I believe, where he said one of the things that Gibraltar needs to resolve is that at some stage you have to stop building affordable property because you run out of space. Even if you reclaim to – forget the three-mile limit – the 12 mile limit, you eventually run out of space. So how do you create that circularity in the market? This is not a perfect way of doing so, but it is a way of putting our toe in the water to start to create an element of circularity in the market. If you are offering something which is the sort of one-bedroom which we would otherwise be renting, so that people are releasing their properties and perhaps not at top market capital value, perhaps they can get less All of those are 2965 the things that we have to put into the equation.

2970 I am giving the hon. Member, very honestly, my thinking. He has seen my policy guts on this, but we have not yet fixed on any particular issue to be able to deliver something that we think is important. I think both sides of the House would agree, even if we then disagree on the priorities and how you would set out the criteria. But I think we have all agreed that this is something that needs to be addressed in some way, not just for the Hon. Mr Reyes.

Mr Speaker: Next question.

Q443/2022
Skateboard park –
Plans to relocate

2975 **Clerk:** Question 443/2022. The Hon. E J Reyes.

Hon. E J Reyes: Does Government have any plans to relocate the skateboard park which was previously open at the north-east end of Victoria Stadium complex?

2980 **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, His Majesty's Government of Gibraltar has plans to relocate the skate park to the park that will replace the existing Romney Hut car park. I am sure the hon. Member knows where that is. The Skate Park Association is already aware of this and is working with Government.

2985 **Hon. E J Reyes:** Does the does the Minister have a timeframe by when we should see this actually happening?

2990 **Hon. S E Linares:** Since it is in conjunction with the park, I cannot ... They are together, so whenever the park is going to happen – which we are all hoping is soon – it will be done.

Q444-45/2022
Government housing stock –
Notices to quit and proceedings

Clerk: Question 444/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2995 **Hon. E J Reyes:** How many notices to quit has the Government issued to tenants, licensees or trespassers of Government housing stock in the last six years, identifying (a) the category – that is tenants, licensees and trespassers; and (b) the year?

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

3000 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this together with Question 445.

Clerk: Question 445/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

3005 **Hon. E J Reyes:** How many proceedings have been issued by the Government to tenants, licensees or trespassers of Government housing stock in the last six years, identifying (a) the category – that is tenants, licensees and trespassers; (b) the year; (c) which court proceedings were issued in; and (d) the outcome in brief terms?

3010 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Hon. S E Linares: Mr Speaker, in answer to Question 444, notices to quit can only be issued to tenant or licence holders. Trespassers are simply trespassers and can, therefore, not be issued with a notice to quit.

3015 Nonetheless, the information being sought by the hon. Member going back so long is a very laborious and intensive task, and it would not be possible to provide accurate information to the House for anything over three years. The information I can provide is as follows: 20 notices to quit were issued to tenants and licensees in 2020; 18 notices to quit were issued to tenants and licensees in 2021; 17 notices to quit were issued to tenants and licensees in 2022.

3020 In reply to Question 445/2022, I now hand to the hon. Member a schedule with the information requested.

Answer to Q444/2022

Year	Category Tenant/Licensee	Proceeding Location	Outcome
2020	24	7 proceedings withdrawn	
		15 were successfully completed without the need to go to court	Tenancy Terminated
		1 in the Magistrates	Court Eviction
		1 Tribunal	Restoration Notice issued was Upheld
2021	18	7 proceedings withdrawn	
		10 were completed without the need to go to court	Tenancy Terminated
		1 to the tribunal and later to the Magistrates	the magistrates overturned the tribunals decision
2022	28	3 proceedings withdrawn	
		13 were completed without the need to go to court	11 Tenancies Terminated & 2 repayment agreements reached
		3 to the tribunal	x2 are ongoing, x1 Termination of Tenancy Notice issued was overturned by the tribunal
		1 referred back to the Tribunal by the Magistrates	Ongoing
		8 ongoing	7 Evictions ongoing & 1 rent recovery proceeding ongoing

Year	Category Trespasser	Proceeding Location	Outcome
2020	3	3 Magistrates	Eviction
2021	7	5 were completed without the need to go to court	Evictions
		1 currently under Judicial Review	Ongoing
2022	0	1 Magistrates	Ongoing

3025 **Hon. E J Reyes:** Mr Speaker, can I ask, in the meantime, why is it not possible to provide the figures requested under Question 444 beyond the three years? I am presuming that the Housing Department must keep some records – at least a copy in their file – of who has been issued with a notice to quit, even if the Minister has to add that there could be a small discrepancy, but at least an indication ... I do not know – I am not legally trained – so perhaps one of the colleagues on that side can enlighten me.

3030 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I was very interested to see the answer to the question the hon. Gentleman asked, so I was very pleased to see that we had a schedule which provided it, but I understand that the difficulty in providing it for earlier years is that it has to be done on a file by file basis. There is not a file ... This may sound peculiar, but there was not one in Adolfo Canepa’s time, in Joe Bossano’s time or in Peter Caruana’s time that is the file of notices to quit or eviction notices. The notices go into each of the relevant files, so if Roy has been given notice to quit, it goes in his file, and if Fabian has been given notice to quit, it goes in his file. You would have to literally go through all the files to find the relevant notices to quit.

3035 I think what we can agree to do, if it is helpful – and I think it will be helpful to everyone – is if hon. Members are interested in this information – I certainly am – I think we could agree to keep this information going now and add it to the Government statistics page from now on, so that it continues to accumulate and we have a statistic going forward, even though we cannot have it going back.

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Hon. E J Reyes: I am extremely grateful for that explanation. Yes, I concur wholeheartedly with the Chief Minister. I think we should ensure that this statistic is now being kept properly.

3045 As the Chief Minister will appreciate, although I had a bit of information on this question ... Due to his absence from Gibraltar, Mr Feetham is not able to be here today. Should it so happen that Mr Feetham has a particular case, or something, I am sure the Chief Minister and the Minister for Housing would not mind if Mr Feetham then wrote to them directly if he wanted to pinpoint a particular case.

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Hon. S E Linares: No problem, Mr Speaker.

Hon. D J Bossino: Mr Speaker, I have a question. Presumably, following on from the Hon. the Chief Minister's reply, we are able to have that information from 2020 because the filing system has changed. I think that is the implication of what he said, and maybe they can confirm whether that understanding is correct.

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3060 Secondly, when he talks about it being too laborious to obtain that information over the period we sought, which is the six-year period, is it laborious in the sense that you have to provide the answer within the limited time period from when we file the questions to when you need to prepare the answer to this House? Would it be less laborious if the Department had more time to look into that and provide that information?

Hon. Chief Minister: The hon. Gentleman, I think, needs to reflect on the answer that I have given him. Certainly in the time available it becomes impossible, but to have somebody just going through files, pulling them out of storage and going through files just to obtain a statistic going back ... We would have to do a cost-benefit analysis and I think we would probably all agree that we want people to be doing the work that needs to be done today – and to maintain this statistic, I agree, because I think it is a helpful one to have, but to have somebody just going back for the statistical purpose, unless there is a very good reason to do so I think would not be the best use of public resources.

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3075 As Mr Reyes has said, if Mr Feetham believes that there is a good public interest reason for doing so, then we will consider it, but at the moment I would have thought that we have provided. We have employed the resources in the time available and we will have the information going forward.

Hon. D J Bossino: Does he have a comment to make in relation to the numbers that he does have? And perhaps he may be aware anecdotally, given the portfolio he holds as the Minister for Housing ... are these numbers average numbers which do not raise an eyebrow? Can he comment on the numbers?

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Hon. Chief Minister: I have been involved in housing for 10 years. Hon. Members on this side of the House have had different responsibilities. I can tell him that there is a fairly regular drumbeat of people telling us of properties that are empty and us going to check them. At the same time, without relying on what people tell us – and I assume it was the same in their time – we also get the opportunity to check through meter readings, which we do every couple of years, because you need the meter readings to accumulate and you need to also then discount people who are genuinely away from Gibraltar for good reasons.

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3090 The principal reason for eviction is people not using the home, but then of course you might find that somebody has not been in the home because they have been in Calpe House for eight months, so you then withdraw the eviction notice. Or there may be other reasons why there have been difficulties with the meter. In some instances, the meter may be blocked and we have not been able to charge amounts due, but the meter reading is coming up as zero and there is a problem with the meter.

3095 Then there are instances of people who are staying in a property that they are not entitled to stay in – for example, a grandchild in a property that is in the name of a now deceased grandfather. As Hon. Members will know, the law provides that a child of a person who is a tenant is able to

not inherit but be registered under the Housing Act as a tenant. So a child could, in some instances, stay – or be moved to a more appropriate property, if that property is too large – when the parent is deceased, but a grandchild or a nephew, or somebody who is not related but who was living there and did not have permission to live there would not be able to continue to live there. In some instances, that has been with notice to the Department, so they are not trespassers and they have to be given a notice of eviction. In many instances, that is resolved by adequately housing that person in the right size property, not in the size of property that they were in.

That is the drumbeat of things. You then have periods where you have, as the hon. Gentleman knows we are dealing with now, instances of large numbers of anti-social behaviour, so you have perhaps a spike of eviction notices related to that, but even that evens out over the years, so you are not seeing huge spikes.

I would say, ironically, that it is in the years when affordable housing is developed that people are leaving government tenancies to go to affordable homes, that you are then left with people behind in government tenancies who should not be staying in that government tenancy, where you then have more eviction notices and you are producing the churn that you need to produce, which you might not otherwise be able to produce.

I hope that is helpful.

Mr Speaker: Next question.

I believe that the Hon. Edwin Reyes had a supplementary, which I did not see.

Hon. E J Reyes: Thank you, Mr Speaker, it is a very short thing.

In the table that the Minister kindly provided in the answer to Question 445, most of it is self-explanatory, except for in the year 2020 when it says ‘Proceeding location 1 Tribunal’. Then the outcome is ‘Restoration Notice issued was upheld’. If it is a government property restoration notice issue by Government itself, there is no straight logic. If the Minister does not have the answer now, I can wait for it at some other stage in the proceedings of the House, and then, with Mr Speaker’s leave, he can provide us with the answer.

Mr Speaker: May I suggest that in the future the principal questioner should complete all his questions before allowing a colleague to come in and ask their questions? Otherwise, we get the issue here, where I decided no more questions, when you were the principal questioner. Okay?

Hon. S E Linares: Mr Speaker, I think if I remember correctly, this was a case that went to the Tribunal. The client, I think, wanted to take it further as an appeal to the Magistrates Court. The judge ruled that it had to go back to the Tribunal and the Tribunal just upheld the restoration notice. It was to do with something that you are knocking down, that you are actually **4.40.42** Before you do anything in a government house, you have to go to a Lands panel and there is a process. I think it was something ... If the hon. Member can write to me, or whatever, I can give him exactly what it is, but if I remember correctly, it was something to do with that. Somebody had done a wall or something, or knocked down a wall, and they were taken to the Tribunal. Then they wanted to take it to court and then they wanted to come back. So it is one of those.

Q446-47/2022

ETB –

**Number and nationality of Gibraltar residents registered unemployed;
number and nationality of persons not registered but seeking employment**

Clerk: Question 446/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

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Hon. E J Reyes: How many Gibraltar residents are registered with the ETB as unemployed, and what are their nationalities?

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, I will answer this together with Question 447.

Clerk: Question 447/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

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Hon. E J Reyes: How many people, if any, are registered with the ETB as searching for a job but not registered unemployed, and what are their nationalities?

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

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Hon. S E Linares: Mr Speaker, with respect to Question 446/2022, the hon. Gentleman is well aware – when I talk about the ‘hon. Member’ I talk about the hon. Member who asked the question, as opposed to Mr Reyes – that it is the practice of successive Employment Ministers to relay the unemployment figures on a quarterly average. In accordance, therefore, with this established practice, I am happy to advise you that the quarterly average at the end of the third quarter of 2022 was 22.

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Hon. E J Reyes: Mr Speaker, I understand the Minister was trying to explain his answer and he says at the end of the third quarter there was an average of 22, but the original question asks for nationalities. Does he have a breakdown of those?

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And whilst I am on my feet, is there any answer to the question that was joined up, which was Question 447?

Hon. S E Linares: Mr Speaker, I have a note here – because I remember asking about the nationalities but there was an issue on that – and it says persons registered with the Department of Employment who are searching for a job are registered as unemployed, as the register is kept in accordance with Regulation 15(2) of the Employment Act. The Department of Employment provides services to any person in registered employment in Gibraltar who may wish to seek alternative employment, who requires support and guidance in CV writing, interview skills and application. But it does not answer the hon. Member’s question, which is the nationality. I remember asking, but there was an issue why they did not want to give the nationality and it is to do, I think, with the issue of quarterly ... At one given point are we having a French person on the list or a Spanish person on the list?

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Hon. Member: It is an average figure.

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Hon. S E Linares: Because it is an average figure, it is very difficult to ascertain the nationality at one given point of the list, yes.

Q454/2022
Mid-Harbours parking –
Plans for unoccupied spaces

Clerk: Question 454/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Does the Government have any plans to deal with parking spaces which lie unoccupied in the Mid-Harbours estate?

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, once the review of the Housing Act is complete, together with the Housing Allocation Scheme and tenancy agreements, the available parking spaces from households who do not need parking, do not want parking or do not meet the requirements to be allocated a parking space, will be rented out to tenants of the estate who wish to have a second parking space, at a higher level of rent. The same policy will apply in other housing estates going forward.

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Hon. D J Bossino: Mr Speaker, the question was more specific than that. It arises, as I understand it from residents there, that there are empty parking spaces. The question was in relation to that.

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I understand what he wishes to do once the relevant legislation – and subsidiary legislation, presumably – and the tenancy agreements are reviewed, but the question was the current ... If you take a snapshot now ... I do not have the number, maybe he does, but there are parking spaces which remain empty, unless the intention is that those will be dealt with after the review of the various legislation and agreements he mentioned earlier.

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Hon. S E Linares: Mr Speaker, again, I asked that question because I know the issues. The Housing Department only issues monthly licences for the second parking space. That means the ones that are empty for whatever reason that I stated before ... if they are empty, they would want to have a second parking space, and there is only one parking space per household. It is likely that those which are available because the tenants do not require them or may do so in future ... Therefore, the licence agreement issued to those for the second parking space – this is especially appertaining to Mid-Harbours, by the way – would have these terminated and allocated to the tenant now eligible. So it becomes an issue where, for example, as the hon. Member knows, people who are in arrears will not have a parking space and therefore there might be an empty parking space which we then allocate to somebody who is ... The second parking space has to be on a monthly licensing basis because somebody might come and say, 'I am paying, now, my arrears and I want my parking.' So these are the issues that crop up, but we are now trying to clear it and make it clear when we do all the reviews that we are doing.

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Hon. D J Bossino: I suppose the more coalface type of document that I can imagine in the list he gave me would be the tenancy agreements. Can he confirm – because I may have misunderstood him – that the intention is to review the tenancy agreements to fine tune those aspects, presumably to give the Government more power to address these issues? Is that understanding correct?

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Hon. S E Linares: That is one of them.

Hon. D J Bossino: In relation to the Housing Act – I know it has been the subject of questions in the House before – can he give us an indication as to when he thinks that is likely to be ready to be put before the House?

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Hon. S E Linares: I could say the lifetime of this Parliament, which is very short already, but yes, very soon.

3235 **Hon. K Azopardi:** Can I just ask on the parking spaces, does the Minister have an idea of how many parking spaces we are talking about? And in terms of the process that he was indicating would be followed to give people an option of how to do that, how will that process be done? Is that going to be some kind of invitation to a ballot, or something like that?

3240 **Hon. S E Linares:** I would guess that it would be people coming to the Department, showing interest, and obviously, if we have more interest than we have parking we would have to do a ballot or a raffle or whatever, to try to give the people the parking. It depends on the number. We might have one parking space and 20 wanting the same parking space, and then that creates a problem.

3245 **Hon. K Azopardi:** He did not answer the first part, which is does he have a number.

Hon. S E Linares: I do not have a specific number, but I would reckon ... Does the hon. Member want the number in Harbour Views only?

3250 **Hon. K Azopardi:** Mid-Harbours.

Hon. S E Linares: Mid-Harbours, sorry. I would like to say a specific number, but it is a very small percentage of the people who live there because usually we are talking about people who are in arrears, mainly, and we are following the arrears very hard and very seriously and we want to get ... So there is not a lot, but if the hon. Member wants, I can give him the specific number when I can get it.

**Q455/2022
Chilton Court –
Refurbishment programme**

Clerk: Question 455/2022. The Hon. D J Bossino.

3260 **Hon. D J Bossino:** Further to the replies given by the Minister for Housing with regard to the refurbishment of Chilton Court, please provide a detailed commitment as to when the refurbishment programme is to start and what it will entail.

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

3265 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the refurbishment of Chilton Court is something to which the GSLP Liberal Government is committed and on which we did not enjoy support from the Opposition. The refurbishment will require spending public money, something the Opposition repeatedly ask us not to do, but we will proceed with the refurbishment of Chilton Court in coming months.

3270 Additional maintenance is also being deployed in estates to make up for degradation during the pandemic period. We have been visiting estates for some time now, to see for ourselves the works that have to be done and how to prioritise these works. We will continue to do so and ensure that all our tenants have the living environment we would wish for ourselves.

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Hon. D J Bossino: Mr Speaker, if that was not ... It is a legitimate political response that he has given. We certainly do not agree with it, we certainly say it is absolutely not accurate, but I think it was a very shallow attempt on his part at making a hitting-below-the-belt type of political statement. But that is fine. I have no issue with that, just simply to point out that it is totally and
3280 utterly inaccurate that we do not support any initiative by the Government or that we would not do it in Government, in terms of refurbishment of that estate.

That estate, I am told by residents, is one of those which are completely and utterly forgotten, if I may say, by this Government. There has been, they tell me, not even a lick of paint in most of the estates. I know there are some sections of the external walls of some of the blocks which have
3285 been painted. I saw that for myself and some of my colleagues, but certainly the inside of many of those blocks and the external areas of many of those blocks, the playground area and all of that, the communal areas, are in a really dire state. Many of the tenants there are at the end of their tether and they are desperate.

But I welcome some aspects of his reply. He says that in coming months the refurbishments are going to be commencing, but may I ask him specifically, because I do not think he has been sufficiently detailed – I asked him for the detail – what exactly he intends to do? At least, if I can put it in these terms, can he simply arrange for the blocks, both internally and externally, to be painted?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman has given an answer which I find really quite remarkable. He said earlier that this is a place for political debate, and then he is surprised when he gets an answer that is a political answer, which is the sort of thing that he was treating us to before.

He says, 'I am told by the tenants that there has not even been a lick of paint,' only to correct himself in his very next sentence and say, 'although I saw that some of the buildings had been painted'. So I do not know whether he is giving the lie to the things that he was told, because what we have said is that Chilton Court has not benefitted from a refurbishment but will benefit from a refurbishment.

The problem we would have is if we took the attitude that they took in government, which is to say a lick of paint is a refurbishment. We happen to think that this requires much more than a lick of paint. A lick of paint is, as people say in Spanish, *pan por hoy y hambre por mañana* – bread today but hunger tomorrow – because it is just a lick of paint. What these buildings need is what we have done in the other estates, where we have added longevity to the buildings by a full and proper refurbishment. That is what we are intending to do in this estate, which is not a forgotten
3305 estate, it is an estate we have not been able to deal with yet because the Government, when it was elected in 2011, found itself in possession of every estate in Gibraltar needing a refurbishment. That includes Bishop Canilla House, which they built, but which was having serious problems of water ingress. That includes the largest estates in Gibraltar – Moorish Castle, Laguna estate, Glacis estate, Alameda estate. We are now moving to continue with the others, but we had the hiatus of the pandemic and we had the gutting of our public finances through the pandemic.

They, in one breath, say, 'Stop spending, do not perform your manifesto commitments,' which is what they say, and if they say they do not say it, they just have to look at *Hansard* to see the number of times they have said it – in particular, Mr Feetham – and at the same time, 'Why haven't you done this?'

We are going to continue with our timetable of delivering things, which includes delivering for the people at Chilton Court. I am delighted that they are taking an interest in the people of Chilton Court. We are taking an interest in the people of Chilton Court and the people of Chilton Court will have the benefit, like everybody else in government tenancies, of a Government that is investing in the government housing stock, not selling it, in particular in respect of the post-war stock, which is what they did.

Hon. D J Bossino: Mr Speaker, that was a political reply. That was a highly charged political response. We are not going to have a debate about the public financing issues. We are not going to have that debate.

3330 What he has not answered is the detail of the type of refurbishment that is going to be undertaken.

And secondly, if I may ask, when does he think that the entire refurbishment programme, and whatever that may entail in terms of the detail, is likely to be completed?

3335 **Hon. Chief Minister:** Mr Speaker, I do not understand what it is that makes my statements highly charged political statements and his anything other than the same. He was defending, a few hours ago, that this is a place for highly charged political statements, so I do not know which persona he is adopting right now. *(Interjection by Hon. D J Bossino)* Well, Mr Speaker, his question is a highly charged political question.

3340 I want to be very clear. I do not understand how the hon. Gentleman thinks that he can say – and this is not about politics, this is about logic – that we are not going to have the public finance debate, but is asking me what type of refurbishment we are going to do and when it is going to be completed. Does he think that we pay for refurbishments with oranges and bananas? We pay for refurbishments with taxpayers' money from the public finance pot, which is severely depleted because of the pandemic. If they do not accept that the depletion of the public finance pot is from the pandemic, they would have to say it is because of the projects. The projects that we have done, which they call extravagant and lavish, were in very great measure inclusive of the refurbishments of the estates, on which we spent over £100 million. So, by having the debate about the refurbishment of Chilton Court, we are having a debate about the public finances.

3350 What I am telling him is that we are ensuring that with less money we are continuing to do a less ambitious programme of refurbishment and that Chilton Court is one that is coming up for refurbishment. When we have a timetable and a programme which we can say we will pursue, we will announce it, and that will include a commencement date and a termination date.

3355 **Hon. D J Bossino:** Mr Speaker, again, I am not going to enter into the debate.

When the hon. Member to whom the question was posed, who is the Minister responsible for housing, was asked this question, he said 'in the coming months'. Is 'in the coming months' the commencement, when he expects the thing to start, or does he expect it to commence and also finish in the coming months?

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Hon. Chief Minister: It is the commencement, Mr Speaker. That is what it says – it says 'commence in the coming months', and as the Minister with responsibility for paying for the refurbishment, I am delighted to answer him.

Q456/2022
Government estates –
Schedule of cleaning of communal areas

Clerk: Question 456/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Please provide the cleaning schedule for communal areas in government estates.

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 cleaning schedule for the communal areas known as 'El Turno' takes place under a contract with Britannia Cleaning Ltd, servicing government rental blocks eight hours once a week during the whole year. This is in keeping with the contract that was in place with Master Services and which Britannia took over.

Hon. D J Bossino: Sorry, I do not know how this works. Eight hours every week, did he say, during the whole year? Is that in respect of each block? He mentioned *El Turno*. Can I take it, from that, that it is in relation to each block in each government estate? Is that correct? He is saying yes. Thanks to the Hon. Minister for saying yes from a sedentary position. The question is: is he satisfied that that is sufficient in order to keep the estates in a proper state of cleanliness?

Hon. S E Linares: Mr Speaker, I can tell the hon. Member that I am, if not micromanaging it ... I have to micromanage it because I am really interested in the contract being done, and therefore I visit the estates with the owner or the directors of Britannia to make sure that they do their work. If they do not, we will follow it up, but if they do, they do. Sometimes it happens that they do their job very thoroughly and people actually then foul the place that has just been cleaned. That happens quite a lot. Therefore, we are trying to do a sort of – and I am probably going a bit too far – campaign in which people have to have civic pride in where they live. We can do as much as we can in *El Turno*, cleaning the stairs, cleaning the patios and cleaning everything, but then if you get ... And we have had it while I have been there, where somebody comes out with a dog and the dog does all its business where it has just been cleaned, and therefore it is virtually, sometimes, impossible to keep it 100% clean. It is called civic pride. But look, when the contract is not being fulfilled, the Housing Department, the Housing Works Agency, myself, my Ministry will go there and we will call the directors and say, 'Why hasn't this been cleaned? Go and clean it.' So we are on top of it, until we are satisfied that it is as clean as it should be.

Hon. D J Bossino: I hear what he says in relation to civic pride, and he is absolutely right, but there are other things that we have witnessed, which suggest otherwise, things that suggest that it is somewhat more permanent, and it seems to be an endemic problem in some of the areas. From his answer, I detect that he needs to be intensely reviewing the contractual arrangements with this particular company, but he is shaking his head and I will give him an opportunity to reply.

The basic question is: why is there a need for the Minister for Housing to have to, as he puts it, micromanage a contractual relationship?

Hon. S E Linares: Because I care for the tenants and therefore I go there regularly to make sure that the tenants are living in the places that they should be living well, clean, without anti-social behaviour – because I care about my tenants. I do not go once in a blue moon when there is an election coming round. I am there constantly, making sure that all the tenants have what they deserve. That is why I micromanage it. I am the sort of person ... I feel for them, I go there, I see if there is something wrong. I meet the Tenants' Association very regularly and all the issues that have come in Chilton ... I am already aware of them all and we try to action them. We make sure that we go there. We are doing the parking areas. All the parking areas – we are looking at how best to do it for the people who live there. That is why I have to micromanage, and if I have to continue micromanaging, I will do.

Hon. D J Bossino: And that is commendable on the hon. Member, if what he tells us is true. One of the issues which have come through loud and clear in the meetings that I have been recently having is that there seems to be, in many of these things, a disconnect between ... not just necessarily directed at him, but certainly his Department. As I understand it, there should be housing managers who should be listening to people's concerns and addressing them.

3425 I know it goes slightly outside the scope of this question, which deals specifically in relation to cleanliness, but there are other issues that I am sure he is aware of – lifts broken and lights broken in communal areas, which take absolutely ages to be fixed. Despite his laudable approach to this and despite his micromanaging, as he says, which is never necessarily a good thing, is there something which systematically needs to be addressed in order to have these issues addressed and dealt with more efficiently and appropriately?

3430 **Chief Minister (Hon. F R Picardo):** Mr Speaker, let me take the hon. Gentleman up on the issue of the lift. I was in Mid-Harbours last week. I hold my clinics there in the social centre, and last week I did not just want to help my clients, I wanted to see some of the areas which the hon. Gentleman had asked me to come and check and to ensure that I would approve certain changes that are required to make the cleaning of areas easier – for example, tiles in the lift halls, which will make the area easier to clean, because when they built it, they did not build it with tiles, so you end up with a painted wall which is almost impossible to clean.

3435 One of the comments to me was ‘When is the lift in Bow Wave House going to be fixed? It takes ages.’ So I said, ‘What is going on with the lift in Bow Wave House?’ Usually, when lifts break, we have a contract and they can be fixed immediately. Well, when hon. Members developed it, the saltwater tank is above the lift. It leaks into the lift, so it is impossible to operate the lift or even repair it until it dries out, every time. So, one of the ways to ensure that we do not have lifts that have that problem is never to have them in government property again.

3440 **Hon. D J Bossino:** Again, a political point, and that is fine. That is absolutely fine – and you are not being called to order. That is fine. But can I just –

3445 **Mr Speaker:** Excuse me. Please resume your seat. I expect an apology because it is the second time that you have had a dig at me, and that is wrong, absolutely.

We are now going to proceed to the next question.

Q457/2022
Government housing estates –
Security cameras

3450 **Clerk:** Question 457/2022. The Hon. D J Bossino.

Hon. D J Bossino: Who monitors the security cameras installed in housing estates to ensure that anti-social behaviour is dealt with?

3455 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

3460 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, CCTV cameras situated in lift cabins at Laguna estate and Glacis estate are not monitored by way of live feed. The footage recorded on them is retrieved when there is a need by the Housing Department for the purposes of crime prevention, anti-social behaviour and/or prosecution. This footage is subsequently provided as supporting evidence when reported to the relevant authorities for their action.

3465 CCTV cameras in pensioner blocks are also not continuously monitored, but a feed is provided to the warden’s office for security purposes at Bishop Canilla House, Albert Risso House and Charles Bruzon House. The footage of these would also be retrieved by the Housing Department when there is a need for the purposes of crime prevention, anti-social behaviour and/or prosecution.

The ones at Seamaster Lodge are fully managed by the Mons Calpe Mews estate managers. Access to these is provided to the Housing Department as and when required.

3470 With regard to Mid-Harbours estate, these CCTV cameras provide a live feed to the Royal Gibraltar Police and are not under the remit of the Housing Department.

It is important to note that the Department of the Environment also places time-lapse cameras in housing estates on an ad hoc basis in order to tackle fly tipping.

3475 Additional cameras with additional monitoring are, unfortunately, having to be considered in some estates. The Government will make announcements about such additional camera feeds as soon as it is able to.

Hon. D J Bossino: I am grateful to the hon. Member. In some respects, that encapsulates the point that has been made to me, that it all seems rather bureaucratic and confusing. In other words, I think the result that we all want to achieve is that anti-social behaviour of whatever kind is dealt with, but I am told that enforcement becomes an issue because of that confusion, in the sense that one department or one authority says, 'It is not me, it is Environment,' and Environment says ...

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I am grateful for his reply and I know that each estate will have its own separate systems, but is there ...? I do not know whether the way that I have put it to him in this question ... This is the question: would he agree that it is accurate, or would he deny its accuracy in terms of what I have been told when I visited the various estates?

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Chief Minister (Hon. F R Picardo): Mr Speaker, I hope that I will be able to strike a more concordant note with the hon. Gentleman now. He and I, I think, will be equally saddened at the thought that we need to apparently live in a society, today, where we have constant CCTV camera monitoring of common areas because people are unable to act in community in those areas. That is why the hon. Gentleman has referred to him a pilot project that he and I are working on together to bring CCTV to some of our estates in a permanently monitored way.

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The CCTV that is there now is there to deal with problems when they occur. The Minister for the Environment has static cameras that take pictures, but it is not video, and you have some other video in some other areas, but I do not think that any of us want to live in a society where we need to be permanently monitored all the time, not for the prevention of serious crime, where, of course, it would be an important evidential tool, but simply so that people do not allow their dogs to do their business, or throw things etc.

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Let me give him the example I have been dealing with. There is a rubbish dump in Laguna estate. That rubbish dump is cleaned regularly. It is clean, almost, as a whistle. Inside, it has the rubbish receptacles. Responsible tenants go into the rubbish dump and put the rubbish into the receptacle. Irresponsible tenants, whether it is full or empty, do not even bother to open the door; they dump their rubbish outside. So the place has just been cleaned, it is clean as a whistle, and the tenant, with his rubbish bag, instead of opening the door, going up two steps – it has no more than two steps – and putting his rubbish in the rubbish receptacle, puts his rubbish outside of the door. The seagull, the monkey, the stray dog or the stray cat comes and opens the rubbish receptacle: rubbish all over the place. The whole area was clean five minutes ago, and now it is strewn with rubbish because a tenant decided to simply put his rubbish bag outside the door.

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The Laguna Estate Tenants' Association says to us, 'We are working with Britannia. We know it is clean, we know it is clean inside. We see the person come and put this out there, and this needs to be monitored,' It is for that sort of issue that we are having to consider permanent CCTV in all the estates – because of the guy who comes and decides that he is going to urinate in the brand new lift. A dog is bad enough, but that a human being should do it and that we should require in society, the community that he and I were brought up in, that so many of our great Gibraltarian counterparts out there have been brought up in ... that there are a few who do this, who require us all to be subjected to constant CCTV monitoring – which we are going to have to do a pilot programme on – is really worse than a disappointment. It is worse than a disappointment, and I

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3520 do not think that the 99% of people who behave properly in the community deserve to be
constantly monitored on CCTV, although many of them say, 'We give up – we are going to have
to,' and that is what we are going to try to do.

It is a huge deception, because of course people then come to the estate, see rubbish strewn
everywhere at four o'clock in the afternoon and say the estate has not been cleaned. The estate
was like a whistle at 10 o'clock when this irresponsible person decided to do that. It is shocking
3525 that we are going have to do that in relation to dog poo, dog piss, rubbish left outside rubbish
dumps, human excrement and waste and other littering, graffiti of brand new, refurbished
estates, where people think it is sensible to waste money that they say they do not have buying a
can of spray to paint male genitalia on a wall. What is funny or positive about that, and what
contribution to Gibraltar do you make if you do that? We are now going to have to set up a camera
3530 to monitor that person, to ensure that they can stick their hands in their bleeding pockets instead
of littering, fouling or graffiti-ing, to make the environment which we have spent hundreds of
millions of taxpayers' money ensuring is to the standard that the Gibraltarian deserves.

I hope there is – and I am sure there is – concert around this House that this is unacceptable
behaviour because there is concert in the estates, in the vast majority of good Gibraltarians who
3535 live in those estates, that this is a small minority that is ruining it for everyone, that they do not
deserve the homes that they have and they will be evicted from those estates, and those who
remain behind appreciate what they have and I am sure that we appreciate that they realise that
and they do not deserve to be put through what they are being put through. (*Banging on desks*)

3540 **Hon. D J Bossino:** Can I just say, Mr Speaker, that he can be assured that there is absolute
concert, in the way he put it, around this House in relation to the points he has just made and he
will recall that the question arises precisely because of what has been put to me by the 99.9% of
the individuals who are law-abiding, good residents and want to go about their lives in a normal
way and not behave, in effect, like vandals – well, they are vandals; it is not effectively vandals,
3545 they are vandals and I concur wholeheartedly with what the Hon. the Leader of the House has just
said.

He mentioned a pilot scheme. I must say I did not catch it from the prepared reply from the
Minister. I may have missed it, but can I ask him, as a supplementary to that point, Mr Speaker,
when he thinks that pilot scheme is likely to start? And is it going to be set up in all of the
3550 Government estates, or are there particular estates which are giving rise to particular problems?

Hon. Chief Minister: Mr Speaker, I am grateful for his agreement on this. I think it is important
that the whole House should be united on this and we should not allow party politics to interfere
here.

3555 The reference is in the last line of the prepared sentence – I am surprised he missed it:
'Additional cameras with additional monitoring are, unfortunately, having to be considered in
some estates. The Government will make announcements about such additional camera feeds as
soon as it is able to.'

The hon. Member and I are going to one of the estates for this purpose, in order to be briefed
3560 on what is proposed, and we do not know yet whether we will be able to agree it. There are civil
liberties issues that we have to consider and there are issues of cost that we have to consider. All
of those things will be relevant. It is not going to be done in all the estates – it would not be a pilot
otherwise. It gets rolled out in one, to see whether it works. And then, if it works, potentially it
gets rolled out to the other estates.

3565 If I may take all of his questions in relation to this together, in one estate, eight hours per block
per week is more than enough for that block to be looking fantastic, sparkling – spick and span, as
the hon. Gentleman says from a sedentary position. In another block, 80 hours a week would not
be enough, not because the 30 tenants in the block are pigs, but because one or two tenants in
the block are utter pigs, ruining it for everyone. In some estates you do not need CCTV at all, and
3570 in some estates, in some areas, you need more CCTV than you have in central London.

Those are the issues that we are grappling with, and I invite the hon. Gentleman to grapple with them with us, rather than in competition with us, because the only ones who win are the vandals if they think that they can push us in one direction or another when we should all be united for the 99.9%.

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Mr Speaker: Next question.

Q458/2022
Pensioner flats –
Eligibility

Clerk: Question 458/2022. The Hon. D J Bossino.

3580 **Hon. D J Bossino:** I think this question may have been answered in relation to the Laguna estate one, but please provide details of the Government's policy with regard to eligibility for pensioner flats.

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

3585 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** No, it has not been answered, because the hon. Member asked about the other. This is the eligibility of government – *(Interjection by Hon. D J Bossino)* Okay, yes.

An applicant who is on the housing waiting list and is over the age of 60 automatically becomes eligible to be allocated a flat in a pensioner block.

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3595 **Hon. D J Bossino:** The reason why I referred to the question in relation to the projects being carried out in Laguna estate is because, there, there has been flexibility in terms of some of the policy as just outlined by the hon. Member – the Hon. the Chief Minister is shaking his head, so I may have misunderstood the Government's position – because it has been widened, just to finish the point, to those who are in the 50/50 housing.

3600 It is an issue which has been brought to my attention some years ago ... but only recently, and I am raising it on behalf of one particular constituent, but I think it applies across the board. In other words, if you have an individual like in this case, she made inquiries, I think probably of his Department – and if I may, Mr Speaker, just read a very short ... The point that was being made to me ... This is the information that she was provided with, and it says 'Allocation of pensioners' housing for someone who currently resides in a non-government dwelling ...' She was informed that 'pensioners flats are only allocated to those persons who will vacate a government house. Others will have to go on the allocation list,' which I imagine is the housing waiting list.

3605 I hear that the Hon. Chief Minister, from a sedentary position is saying that that is absolutely not true, but I will just give him or the hon. Member an opportunity to reply to the points I have raised.

3610 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to forget about the issue of the Laguna estates pensioner flats that we were talking about earlier. That is the development of pensioner flats for sale to people who are eligible because they are pensioners who own property in Gibraltar. That is what we were talking about there. That is different. This question he has asked *(Interjection)* is about tenancy. Exactly. It is about Charles Bruzon, Sea Master Lodge, the ground floor flats at Gib 5, Sir William Jackson Grove and the other ones that we have – Albert Risso House, etc. I can tell the hon. Gentleman that there are a number of instances of which we are
3615 aware where people who have not been government tenants, who have been renting in the

private sector, have gone ... They are renting in the private sector, they are on the housing waiting list, they are over 60, so they become eligible for a government property and the government property they get is an over-60, as long as their family composition is in keeping with a pensioner flat. Why? You can be over 60 and still have a child who is age six or seven. You might still have a growing family, so you do not have to have a pensioner flat, but you are eligible for a pensioner flat if you are on the housing waiting list and over 60, which is what this tells him, whether you are in government accommodation or not in government accommodation.

The reality is that the best management of the housing waiting list also involves offering people who are pensioners and are in large government properties as rentals a move to a pensioner flat so that you then release the five-bedroom that they are sitting in, sometimes alone or just with one partner, to a family that has three or four children. The trickle-down that that means is that if they were in a three-bedroom, the person who has two children goes into the three bedroom etc. and you see all of that trickling down. But there are many instances ... I remember when the hon. Lady was Minister for Housing, when the hon. Gentleman was Minister for Housing, where we have seen people move from private sector renting to a public sector pensioner flat. You cannot go from the private sector, owning, to a public sector pensioner flat, because you are not eligible to go on the housing list. You are the owner of private property, so you are not eligible. You have to be in the private sector, renting and eligible, or in the public sector, renting and eligible, and then you go into a pensioner flat.

That is the criteria and that is how it works, but forget the Laguna issue because that is for a different issue that we were dealing with earlier, which is people who have bought in the private sector and want to move and downsize again through purchase, rather than through rental. I hope that is helpful. I will give him an example with the names and surnames of people he will know who moved in that way from private rental in College Lane to government pensioner rental at Sea Master Lodge, I seem to recall.

Hon. D J Bossino: Actually, I had a recorded conversation with somebody who suggested that this was the case, which I found a bit odd, but never, ever a situation where somebody privately is a title holder, privately owns a flat. I think, though, the way it was put to me is that there is some sort of arrangement where they would sell the flat to the Government – that is what I was told, just hear me out – and then, as a result of that exchange, that individual is entitled to the pensioner flat.

Hon. Chief Minister: No, Mr Speaker, in the context of somebody who has been in the private sector as an owner and therefore not eligible to go on the government housing waiting list, in I think one or two instances – maybe just one at the moment – the Cabinet was asked to consider a policy because of certain circumstances, but we could not make it limited to circumstances where the person donated the property to the Government.

In this instance, we were dealing with a large property in an affordable housing estate of the Government, where the person had bought. The person, because of their personal circumstances, had no heirs and therefore had no interest in leaving the property, and said, 'I am prepared to gift the property to the Government, which the Government can then sell to a family that fits the criteria for eligibility for affordable housing, if the Government will give me a pensioner flat, for which I will pay rent.' So, on top of that, it was not a question of ... they will pay the established rent. In that circumstance, what the Cabinet decided was that, as a matter of policy, if we are going to get an asset which is an affordable property, which we can then sell to the people who would be eligible for affordable property, and this person gets a pensioner flat, that is fair enough and in those circumstances it would work. When we put that to others who have come to us, who have said, 'I want to sell and give the money to my children, but you house me,' it does not work, and that is why we are developing the alternative criteria of purchasers who sell but who purchase, not who are then given a tenancy.

Hon. D J Bossino: Then that flat is sold on, on affordable housing terms – is that understanding correct? It is not on a pure market ...? No? He says they only did it on one occasion, but is it government policy to do it in respect of others? Or is it just on a case by case basis?

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Hon. Chief Minister: No, the Government felt very uncomfortable in making a decision which was specific and not having a policy position, so what we took was the policy position that if you were prepared to hand over a property, at no cost to the Government, which the Government could put into housing stock or could sell through tender in the appropriate way – as the hon. Gentleman will know, there are people who are eligible for housing who would be prepared to buy from the Government if the Government could sell to them – then we would permit people, in those circumstances where they forgo ownership – and there are very limited circumstances where this would be relevant – to have a pensioner flat because the value to the taxpayer is great. You get to house someone, potentially you get to realise the value of the asset for the taxpayer as well, and they pay the rent because they could not expect not to pay the rent – the rent is not exactly the highest rent in the world and therefore it makes sense that the person should be committed to paying the rent.

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In those circumstances, the policy decision was made by the full Cabinet because we considered all of us together. The relevant Minister for Housing at the time, I think, was the hon. Lady and she wanted a policy decision from the whole Cabinet. We took that decision and I think it is the right decision. I am sure it will enjoy the hon. Member's support.

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Mr Speaker: Next question.

Q459/2022

Housing stock –

Whether sufficient to meet need

Clerk: Question 459/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Does the Government have enough housing stock to meet the needs of all applicants on the housing waiting list?

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 confident that there are enough houses in the current housing stock to meet the needs of our community despite the former administration having sold part of the post-war stock of property at rock-bottom prices when they needed to raise money. This was a particularly bad mood by Members opposite – move, sorry. *(Interjection)* Bad mood? We are all getting there! *(Laughter)* Once all the affordable homes have been built, those prioritised to purchase will be releasing a number of rental homes, which will go a long way to tackle those who are in real need of government accommodation.

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Hon. D J Bossino: Mr Speaker, this question arises from, I am sure he will know, a letter which was published by Action for Housing dated 26th October. There, Henry Pinner, the Chairman of that organisation, NGO, says:

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In April 2021 we shared a radio programme

– this is a letter addressed to the hon. Member –

which was presented by Ros Astengo Stengel of GBC and you said that you had enough housing stock to meet the needs of all those applicants on the waiting list.

3710 Putting aside the initial preamble, the remark that he made, does he not agree with me – and I am sure he will not – that he was ... how shall I put it ... less than frank in the comment he made, because anybody listening to that programme would have come to the conclusion that Mr Pinna certainly arrived at, which was that ...? In effect, he was saying that there is sufficient housing stock to house people now. That was certainly the implication of what he was saying. What he is
3715 saying is that once the affordable housing estates which the Government announced some time ago ... In respect of one of the phases in one of them and in respect of two of them, not one brick has yet been laid, and he knows that that is a subject of criticism on this side of the House. It is going to take many years before those people are able to ... I would ask him to comment on that, and I have one specific question which arises from the comment that Mr Pinna said in his letter.

3720 **Hon. S E Linares:** Mr Speaker, Mr Pinna, in the programme, was under the impression that I had the houses to deliver the next day. That was his issue. I have always argued that even if we were to build government rental accommodation, it would take four years to build. So whatever problem he says – and I have had this argument with him publicly and he wants me to have more
3725 programmes with him for me to argue the same point ... This is the issue that I have, that he writes to me ... I do not have any problem with Mr Pinna writing to me, but every time he writes to me, he writes to me on the same issue, which I have already answered publicly with him and everywhere.

We believe that we have enough government housing stock and we will have more and we will
3730 deal with the list because we have prioritised the selling of the affordable homes. The Cat 1s are the people who are releasing houses in government. Therefore, yes, it is going to take that little bit of time, but we will have to wait then, because then we get homes back to us, and we have to encourage young people to buy homes as well. That will help, as well, our housing stock, where if there is a family that is ... three smaller families living within one household, they will move to the
3735 affordable homes and they will be living in better conditions and they will not need housing.

All these issues we have discussed with Action for Housing. Like I said, I do not mind talking to Mr Pinna, answering Mr Pinna, but he is always on about the same argument. The previous
3740 administration, like I stated, sold flats for peanuts – yes, for peanuts, nothing, hardly anything – and the people ... Now there are flats that are empty, which are inherited by people who have already got a house and we cannot do anything because they are lease holders. We cannot do anything. People come to me and say, 'There is an empty house in Alameda estate,' and I say, 'I cannot do anything. The GSD sold it.' So there are flats like that and I think it is also bad because ...

In answer to the question I said it is a bad move. Of course it is a bad move. Imagine trying to create a management company of an estate, where the Government has to pay everything about
3745 the management company of a block, just because you have three tenants who have bought the house. It is nonsensical, that. What we are doing is if it is a whole, full block that is half empty and I can relocate people in that block, then it becomes available for the Government to sell. But I am confident that the current stock that we have is enough for our needs.

3750 **Hon. D J Bossino:** I am not going to come here and make a value judgement as to whether what he is saying is correct or not, because without figures and without numbers ... He is almost suggesting that the horrible, evil GSD is responsible for the housing problems in Gibraltar because we sold ... I am told, anecdotally, that there are not that many, so for him to use that as the excuse for the problems we are facing is, quite frankly, not acceptable. But be that as it may ...

3755 I must tell him also, by way of remark, that I am told by Mr Pinna that he does not answer these letters. He says that he has no issues in replying to him, or listening to him or meeting him, but this is what I am told by him.

Can I ask him a specific question, which arises from his letter and is relevant to the availability of housing stock? In his written answer to my question last month he talked about a further 92

3760 properties forming part of the Urban Renewal Project, which I imagine is to do with the Upper Town project that is going to impact on the Northern Defences and Road to the Lines and all that. I imagine that is what he meant. Mr Pinna asked for more clarification in relation to what he intends to do with these 92 properties. Is he able, here and now, to provide that clarification?

3765 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is important that we clarify what the position here is, because the hon. Gentleman, I think, needs to go away with the facts. He needs the facts in order to be able to deal with the issues.

The fact is that the question he asked the hon. Gentleman a moment ago cannot be based on any semblance of logic or reality. He said Henry Pinna and anyone listening would have believed that the hon. Gentleman was saying that he had the homes available to house people immediately, not having to wait until the affordable homes have been built. That is what he said. How can anybody have believed that? It is impossible. It is not even improbable, it is impossible, because otherwise what Henry Pinna, he says, believed and what listeners to the programme, he says, believed is that we have houses available and, for the sake of making people suffer, we are not giving them to them. Nobody believes that. Nobody believes that we have the houses available today and we are not giving them to people. Everybody understands that this is about creating a churn of homes.

The hon. Gentleman says he does not want to deal with the issue of the post-war houses sold, but this is fundamental because there is a dividing line between us and it is an important policy decision that people need to understand. We say we will build for rental for pensioners, so that we can create the churn in the rental estate of the Government. They took the view that they would sell the rental stock – the good rental stock, not the pre-war rental stock that we cannot afford to maintain, the post-war rental stock – at peanuts. For example, something like a property sold at £35,000 for 70 square meters is being sold at £500 per square metre when it costs in the region of £3,000, £4,000, £5,000, £6,000 or £7,000 to build that same property again. So their policy is to say to Mr Pinna – given that he has put these issues in his mouth – ‘Yes, we will build more for rental. We sold the post-war stock at £500 and we will replace it at £7,000 per square metre.’ That is absolute madness.

Our policy is to build affordable homes where people are given priority if they release tenancies, to build for pensioners who are in the government housing stock and release the larger properties, and in that way provide the homes for people for rental, and, in the urban renewal system that we have, hopefully also be able to provide affordable rentals in the Upper Town in the renewal scheme. Those things taken together are our policy. We think that works. There is a clear policy division between us. But what we cannot do is have the same dispute every month about the same issue. They have a policy, we have a policy; in the General Election will defend it. We hope to be able to show that when the churn happens, it deals with the housing waiting list as it has dealt with it before. The churn is delayed now because of the pandemic, which is what none of us want, but we certainly do not have or have ever given the impression knowingly or unknowingly that we have the housing stock available and we are simply not releasing it, in order to make people suffer. Nobody can pretend that we have ever said anything that could lead them to believe that.

Hon. S E Linares: Mr Speaker, just one more point, please. The hon. Member says that I do not answer Mr Pinna’s letters. He has just stated that Mr Pinna is saying ... Every single letter that Mr Pinna has written to me has been answered. If he does not like the answer, that is up to Mr Pinna, but every single letter ... He does not send us an email, he does it in printed form, he brings it by hand to my office and we do likewise to him and send emails to other people on the committee. So every single letter has been answered. The thing is he does not like the answer. It is not the answer he wants to get, but that is up to him. But I do answer every single letter.

3810 **Mr Speaker:** Next question.

TRANSPORT

Q460/2022

Pop-up cycle lanes –
Intention to install

Clerk: Question 460/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

3815 **Hon. K Azopardi:** Sorry, I was under the impression we were adjourning, so I ...

Chief Minister (Hon. F R Picardo): Mr Speaker, I thought we would have been finished by eight, but hon. Members ask the questions they want to ask ... There are four questions to the Minister for Transport, two to the Deputy Chief Minister and two to the hon. Lady, so our intention was to
3820 finish them today – we thought by eight, but it is taking a little longer.

Hon. K Azopardi: It is fine, we can be here as long as is necessary. I just thought there was a cut-off that the Chief Minister had indicated earlier, that is all. That is fine.

3825 Mr Speaker, can the Government state whether it will be installing pop-up cycle lanes in Gibraltar?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, there are a number of proposed
3830 locations for pop-up bicycle infrastructure. Pop-up bicycle lanes are used mainly to gauge the effectiveness and permanency of proposed bicycle lanes. Before a pop-up cycle lane is set up, there would have been reasonable study of the given area to check the viability of the location.

3835 Pop-up cycle lanes are a cheaper way of providing safe infrastructure, which can then be built upon and made permanent. Pop-up cycle lanes in small cities invariably mean that some parking spaces may need to be relocated, and this will always cause a backlash but the environmental and mobility benefits outweigh the inconvenience caused.

Hon. K Azopardi: Does the Minister have a sense of how many of these pop-up cycle lanes he would like to see around Gibraltar?
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Hon. P J Balban: Mr Speaker, it is a difficult question to answer, but off the top of my head, potentially every single area we look at within the scheme of things could become a pop-up bicycle lane before it becomes permanent infrastructure. So really it very much depends on how we wish to proceed, but I would envisage that there would be at least three different locations that we
3845 would consider.

Hon. K Azopardi: Would he advance where those three locations would be?

Hon. P J Balban: Mr Speaker, as I said, potentially any of these locations could become pop-up
3850 bicycle infrastructure. For example, Bayside Road could be one we would consider. The reason why we would consider Bayside Road is because there is potentially a lot of development in that area, with the GFA stadium and with the other buildings going up shortly, so it would be futile and probably impractical and not worthwhile to lay down permanent infrastructure which then may need to be dug up.

Q461/2022

**Safe cycling in Gibraltar –
Whether report commissioned**

3855 **Clerk:** Question 461/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state whether it has commissioned a specific report on safe cycling in Gibraltar, given our unique road infrastructure?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, the Ministry for Transport has now completed its strategic document for mobility in Gibraltar, specifically cycling and walking, and continues to work on a complete blueprint for bicycle lanes throughout Gibraltar.

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These documents build upon the Sustainable Traffic, Transport and Parking Plan. The ultimate aim of the strategic plan is to provide the necessary safe infrastructure that will help promote and encourage a greater uptake towards more sustainable modes of transport within our community. These documents are tabled for the next Cabinet meeting, where a presentation will seek the collective approval of Government. We hope to be able to make further announcements in due course.

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Hon. K Azopardi: If it is tabled for the next Cabinet meeting, would the Minister expect thereafter – subject to approval, obviously – that it would be published relatively soon after that?

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Hon. P J Balban: Mr Speaker, yes, once Cabinet approves the documents, then one thing I intend to do is to actually offer to share these across the House, so that we can ... I believe that cycling infrastructure and the future of mobility in Gibraltar lies in us working collectively, and in respect of being aware of our aims I would loathe to see something that we produce and publish being gunned down because there are things that could have been done differently. I wholeheartedly believe that what we have done is the best we can do in Gibraltar, and for that reason I am hoping for support on this plan and I am hoping to be able to share them before we make these documents public.

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Hon. K Azopardi: Certainly we would welcome that process because from this side of the House we are also committed to there being as much cycling as there can be for environmental and health effects.

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Clearly, it is difficult sometimes because of the unique features of Gibraltar, but I certainly welcome the Hon. Minister's invitation and we will take it up. I know this is not a question, Mr Speaker, but with your indulgence.

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Q462-63/2022

**1.5 m rule re cyclists –
Consultation; level of fine**

Clerk: Question 462/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the nature and breadth of its consultation on the 1.5 m rule in relation to cyclists?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 463.

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Clerk: Question 463/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Philipps.

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Hon. K Azopardi: Can the Government state the rationale for the imposition of a £300 fine for a contravention of the 1.5 metre rule and why it is significantly higher than the UK and other European countries?

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

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Hon. P J Balban: Mr Speaker, the hon. Gentleman asks questions and makes statements suggesting he cares about the safety of cyclists, so I do hope he supports our laws on overtaking.

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The 1.5 m rule is a well-established law in many countries of the world and it applies to large metropolitan cities, as it does to smaller cities and towns. In fact, the smaller the size of the city, the more critical it is to guarantee the safety of one of the most vulnerable groups of road users, as street space will be limited as a result of size.

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A distance of 1.5m allows for an adequately safe, clear space between a faster-moving overtaking vehicle and a slower-moving bicycle. It conforms to the principles of road safety and public health and helps to encourage cycling by providing a safer urban environment for what is without doubt a green, sustainable and healthy alternative mode of transport, one that we need to embrace collectively as politicians, as political parties and indeed as a community.

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There is, in our mind, no need to consult on whether we should adopt the 1.5 m rule for cyclists, just as there should not be a need to consult on other public health measures such as banning smoking in enclosed public spaces. If we are really committed to a green Gibraltar, our climate change strategy and believe in the climate emergency, encouraging cycling and indeed walking should be a natural step in that direction.

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Gibraltar regulates laws and fines as deemed appropriate for this jurisdiction. The £300 fine is the standard fine used for all fixed penalty notice offences and is presently at this level following a recent and extensive overhaul of the financial penalty levels. Representations were made by the Commissioner of Police, in that the current penalty levels were not proving a sufficient deterrent to persons committing traffic offences. This was stated in our press release at the time when the increase of FPNs was announced.

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Hon. K Azopardi: Mr Speaker, does the Minister accept that while that may be a general rule, there are obviously places around Gibraltar where it is impossible, really, to safely overtake and give a 1.5 m ambit to some cyclists? Does he accept that, given the narrowness of the roads and the oncoming traffic?

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Hon. P J Balban: It is exactly for that reason that it was felt necessary to implement this 1.5 metre rule, because there are drivers ... If I give an example to illustrate the point, in Lovers Lane, for example, and Line Wall Road, I do not think there is sufficient distance for a car to overtake a cyclist. Having said that, if the cyclist is not confident and is worried or feels threatened by a car following close by, they could cycle even closer to the wall. In doing so, the car will undoubtedly overtake and in doing so it will risk, potentially, the life of the cyclist. So it is for this very reason. Clearly, on the roads where a car cannot overtake, in theory, you should not need to apply the 1.5 m rule because there is not a 1.5 m distance to overtake.

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Another example is Price Edward's Road. I heard comments on social media: 'How are we supposed to overtake bicycles down Prince Edward's Road?' Well, the whole point is that you do

not overtake a cyclist on Prince Edward's Road unless you can put the car on two wheels, as we have seen in the past.

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Hon. K Azopardi: But of course the logical consequence of that – and I am not arguing against the safety issue, because clearly there is a safety issue there, but it requires a cultural change, and clearly it will lead to backlog of traffic in certain respects if there are people cycling around.

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Hon. P J Balban: Mr Speaker, I think we need to put into perspective, as well, what our priorities are and what we are trying to achieve. If we want a green Gibraltar, if we want to encourage sustainable alternative modes of transport, then I think we need to support people who walk, people who cycle, even people who catch the bus, and if it means that you have to stay behind a cyclist for a little bit longer because it is safer for the cyclist, and that invariably means you are going to be held up in traffic a little bit longer, then I think it is well worthwhile. At the end of the day, with the size of Gibraltar, we are going to get there five minutes later. Sometimes I wonder, where are we going? Where do you expect to be going so fast? Eventually we will get there. I think that is an important point to make in that respect.

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As the Chief Minister was saying, which I will totally agree because I will cycle at a good speed because I find I am quite fit ... I could be cycling down Line Wall Road at 30 km per hour and a car will overtake me, regardless of what speed I am doing, because the notion is 'It is a bicycle and I will overtake because it cannot be doing the speed limit.' They are not looking at their speed limit. I think it is important to put things into perspective, and I think in a small town like Gibraltar there is no rush to get to places and we should give preference to the most vulnerable on our roads. That was the purpose of the Highway Code, to entrench and start that change – more than a cultural change; it is a change in mindset. You are right, and people I think already ... I experience this on a daily basis. I think cars predominantly have always been respectful, but even more so now. I see cars overtaking with greater distance. That gives us a lot more confidence and I think it gives especially parents with children and other groups who are not so confident on the street confidence perhaps to try cycling.

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Hon. K Azopardi: Finally, Mr Speaker, if I may, the Hon. Minister mentioned that he had had some discussions with the Commissioner of Police, who had made representations on the issue of the fines. Has there also been a conversation with the Commissioner of Police about the enforcement of the 1.5 m rule? I imagine it is a bit of a nightmare to enforce something like that evidentially. Has there been a discussion?

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Hon. P J Balban: Mr Speaker, the 1.5 m rule we do not expect ... You cannot actually physically go out there and measure the distance and say, 'You have overtaken that bicycle by 1.49 m and you are going to be fined.' Clearly it is something that is at the discretion of the law enforcers. I think if you consider 1.5 m is more or less ... In fact, 1.5 m is more or less the height of a person, so you need to leave that reasonable distance in overtaking. But if a law enforcer sees that a cyclist has been overtaken by ... I will sometimes be overtaken and I can physically touch the car with an open palm. That clearly is going to be no more than 30 cm. That is easy to police and I do not think we are going to be splitting hairs and saying, 'This is 1.35 m, as opposed ...' I think what we are looking at is a reasonable overtaking distance which we set, as other cities set, at 1.5 m, and it is up to the Police to use their discretion in this respect.

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Chief Minister (Hon. F R Picardo): Mr Speaker, if I could just be of assistance here because I have seen this debate raging on social media.

Let's be very clear. If you have overtaken on Lovers Lane, you did not have 1.35 m. It is not a difficult thing to prove. What happens is that the matter is not really likely to be taken any further unless you have hit the cyclist, but if you have hit the cyclist on Lovers Lane it does not require a tape measure to show that the person broke the rule that they had to have at least a 1.35 m berth.

4000 If you overtake at Water Gardens, where the cyclist is on one lane – there is a two-lane highway there – and you do not hit the cyclist, nobody is going to say, ‘Oh my God, he passed at 1.46 cm. Nobody is going to be prosecuted. But in instances where there is an accident and where the accident scene-of-crime people can come and measure, it will make it easier to prosecute these people.

4005 The question of reasonableness, the question of carelessness, the question of dangerous driving and the question of 1.5m are all questions of fact in evidence in any case, as the hon. Gentleman knows, and this will make it easier, not harder, to prove cases in certain circumstances which people might not be thinking of. This is not about whether you passed on Rock Hotel Hill, where you potentially have a clear lane one way or the other. So when you actually hit somebody on Lovers Lane ...

4010 I invite him to come with me in the mornings to cycle around Gibraltar. The Upper Rock is lovely. There is great respect between the cyclists, the monkeys and the people in cars – (**Hon. Member:** Barbary partridges.) There are more Barbary partridges than there are cyclists, that is for sure, and that is down to you – well done. But you try going round the Rock during the week at 7 a.m. and on Lovers Lane, *te estas jugando la vida* because people are whizzing past you – (*Interjection*) well, yes, but in cars and on electric scooters and all the rest of it – to stop at the roundabout by Trafalgar, where the cyclist who was passed will pass them.

4020 **Hon. P J Balban:** Mr Speaker, also it is very important that the Police have the tools required because, as you have said yourself, here the main issue and the word in question is respect. I think there has been a loss of respect on our roads, and I think for the Commissioner of Police that is one thing that he is very concerned about and we, as a Government, are very concerned about, as I am sure you are across the floor of the House as well. I think we can see this daily in terms of cars, motorbikes, e-scooters, cyclists, everyone. We see people passing red lights and not waiting for the light to turn red. It is happening more with this rush to get to places when really we live in a town. So again, I think the key thing is respect.

Q464/2022
Legal assistance –
Annual cost to Consolidated Fund

Clerk: Question 464/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

4030 **Hon. E J Reyes:** What is the total legal assistance cost to the Consolidated Fund in each of the last six years divided by areas of the law – for example, family law?

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

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, the total legal assistance cost to the Consolidated Fund in each of the last six financial years, including the expenditure for the current financial year to date, is as follows: 2016-17, £453,275.01; 2017-18, £514,542.39; 2018-19, £642,880.85; 2019-21, to cover two financial years, £1,098,382.54; 2021-22, £903,117.78; and in the current financial year it is £612,670.94. I am not able to provide the hon. Member with a further breakdown by areas of the law, as this information is not kept in this way by the Supreme Court.

4035 **Hon. K Azopardi:** Mr Speaker, I am going back in my mind for my recollection. I cannot give you a precise date, but I do remember there was some debate internally in the Bar some years ago when we considered the issue of legal assistance reform, and there was some historical work

4040 that divided the legal assistance into practice areas. It may have been because at the time there
was some special work done by the Registrar of the Court – or not; I am not sure. But does the
Government agree – if they are not collating records at this time, and it may be a complex exercise
to go backwards – that it makes sense to try to categorise the work going forward? And if it is a
time-consuming exercise to go backwards, perhaps we can go backwards at least slowly, because
it would be useful when you plan legal assistance reform. For example, an obvious question that
would arise is why the increase in 2021-22? Of course, if the hon. Member does not have a
categorisation of the work, it would be impossible to answer that question, but does she agree
4045 that it would be useful to do that?

Hon. Miss S J Sacramento: Mr Speaker, indeed, I agree. In fact, I confess that I was surprised
to be informed that this breakdown has never been categorised in this way, so needless to say I
have already given the instruction that this be done going forward and that we start looking
4050 retrospectively, as and when this is possible, going back. But certainly going forward, this has
already commenced.

Hon. K Azopardi: And so it has commenced for future periods, meaning from the next financial
year, or from the current financial year going forward? There is no retrospective exercise that the
4055 Minister has commended should commence. Is that right? Have I understood her correctly?

Hon. Miss S J Sacramento: Mr Speaker, I do not think the hon. Member heard my reply. I said
that I have already given the instruction that they commence going forward and that they work
on it retrospectively as and when they can. So, as of last week when I realised that this is not being
4060 broken down, I have already asked for it to be broken down in the future as and when they can,
and obviously they will start retrospectively with this financial year. As soon as it is possible to
have it broken down for this financial year, then it will be. I am hoping that the information, at
least for this financial year, will not take that long, but it is obviously a very onerous task because
each financial year on average will relate to 250 to 300 submissions of legal assistance bills, so it
4065 is something that is quite laborious and needs to be undertaken properly.

Mr Speaker: Next question.

Q465/2022
Town Planning Department –
When to be fully staffed

Clerk: Question 465/2022. The Hon. D J Bossino.

4070 **Hon. D J Bossino:** When will the Government employ the full complement of staff at the Town
Planning Department, to include the Town Planner?

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

4075 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, the recruitment of senior vacant posts, which includes the Town
Planner, has already begun and is ongoing. Recruitment for less senior posts can only commence
once the recruitment for the senior posts has been finalised.

4080 **Hon. D J Bossino:** As I understand it, the information I – *(Interjection by Hon. Miss S J Sacramento)* Is she able to advise ...? The information I have is that the complement has gone

down from seven to three. Are those the numbers we are talking about in terms of ...? I think that is the entire complement, excluding the Town Planner.

4085 Secondly, does she know when the process that she has kindly explained to the House is likely to complete and have those positions filled?

Hon. Miss S J Sacramento: Mr Speaker, insofar as the complement, the hon. Gentleman will need to look at the Estimates Book, which is where the complement is established. There is no point in us having this debate here. The complement is the complement that was approved by both sides during the Budget debate earlier on this year, so I do not understand the preamble to that supplementary.

4095 In relation to the recruitment, as far as we are concerned, recruitment has commenced and that is an operational matter for the Human Resources Department of the Government. That is not a political matter.

Hon. D J Bossino: Surely, as the Minister in charge you will have an idea of when such an important post as the Town Planner is going to be substantively filled.

4100 I did look at the Budget Book at the time of preparing the question. What I am giving her is information that I have received, information which I can rely on as to the specific numbers. I have asked her to comment, she does not want to, and she takes me to the Budget. What I can tell her is that from my reading of the Budget Book the complement does not change. What I am telling her is how many positions are required to be filled. If she does not want to answer the question, that is up to her, but can I try again? Can she at least give me some indication as to when she thinks at least the Town Planner is going to be appointed on a substantive basis?

4105 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am the Minister with responsibility for the Civil Service and the Human Resources Department. The practice that we have is that we do not get involved in how a vacancy is filled, because if we did, hon. Members would be telling us that we were interfering with the running of the Civil Service. The involvement that we have is at Budget time, to approve the complement and we approve the complement. The complement is the complement that this House has approved. Now it is up to the Human Resources Department, with the Human Resources Manager and their interaction with the Public Services Commission – which we most certainly do not interfere with – filling the posts. That is a process. If I ventured to suggest that it is going to be done by next month, I would be accused of interfering with the PSC. If we do not, we are told that we are failing in our ministerial responsibilities.

4115 All of us in our respective Departments seek that the Human Resources Department should deal with the vacancies that we have, which are approved and which are in the Book, as soon as possible. There are vacancies all the time; it is normal. There are retirements, there is more than one retirement in one Department etc. People then move up, they act, that creates vacancies. That is the issue we are dealing with. But there is nothing that the Government is doing to impede the filling of the vacancies as soon as possible, in keeping with the Human Resources Department interaction with the Public Services Commission, which is entirely independent of Government, at least whilst we have been in government.

4125 **Hon. D J Bossino:** Can I ask him about information which came to me, which I certainly found alarming – maybe they do not, because they have a policy decision in relation to this – and give the hon. Members opposite the opportunity to put paid to the information that I have received, which is that there is a company called Wonderworks Media Ltd, which employs individuals and is offering, on hire, employees, 10 in particular in the Department which is impacted by this question. Can he make a comment in relation to that?

4130 **Hon. Chief Minister:** Mr Speaker, I can confirm that when they were in government during a period when there was a lot of development, they outsourced from the Town Planning

4135 Department some of the work that the Town Planning Department did, to ensure that there were
no delays in the DPC. I am not able to give him any information about who and how, but certainly
we have said to the Town Planning Department that they can avail themselves of that assistance
from the private sector in the period whilst the vacancies are filled, exactly as they did in the time
when they were in Government, when they had a problem with the numbers of applications that
there were before the DPC and they had a difficulty in the Town Planning Department.

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Hon. D J Bossino: What does he refer in particular to outsourcing – if I may ask him that? And
secondly, if I may, Mr Speaker, when he talks about the private sector, can he confirm that the
company name I gave him is a company which is providing labour to this particular Department?
Wonderworks Media Ltd – the entire ownership of the shares is held, dare I say, once again, by
4145 Community Supplies and Services Ltd. Directors are Giovanni Bagu and Caine Sanchez, both of
whom I understand are government civil servants.

Hon. Chief Minister: Mr Speaker, let's be very clear. This is about clearing backlog. We are
doing it in exactly the same way they did it when they were in government, so given that he told
4150 us that the things they did should be regarded as a golden legacy, in this respect we are pursuing
their golden legacy, which is to say in the period whilst the vacancies are filled, if there is backlog,
in particular in relation to issues which relate to building control, if there is backlog in relation to
issues for preparation of projects for DPC, we are permitting the Town Planning Department to
use the private sector for those purposes to clear the backlog, exactly as they did.

4155 I do not have information about the precise company they are using, whether it is one company
or whether it is many companies they are using. I believe that they are using more than one
company. From what I know of projects that have come to me, I have seen that there are a number
of entities, in particular engineering practices, that are providing this assistance in respect of
building control – perfectly proper when they were in government, and something apparently
4160 nefarious now that we are in government. As usual, what was good for that goose is not good for
this gander, according to them.

Mr Speaker: Next question.

DEPUTY CHIEF MINISTER

Q466-67/2022

**Northern Defences refurbishment –
Spend since 2014; number of visitors since commencement of works**

4165 **Clerk:** Question 466/2022. The Hon. D J Bossino.

Hon. D J Bossino: How much has the Government spent on the refurbishment works in respect
of the Northern Defences since 2014?

4170 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I will answer this question together
with Question 467.

4175 **Clerk:** Question 467/2022. The Hon. D J Bossino.

Hon. D J Bossino: How many visitors have there been to the Northern Defences since the Government started its refurbishment?

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

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Hon. Dr J J Garcia: Mr Speaker, as the hon. Member will know, the sum spent on the refurbishment of the Northern Defences since 2014 is a matter of public record with the information available in the Approved Estimates of Revenue and Expenditure.

4185 The Northern Defences has not formally opened as a tourist site because works are still ongoing. Therefore, there is presently no record of the actual visitor numbers.

Hon. D J Bossino: Can he give me some information as to when he expects the site to be opened to tourists? I am not sure ... I phrased the question as 2014, because I think that is the date when the refurbishment work started. Maybe he can assist me in confirming that, or otherwise, and giving me the precise date as to when the area was refurbished. But can he give me a precise date, and is the opening date in any way going to be impacted by the other works that he mentioned in his Budget speech and was a subject of questions in the last session of the House?

4195 **Hon. Dr J J Garcia:** Mr Speaker, I am told that effectively the date when clearing works actually commenced in earnest was 2016, not 2014. Though it may have been announced and some minor works may have been done, it was around 2016.

4200 The Government is in negotiation with an interested party. The hon. Member may recall that the management of the site in this context was put out to expressions of interest. I believe I am correct when I say there were three entities that replied and the Government is in negotiations with one of them to establish whether we can now formally set up that process of people actually being taken for tours in a formal and organised way – although I have to say the Heritage Trusts, I know, have taken a considerable number of people around.

4205 I am also told that a number of school groups ... for example, today, one of them was there visiting the site. The College of Further Education, which is carrying out work there now as part of a module on tourism and business, their students are regular visitors to the site. So this is not in a tourism context, but it is in terms of people going there and visiting. The other educational establishments – Bishop Fitzgerald School, St Bernard's, St Joseph's, St Anne's – have all gone to visit the site to learn more about the history and what the site actually offers. From overseas, we have had students and professors from University College London also very interested, groups of Danish students from Spain have also come over. NGOs, like I said – the Heritage Trust, the Nautilus Project. Military units – the Royal Engineers, the Royal Gibraltar Regiment, the Scots Guards, the Royal Irish Regiment, all these have been to the sites recently. Employees have also organised visits through their product manager, so we have, for example, Hassans, Bassadone Motors, the Gibraltar International Bank, PriceWaterhouse, Deloitte – all of those have organised visits through my office. And more recently we had the representatives of the American Battle Monuments Commission, who also were able to visit and enjoy what it offers, and Subterranea Britannica. And in June, obviously, His Royal Highness the Earl of Wessex, Prince Edward also visited Gibraltar, accompanied by His Excellency the Governor, myself and the project director, and I am asked to extend a visit to Members of the Opposition if they are interested in visiting.

4215 So the site is obviously open. People are free to go and visit and to walk across. We do not have a formal, official number of tourists because it is not open officially as a tourist site yet.

4225 **Hon. D J Bossino:** He may have slightly answered the question at the end, but my question was not tourists, it was visitors, and it would have been nice to have had those statistics, given the long list he has just read of people who have visited. My question was about visitors, so I think it would have been appropriate to have included them in a list.

4230 Just so I understand it, I think his initial answer is that the site has not been formally opened for tourists. What is preventing that, given that there was a refurbishment, as he corrected me, in 2016? That is now six years ago. No? Okay. And why is it that it has not been opened, basically for visitors to visit as and when they wish? I understand from what he tells me that that is the position in any event, but for whatever reason I just do not understand why it requires a formal opening. Is it a health and safety issue? Is there an access issue? Should that have been thought of before the refurbishment started? I am not sure.

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Hon. Dr J J Garcia: Mr Speaker, in a tourism context – normally in the context of our surveys, for example – the reference is to visitors, visitor arrivals, how many visitor arrivals by land, visitors by sea. His use of the word ‘visitors’ was taken in that context, but obviously the person who drafted the answer thought they would include more information in terms of visitors in general and not just visitors in the sense of tourism.

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I think it is fair to say the Government, from the moment we started work on that site and we took it on board as a project, some of which has been very much welcomed by the Heritage Trust and by the DPC when it went to planning in March, we said very clearly this is going to be a slow process. It may take years or indeed it might even take decades to happen in full – that is to say a full, entire refurbishment of the site.

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What has happened so far is that there have been some 11,000 square kilometres – tunnels, vaults, not just flat land, obviously – which have been cleared. There was a huge amount of rubbish – rubble, fridges, washing machines, mattresses and all sorts of utensils – which had been flung over the wall and which appeared on site, so the first task was a huge clearing exercise and that took some time. Bear in mind also that the site is restricted, that access is very difficult and that you cannot just take in three lorries and load. Things have to be done by hand and effectively by wheelbarrow, and Carl Viagas, who is the project director, and the team there have done a fantastic job in making sure that happens.

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The hon. Member may recall that in March the planning permission was also given by the DPC to allow the installation of some temporary stairs from Casemates, which allowed access into the site. Those stairs were not available before. The temporary stairs are still in place and people use them. The intention is to replace that with a more permanent, more fitting stone stairway, which is something that is in hand but actually has not happened as yet.

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So, to answer his question, the site is open. Tourists can visit. Formal tours organised by the Heritage Trust have happened. It is simply not open in the context of, for example, Moorish Castle, where somebody pays an entrance fee and they go in to visit it. This is open and people have access to it.

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Mr Speaker: Next question.

Q468/2022

Parliament building refurbishment works – Commencement date and cost

4265 **Clerk:** Question 468/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update as to when the refurbishment works to the Parliament building will commence and what the costs will be.

4270 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

4275 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, works to the Parliament building are expected to commence next week. The estimated cost for the external works is approximately £260,000. It is expected that this will be met by a contribution already agreed with the Parasol Foundation.

4280 **Hon. D J Bossino:** I am slightly surprised by that answer. The works are going to commence next week, he says. What effect will that have in terms of the sittings of the House expected in December? I think the answer is we will carry on here.

4285 **Hon. Dr J J Garcia:** Mr Speaker, this relates to external works. What they are talking about is developing some kind of scaffolding around the building to allow them to carry out intrusive investigations into the state and condition of the building. It is not something which is expected to interfere with meetings of the House.

4290 **Hon. D J Bossino:** I think the project envisages some internal works, not necessarily to the Chamber but from the meetings that some of us have had in his office when he has explained to us, now some years ago, that it will have an effect on the antechamber and, I think, where the cafeteria used to be. Can he confirm that that understanding is correct? He is nodding his head – for the sake of the *Hansard*.

In terms of the cost, which he has spelt out as £260,000 – and that is only in respect, I assume, of the external works, I think his answer was – can he give us information as to what contribution the Parasol Foundation is going to be making to that?

4295 **Hon. Dr J J Garcia:** Yes, Mr Speaker, £260,000 in respect of the external works. Then, as he rightly says, there are different phases – so this is not something which will happen all at once, there will be phases – and the next phase after that would be probably the installation of the internal lift. I think the works they want to do at the beginning will establish exactly the order and the speed with which everything else will follow.

4300 **Hon. D J Bossino:** The entirety of the cost is going to be met by the Parasol Foundation?

Hon. Dr J J Garcia: In relation to the external works, yes.

4305 **Hon. D J Bossino:** And in relation to the internal works?

Hon. Dr J J Garcia: We have not yet got to a detailed costing and design of those external works, so we will need to produce that first before we can take a decision on how to proceed with them.

4310 The hon. Member may recall that there is an entry, if I remember correctly, in the I&D in respect of the actual lift phase of the project, but we need to see whether we actually get to the stage where we do that, or not.

4315 **Hon. D J Bossino:** Does he expect that to start and commence within the remaining lifetime of this Parliament?

Hon. Dr J J Garcia: The way it was described to me is that really depends on what they find when they start the external works, and that may or may not delay everything else.

Mr Speaker: Next question.

4320 **Hon. K Azopardi:** Sorry. Can I just ask on this, so that we are understanding the scope of the works? Are the works that are being considered, the internal works, the same as the hon. Member consulted us on, or are these different works that we are talking about?

4325 **Hon. Dr J J Garcia:** Mr Speaker, the hon. Member will recall that we met in 2021, I think it was, when we gave them copies of the document on the internal designs that were being proposed. There were some alterations which they suggested, which were incorporated in future designs, but they were not anything which we could not take account of. Those designs went to Planning and received full planning permission in March of this year. Those are the internal works that we are talking about, so it is the entirety of the internal structure of the building, including the ground
4330 floors. This, as I said, is something that would happen in phases as the funding is made available and as the external works determine.

Hon. K Azopardi: The hon. Member will recall our conversation when I said to him that those works were only meaningful if there was then reform of the practices of the House, so perhaps he
4335 can take that also on board and I would invite him to do so.

Hon. Dr J J Garcia: Mr Speaker, yes, the hon. Member did say that, but that is a different debate, I think.

4340 **Mr Speaker:** Next question.

Q469-70/2022
National Archives –
Plans to increase access; permanent exhibition space

Clerk: Question 469/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what plans are there to increase public, physical and online
4345 access to our National Archives?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I will answer this question together
4350 with Question 470.

Clerk: Question 470/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, does the Government intend to create a space to allow some of
4355 the so far temporary exhibitions on local history organised by the National Archives to be on permanent exhibition?

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

Hon. Dr J J Garcia: Mr Speaker, yes. The intention of the Government remains to use Duke of
4360 Kent House for this purpose in relation to the exhibitions.

There are plans to provide a larger reading room at the new, expanded archives at Duke of Kent House. In addition to this, the Government will continue with the digitisation programme, which has seen more information provided online, already, than ever before.

4365 **Hon. K Azopardi:** Mr Speaker, does the hon. Member have some kind of timescale for the Duke of Kent project? It has been talked about for some time. Obviously people do have access to the archives on request at the moment, but it would be much more useful and it would be a great resource for this community if people could have a place they could go to, to do their research.

4370 Secondly, Duke of Kent House for exhibitions strikes me as ... From the last time I went there, it does not strike me as a building that is big enough to host a lot of these exhibitions. There have been quite a number of these exhibitions, and I have to say they have been excellent, but it would be good to just keep those alive because I think it could be quite a tourist focus if we could find somewhere where you could locate these things.

4375 **Hon. Dr J J Garcia:** Mr Speaker, yes, I agree. The archivist and his team, and indeed the volunteers, have done a fantastic job with all the exhibitions that have taken place. I always felt myself, as the Government, that these needed a permanent home and I think in our manifesto we set out that we would like that home to be Duke of Kent House. It is actually much bigger than it looks from the outside because there are several levels to it and there are some behind also in a courtyard. It is all that area that we are looking at, which is half of that patio, if you like.

4380 Obviously, the more information you have online, the less people will need to go there in person. I accept at the moment there is a kind of dual arrangement. There is an arrangement where people make an appointment and they turn up at the archives. That is mainly exercised by people who come from outside Gibraltar, researchers or whatever who are going to be here for a limited period of time. And then there are others, mainly the people who usually make use of the archives, and there are some of them too, regulars, who simply turn up, so it may be that somebody turns up one day and there is no space because it is occupied by people who have appeared before them. When I asked for figures they told me that there are about 400 people – and they keep a record – who attend in person every year. That, if you remove weekends, would be one to two persons a day. There are six places where people can sit properly and comfortably and conduct their research. The intention is that the Duke of Kent facility will at least double those, with space available in other rooms in case it becomes necessary.

4390 As I said at the beginning, the more there is online, the less people need to turn up in person, but there are, I am told, at the moment, 8.59 terabytes of material online, which sounds huge to me. That includes population records of the civil population from 1301 to 1921. It includes military records. It includes all the evacuation section, which allows people to search for names, whether they were embarked on certain vessels and where they went and all the rest of it – surnames by ships, by addresses and by destination. There is also the video in honour of Her late Majesty Queen Elizabeth II, with parts of the exhibition that was used at that time. The Centennial City Council is also available online. The oldest document held at the archives, which is something called the Acta de Cabildo 1577 – an actual document – is also available online. People do not need to touch it or access it in any other way because it is already there. General Bland's Court of Inquiry of 1749 is all there and a 1911 Gibraltar film, the history of the Archives itself, the Referendum of 1967, a collection of vintage images, a timeline, the 50th anniversary of the Archives. The Victory in Europe, World War II, 1945 is also there. An exhibition on the closure of the Frontier can be viewed online as well. The 40th anniversary of the Falkland Islands exhibition can also be viewed online, and the ability to register as a member and get a history card which allows you to access the archives and then to have your favourites listed on that section is also available online. There is also a huge amount of statistics as well, which I will not go into.

4400 In terms of what comes next, which I think was actually his question, the priority plan, I am told, now is to digitise 18th and 19th-century records and collections, so that is 1700s and 1800s, all the local press that they hold at the Gibraltar National Archives. They also want to digitise that as the next step. That answers the question, Mr Speaker.

Adjournment

4415 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, what an excellent and historic note on which to seek to now recess the House until tomorrow at three o'clock in the afternoon, where I can give hon. Members an indication that my intention is to take, of course, my questions first – three o'clock on the third Thursday of the month – and then deal with questions to the Minister for the Environment and the Minister for Economic Stability and the Savings Bank.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 24th November at 3 p.m.

4425 I now put the question, which is that this House do now adjourn to Thursday, 24th November at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 24th November at 3 p.m.

The House adjourned at 9.54 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3 p.m. – 6.25 p.m.

Gibraltar, Thursday, 24th November 2022

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The Gibraltar Parliament

The Parliament met at 3 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q509/2022

Company Tax –

Amount collected in September 2022

Clerk: Meeting of Parliament, Thursday, 24th November 2022.

We continue with Answers to Questions. Question 509/2022. The Hon. R M Clinton.

5 **Hon. R M Clinton:** Mr Speaker, can the Government advise the amount of Company Tax collected in the month of September 2022?

Clerk: Answer, the Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, a total of £42.5 million was collected in Company Tax in the month of September 2022. This information is now available on the Government website.

15 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for that answer. Does he have any concerns about the level of Corporate Tax paid in September of this year, compared to the prior year?

20 **Hon. Chief Minister:** Mr Speaker, in the prior year the figure was £42.3 million in that same collection period, in September 2020 it had been £69 million, which was a high figure, but in September 2019 it had been £27.3 million.

25 **Hon. R M Clinton:** Sorry, Mr Speaker, I seem to have a different number for last year. I have a number of about £63.3 million. Is there something I am missing? Or perhaps this number has been amalgamated with the following month ... I cannot see. I do identify the £27.3 million for 1920. I see £69 million for 2021 and £63.3 million for 2021-22.

30 **Hon. Chief Minister:** Mr Speaker, the figure that I have is £27.3 million for 2019, which is the figure I gave him – and I am going back to the numbers – the £69 million that I gave him for 2020 and the £42.3 million that I gave him for 2022. I do not know whether the figure he has for 2021 is the full-year figure or an amalgamated figure for that year, or the February figure, which is sometimes higher.

35 The question he asked me was whether I had concerns. I am told by the Commissioner of
Income Tax that we expect to be on target for the amount estimated. That is his concern and, as
he knows, the figures tend to come in ... Principally February and September are important months
in terms of how the spread usually happens, but in the context of how the whole year is likely to
develop I am still being advised that we expect to be on target.

40 The question he has asked me is for September 2022. I have actually been given a figure also
for October 2022 – if he is interested in having that, I can let him have it – which is £36.37 million.
For example, Mr Speaker, the number I gave for 2020 was £69 million for September, but that was
followed by £4 million in October and nothing in November – just £¼ million in November – so, as
he can see, the figures ebb and flow depending on the end of year. In 2019, the figure had been
£27 million in September, £34 million in October and £1 million in November. So the indication is
that the annual collection is expected not to deviate materially from the estimates we set out in
the Estimates Book.

Q510-11/2022

**Treasury rent and service charges –
Breakdown of estimated costs for 2022-23;
rationale and how rental income used by Government-owned companies**

45 **Clerk:** Question 510/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Q392/2022 can the Government provide a similar
schedule giving the breakdown of £10,700,000 of the estimated office rent and service charges
for the Treasury Department for the year 2022-23, detailing the same information but identifying
50 the lessor and grouping the information into (a) Government-owned lessors with a subtotal and
(b) private sector lessors with a subtotal?

Clerk: Answer, the Hon. the Chief Minister.

55 **Chief Minister (Hon. F R Picardo):** I will answer this question together with Question 511.

Clerk: Question 511/2022. The Hon. R M Clinton.

60 **Hon. R M Clinton:** Mr Speaker, can the Government advise what is the economic rationale for
previously public buildings to be rented from Government-owned companies – for example,
GAR Ltd – by the Treasury Department at a built-increase of 3% per annum for 20 years; and what
are these companies doing with the money, estimated at around £9 million per annum?

Clerk: Answer, the Hon. the Chief Minister.

65 **Hon. Chief Minister:** Mr Speaker, in relation to Question 510, I now hand over a schedule with
the information requested by the hon. Gentleman.

Answer to Q510/2022

ANSWER TO QUESTION 511

ANSWER TO QUESTION 510

Private Sector Lessors	Rent	Ground Rent	Service Charges	Lessor
323 Main Street	£ 109,584.80	-	-	Southport Properties Ltd
Blake House	£ 67,424.12	£ 432.26	£ 1,896.40	Barnsbury Properties Limited
Leanse Place	£ 223,780.00	-	£ 59,214.96	Ryhall Limited
Unit 35, 71 & 72 New Harbours	-	-	£ 11,683.44	Land Property Services Ltd
World Trade Centre	£ 193,709.20	£ 939.60	£ 22,837.28	World Trade Center Services Ltd
Suite 6, 57/63 Line Wall Road	£ 123,858.00	-	£ 19,004.00	Gibcorp Limited
Suite E, Regal House	£ 87,696.00	-	£ 7,018.00	MB Development Company Ltd.
Eurotowers, Europort Road	£ 28,647.36	-	£ 2,239.68	Bentley Eurosuites Limited
John Mackintosh Hall	£ 125,000.00	-	-	Pyrmont Ltd
ICC Units 9.7, 9.8 & 9.3a	£ 79,798.52	-	£ 11,637.28	Bari Properties Limited

Government Owned Lessors	Rent	Ground Rent	Service Charges	Lessor
206-210 Main Street (Gibraltar Savings Bank)	£ 430,669.41	-	-	GSBA LTD
14 Governor's Parade & Library Street (DSS)	£ 63,861.97	-	-	GCP INVESTMENTS LTD
37 Town Range (Environmental Agency)	£ 125,965.29	-	-	GCP INVESTMENTS LTD
331 Main Street (Income Tax)	£ 173,029.26	-	-	GCP INVESTMENTS LTD
Unit 35 Harbours Deck (Treasury)	£ 26,300.45	-	-	GCP INVESTMENTS LTD
Unit 61 Harbours Deck (Technical Services)	£ 13,842.32	-	-	GCP INVESTMENTS LTD
Unit 69 Harbours Deck (Health Authority)	£ 17,995.03	-	-	GCP INVESTMENTS LTD
Unit 71 & 72 Harbours Walk (Treasury)	£ 47,063.97	-	-	GCP INVESTMENTS LTD
Unit 75 - 79 Harbours Walk (Employment)	£ 171,644.99	-	-	GCP INVESTMENTS LTD
Unit 83 - 86 Harbours Walk (Human Resources)	£ 119,044.13	-	-	GCP INVESTMENTS LTD
Unit 87 & 90 Harbours Walk (Technical Services)	£ 54,677.22	-	-	GCP INVESTMENTS LTD
Unit 91 Harbours Walk (Department of Environment)	£ 16,610.52	-	-	GCP INVESTMENTS LTD
Unit 93 Harbours Walk (Procurement)	£ 40,142.77	-	-	GCP INVESTMENTS LTD
Unit 99 Harbours Walk (Car Parks)	£ 33,221.61	-	-	GCP INVESTMENTS LTD
32 John Mackintosh Square (City Hall)	£ 377,365.97	-	-	GCP INVESTMENTS LTD
23 Queensway (Education)	£ 214,556.25	-	-	GCP INVESTMENTS LTD
16 Governors Parade (Social Agency)	£ 173,029.26	-	-	GCP INVESTMENTS LTD
31 Town Range (Buildings and Works Department)	£ 89,975.18	-	-	GCP INVESTMENTS LTD
16 Europa Flats (Bleak House)	£ 228,398.61	-	-	GCP INVESTMENTS LTD
12-14 Library Street (ITLD)	£ 141,827.21	-	-	GCP INVESTMENTS LTD
40 Town Range (Ex Department of Education)	£ 163,339.61	-	-	GCP INVESTMENTS LTD
1 Johnstones Passage (Care Agency)	£ 91,238.98	-	-	GCP INVESTMENTS LTD
11 Cathedral Square (Duke of Kent House)	£ 129,527.23	-	-	GAR LTD
19 Cemetery Road (Offices - Stores & Mess Room)	£ 10,491.71	-	-	GAR LTD
6 Convent Place (Government Offices)	£ 313,694.26	-	-	GAR LTD
10 Governor's Lane (Ombudsman)	£ 113,336.33	-	-	GAR LTD
104 Main Street (Post Office)	£ 224,082.15	-	-	GAR LTD
4 North Mole Road (Port)	£ 97,514.55	-	-	GAR LTD
31 Rosia Road (Police Headquarters)	£ 563,536.75	-	-	GAR LTD
32B Rosia Road (Offices & Store - Nelsons Anchorage)	£ 53,588.00	-	-	GAR LTD
2 Secretary's Lane (Joshua Hassans House)	£ 272,007.21	-	-	GAR LTD
2 Winston Churchill Avenue (Customs Office)	£ 135,589.10	-	-	GAR LTD
21 Hospital Ramp (Ex-St Bernards Hospital)	£ 2,249,176.59	-	-	GAR LTD
Winston Churchill Avenue (Old Airport Terminal)	£ 176,714.15	-	-	GAR LTD
32 - 36 Town Range (Law Courts)	£ 1,344,008.67	-	-	GAR LTD
18 Windmill Hill House (H.M. Prison)	£ 1,019,111.60	-	-	GAR LTD

The rationale that the hon. Gentleman asked about was established by Members opposite when in government. The current Government has continued the practice, which was established from 2010, of reflecting public buildings in Government-owned companies, as this allows the Government to keep a record of properties, as these are not otherwise reflected in the annual accounts of the Government. This practice, which the GSD established and we continued, allows the companies to charge rent for the premises and therefore generate income for the companies to repay the costs of building or purchasing any assets. The 3% increase set into the rates is to combat annual inflation, although obviously this year the rate of inflation is higher.

Hon. R M Clinton: Mr Speaker, I am grateful, first of all, for the schedule requested under Question 510, but unfortunately there does not seem to be a subtotal. Obviously, I can add up myself, but it means I cannot really talk intelligently about the total amount under Government-owned lessors as opposed to private sector lessors. I think, just glancing at the schedule, we can see that the bulk of the £10.7 million rent and service charges seems to be going to Government-owned lessors. Most of these agreements which have been signed, and in fact continue to be signed by the Government have the 3% inbuilt but compounded for 20 years. If, as the Government is saying, the money is going to the companies to be used for ... I cannot remember the exact word he used, but something to do with capital ... Yes.

Hon. Chief Minister: To help him, just to read that bit of the sentence again: to generate income for the companies to repay the costs of building or purchasing any assets.

Hon. R M Clinton: Right, so we pay the cost of building or purchasing. Again, from my own calculations, all I did was look at those properties that had had a 3% compounded increase between 2018-19 and 2022-23. Of course, in the private sector I think we would find it extremely rare that any lessee would agree to those terms – 3% compounded for 20 years. I think any lessor would be lucky to get those kinds of terms.

I guess what I am trying to get at is nine million quid a year – on a general estimate, when I can eventually arrive and the right number when the schedule is added up – is a lot of money, and looking at the actual ... at least one example of registered deeds, one deed that is registered, the Government is responsible for maintenance of the buildings anyway, so what you have is an outflow of money for rent going to these various Government companies – GAR, GCP etc. – increasing by 3% every year. Unfortunately, I do not have sight as to what GAR or GCP are doing with this money. If we had published accounts, I would not be bothering the House with this type of question.

I have one question which might perhaps answer as to the purpose, or where this money is going, in terms of what it is being used for in practice. The annual housing allowances paid to Gibraltar Capital Assets Ltd. – which in 2018 was £10.4 million, in 2019 was £10.7 million and in 2020 was £11 million – seem to increase by 3% every year, each time. My question is: is the relationship between the money that is being paid on the rental of Government properties to Government companies being used towards the annual housing allowances paid to Gibraltar Capital Assets Ltd?

Hon. Chief Minister: Mr Speaker, let me start by saying that the hon. Member's question talks about previously public buildings. To the extent that the buildings are in companies owned by the Government, they remain public. They are not alienated to a private landlord, they remain public ownership through Government companies, so I would not accept the hon. Gentleman seeking to characterise the buildings as being anything other than still held for the public, although through a company structure.

The hon. Gentleman has to remember that there are different types of contract in the private sector. He said you would never get, in the private sector, this type of contract. Well, you might not get a contract with a 3% compounded interest rate, but you might get increases in rent which exceed 3%. What the hon. Gentleman will know is that in the private sector, many clauses on rent are upwards-only rent reviews, and the rent reviews operate on the basis of reviews every three years or every seven years and the increase can amount to an increase which would be more than, for example, 21% over seven years, or it can increase by more than 9% if it is over three years. That is to say if you check your rental agreement and you review the rent after three years, in many instances it may go up by more than 9% after three years. I am surprised that the hon. Gentleman thinks that is not the case. I have acted for many landlords where the rent has increased by more than 10% over three years, and therefore that is not unusual.

The hon. Gentleman is right to say that the 3% increase is the same increase as was provided for in the investment by a number of entities that invested into the public housing estates, because we told him. He came to my office and we gave him a presentation and told him that was how we had fixed the increases on an annual basis. But why was that fixed in that way? Well, looking at the amount that had to be repaid and looking at inflation over periods where sometimes it can spike, sometimes it can be low, the average agreed, which would be agreeable to all parties, was 3%. That is why it was agreed at 3% there. For that reason, when we have started to look at these arrangements, which they put in place and we are formalising, we have provided for the same increases per annum.

The hon. Members will know that one of the issues between us has been the amount of cost in the company structure of the Government and how you get cash into the company structure of

140 the Government – in particular, where the Government companies do not produce income in their
interface with the public, with third parties. The Bus Company is one that we have discussed
before. The Bus Company is part of the company structure. The Bus Company has expenses, but
the income which the Bus Company has is *very* low compared to its expenses. From memory, I
145 seem to recall we discussed, during the course of the Budget debate, costs in the region of
£9 million to £10 million a year to run the Government Bus Company and income of less than ... I
was going to say less than £1 million, but about £350,000. So, the wider Government structure
requires an injection of capital from the Government from the taxpayers' pool in some way.
150 Insofar as the Government company structure requires that injection of capital in an unmitigated
fashion, then at the end of the year there has to be an adjustment to provide that income to the
Government structure of companies, which we inherited from them, as the hon. Members may
recall, in 2011 with what I called a black hole of £100 million. That is to say there were liabilities
in the Government company structure of £100 million, which were unfunded. So what we are
doing through these structures, which they established and we are continuing to put in place, is
to ensure that there is income into the Government company structure – in particular, in respect
of those Government companies that relate to companies where we have had cost.

155 I want to be clear that when we have transferred assets into the Government company
structure we have done it in the way that we have been advised is the proper way to do it – and I
think the hon. Member would agree. That is to transfer assets at value on to the Government
corporate structure, whilst at the time that they did it ... the one thing we have not pursued which
they did was that they transferred Government property into the Government corporate structure
at nil value. So we have enhanced the structure and we have ensured that the costs that the
160 Government companies have – in particular the cost of building and the cost of acquiring assets
etc. – is being provided for by creating this injection of capital on a regular basis through the
payment of rent, which rent increases by 3% a year.

165 Mr Speaker, I hope that is helpful to the hon. Gentleman and that it helps to further elucidate
these issues. He said he does not have the accounts of GAR and GCP investments, but he will. They
are in the process of being finalised and as soon as they are finalised he will be able to obtain them
from Companies House in the usual way.

170 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. I will reserve
comment about what is a normal rental clause since I am not a lawyer and I have no real expertise
in negotiating leases. But it is a curious trait of all of these leases with Government companies
that they all go up by 3% and for a period of 20 years. I do not know why 20 years.

Hon. Chief Minister: Will you give way?

175 **Hon. R M Clinton:** Yes, of course.

180 **Hon. Chief Minister:** Mr Speaker, there is a reason for that. It would be a curious trait perhaps,
if you were dealing with different landlords and different lessors in the private sector, to find that
pattern, but here you are dealing with one landlord, who is also the owner of all of the lessor
companies, and therefore it would be fictitious to have one at 2.5%, one at 3.5% and another one
at 3% when what you want to achieve is that you are growing the income into the Government
company structure through the rents by an average of 3% a year, so that you are getting the rent
and the increases and you are creating that cash in the company structure. There is no magic to
the pattern, other than you are dealing always with the same party and counterparty.

185 **Hon. R M Clinton:** Mr Speaker, I think we can take that as read. A trait is a trait. They all have
the same 3% increase. That is all I was saying.

I have not heard yet whether this money is going towards the annual housing allowance that
is paid to Gibraltar Capital Assets Ltd, which is being used to pay what I call a mortgage, what he

190 calls an investment of £300 million the housing estates. I would be grateful if the Chief Minister could advise whether any element of this is going towards that.

I would remind the Chief Minister, when he talks about the Bus Company, that when we had that conversation in this place we were talking about the contribution from the Consolidated Fund to Government-owned companies in the region of, in the past, £25 million, now in the region of
195 £30 million. So it is in the context of that.

I did not expect to find, looking in the expenditure of the Treasury Department, under a head called 'Rents and Service Charges' what he is now describing to us as a contribution to the running costs of Government companies across the board. I would have expected, in all honesty, although we disagree as to the contribution element in the Consolidated Fund, that that is where the money
200 should have appeared. If an extra £10 million was needed to fund Government-owned companies, it should have come from there, but not described as rent and service charges under the Treasury Department.

I would ask the Chief Minister another question, and that is what would happen if these rental agreements were terminated? What would happen if these companies did not get the cash? What
205 would be the consequence? Is there something at the end that is sucking up this kind of money, which is contractually required? If a future government came in and said, 'This is not actually achieving anything because all you are doing is moving money out of the Consolidated Fund into Government companies. Why don't we just do it directly from the Consolidated Fund and describe it as such?' ...

210
Hon. Chief Minister: Mr Speaker, these contracts will not be terminated unless the Government decides that they should be, because we are both sides here. As I said, we are the landlord and we are the lessor, and the only way that this could happen is if a future Government makes a decision to pursue a different structure. But let's be clear, it would be a little remarkable
215 if the future Government that were to change the structure were the Government that we inherited it from. In other words, we inherit this from the GSD, we continue it and we enhance it because we do not believe that it is right to have a continually growing black hole in the Government companies and we want to do something about addressing that. If what he is saying is that he would go back to a situation where he would either reduce this or he would undo it completely and he would completely fund the companies in a one-off payment from the
220 Consolidated Fund ... It is another way of doing it, there is no difficulty, but it is a very large amount of money to pay in one swoop. In other words, by doing it in this way we are further structuring the amounts that are provided by the companies and we are providing it in a measured monthly way, so that that kitty builds and you do not have to do the adjustment at the end of the year. I think it is just different ways of doing the same thing. Let's just use some random figures. If the
225 liability in the companies is £50 million, you either, at the end of the financial year, give the companies £50 million, or, through the year, give the companies enough money through the rental that we are discussing and reduce the amount that they need to have – sorry, rather you grow the amount that the Government has to give them.

230 So it is, in our view, two ways of achieving the same thing. I do not think that much should turn on it. There is not a third party that can come in here and terminate these arrangements; it is the Government on both sides. The hon. Gentleman's question was is this being used to fund the £300 million investment, which he calls a mortgage. The answer is no, that is not funded from here. If it is helpful to him, there is a clear answer there. The question was yes or no: the answer
235 is no. I hope that that is helpful to him and I hope that he can further consider what his policy position is, now that he has the information.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister, but if I could just say that his rationale for funding Government companies in this way is, from an accounting point of view,
240 somewhat simplistic, in that he seems to suggest that the £30 million that is funded to the Government-owned companies goes in one lump sum at the end of the year. I would find it hard

to believe that that is the case. And to suggest that putting some money aside every month or every year is easier, again I find that to be trying to stretch my imagination somewhat.

245 But anyway, if I can ask the Chief Minister to recognise one point: when he says, 'I inherited this,' he may remember that some time back, when I asked about a large property transaction with GAR Ltd where some properties to the value of about £40.2 million were transferred into it by this Government, I asked him where did the money come from and he said, 'I do not really know.' But if we were to look at the schedules to these properties, apart from any new property transferred into GCP, there was actually a second schedule which showed that there were existing
250 leases created dating back to 1st March 2013, which is fairly squarely in the term of this Government. So to say that he has inherited this picture is to somewhat, perhaps, exaggerate it, because if we were to do the exercise of going through every single property on this list, I would venture to suggest that the vast majority are during the term of his Government.

I think we are going to have to agree to disagree as to (1) is this a logical way to fund the
255 companies, and (2) I still do not know where the money is going. Perhaps, Mr Speaker, I could ask the Chief Minister when the accounts of GAR and GCP – and especially GSBA I am very interested in – are produced, if he could give us the full accounts and not just the balance sheet, because he knows, as I know, the important thing for me is the P&L. I would like to know how the money is spent. The balance sheet would not tell me that. Would he at least commit to giving Members of
260 this House the full accounts and not just the balance sheet?

Hon. Chief Minister: Mr Speaker, I did not pretend that they had put all of these properties into these companies. I told him that we had continued the practice that we had inherited from them and we had added more. I was very clear about that in what I have said. If he does not
265 believe me, he should look at what GCP did. GCP, in December 2010 – when we were not in government, we were in opposition – took a loan of £20 million and transferred a considerable number of properties into GCP. The Government then transferred a considerable number of properties into GCP at no consideration, which I believe was not the correct way to do it. That is why I have told him that when we have done it, we have done it at real value. I believe he will
270 agree with me that it makes sense, when you are transferring property into a company, to transfer it at real value, not at nil value. That is what I said we were doing differently to what they were doing, but they established the principle of putting property into companies and paying rent to that company for the property that otherwise belongs to the Government, to pay the liabilities that that company had incurred to develop property. That was Gibraltar Car Parks Ltd. We have
275 had this debate a number of times in this House.

What the Government wants to do as we further develop this structure is to ensure that we match liabilities to the income of the company so that we better provide for the income that the company receives as rent from the Government against the liabilities of those companies, something that I am sure he will also think is prudent in the context of pursuing the way that the
280 GSD set up this company structure for the Government to pay rent to itself through a Government structure and in that way provide for the liabilities of the Government companies.

Mr Speaker, the hon. Gentleman says that I am stretching his imagination. Well, there must be many more things in life than are alive in his imagination, as was said to Horatio in one of the great Shakespeare plays, because the reality is that this is not a structure that Ministers or I have
285 devilishly one morning come up with. It is the advice from Government accountants that this is a good way of ensuring that we are providing for the liabilities of the companies. Indeed, it must have been the advice that they had – I do not know whether he was advising then Government – because other than the transfer of the properties at nil value, which we do not do and we are told was not the right way to do it, and the transfer at full value, I think we are continuing exactly the
290 same thing that we inherited, and that is clear.

As for the accounts, this Government will continue to publish the accounts of the companies. We are now in the process of, I think, having published many of them with very few still left to go, and we will ensure that we comply with the law in this respect, something which the previous

administration did not do. In case people have forgotten this part of the debate, hon. Members, when they were in opposition, used to say that it was terrible, first of all, that there was a Government company structure, and second, that the Government companies did not publish accounts. True to their word, in 1997, a year after they were elected, they published the Government company accounts for some of the companies but not all of them, and after 1997 they put their money where their mouth was and they legislated to make it a legal requirement that every company in Gibraltar should publish their accounts. But what they did not do was publish the accounts of the Government companies, ever, after 1997. That is to say they went to an election saying they were going to undo the company structure, and in fact they grew the company structure. They went to an election saying they would publish the Government company accounts and they published them in some instances once and in some instances never. They then required by law that this should be done by everyone in our economy and the trades in this jurisdiction using a company, and then promptly failed to comply with their own law.

We will comply with the law and we will file the company accounts, and those that are left will be finished – and I hope they will all be finished very soon, Mr Speaker.

Hon. R M Clinton: Mr Speaker, with your indulgence – I appreciate it may be getting a bit tedious – I do not want to go into a debate about filing of accounts, but when he says, ‘I will do what is required by the law,’ he knows that some of these companies probably have no employees, or very low turnover, and will file, as required by law, an abbreviated sets of accounts, which may be just a balance sheet. I am asking him to produce the full accounts. Would he commit to this House to provide the full accounts, not to Companies House but to this House?

And finally, he says, ‘We are paying money to the companies so they can pay the liabilities.’ Perhaps he could give us an idea of what are the liabilities of GAR Ltd?

Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman either does not want to understand what I am saying to him or simply wants to ask me again. I have given him an answer about what accounts we are going to publish. We are going to publish the accounts that are filed with Companies House and required by law. That is what we are going to publish. Full stop. We are not going to publish anything else. *(Interjection)* They did not publish anything. We will take a huge step forward for this community in transparency and accountability, in complying with the law and ensuring that everything that the companies have to file by law will be published.

He says, ‘Now give me everything – give me the guts of the company, give me every single part of the P&L,’ and when they were in government they did not even publish the parts that the law requires that they publish. The hon. Gentleman will forgive me for saying that there is something that smells of political hypocrisy about the position the GSD take. That is why I explained to him that when they were in opposition they said they would undo the company structure; when they were in government they grew the company structure. When they were in opposition, as they are now, they said they would publish the company accounts; when they were in government they failed to publish the company accounts. Then they made it a legal requirement to publish company accounts **(Hon. R M Clinton: Repetition.)** and they promptly failed to comply with their own rules.

Mr Speaker, if the hon. Gentleman is going to get up and say ‘repetition’, before we have any adverse effect on his health can I just remind him this is not *Just a Minute*, this is Parliament, and if the hon. Gentleman has not understood what I have told him, then I am going to repeat it.

Hon. R M Clinton: Mr Speaker, finally – *(Interjection by Hon. Chief Minister)* Yes, but I asked a simple question – ‘Are you going to give me the full accounts?’ – and I have had my answer. The answer is no. My second question was what are the liabilities of GAR.

Hon. Chief Minister: Mr Speaker, to give him an answer which I can assure the House is accurate, I would need notice of that question. The question that we are dealing with does not, for one moment, lead to what the liabilities of GAR are, and in this moment I do not have the

350 details. I can tell him the amounts that I do know GAR is paying, but that would not be a complete list. For example, the cost of building HM Prison and the Law Courts was put through GAR and the rent is used to pay for the costs of the building and renovation of the Prison and the Law Courts. GAR was also used to purchase a number of properties from third party entities, including the Queen's Cinema, the Queen's Hotel, Britannia House and No. 1 Jetty, so the rent on non-vacant properties is used to repay the cost of those purchases, but I am not confident that those are all the liabilities of GAR and I would not want it to be said that I have inadvertently misled the House by suggesting that those are all of the liabilities of GAR. Those are the liabilities of GAR that I have with me today.

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Mr Speaker: Next question.

Hon. R M Clinton: Do I have [inaudible]

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Mr Speaker: The question must flow from what –

Hon. R M Clinton: – he has just said.

Mr Speaker: Okay, but just a very short question, and we will require a very short answer to it.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for what he has just said, but the implication is that there are capital transactions going through these entities which obviously – and I am happy to be corrected – have never appeared through the Improvement and Development Fund. Is that correct?

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Hon. Chief Minister: Mr Speaker, I do not think that the hon. Gentleman has discovered America. If something goes through the company structure, it does not go through the Improvement and Development Fund. That is how they used to do it; that is how we have continued to do it. Gibraltar Car Parks, for example, did not go through the Improvement and Development Fund because they put it in a company in 2010. They put assets of the Government, government buildings, into Gibraltar Car Parks Ltd at no value in 2010. They took a loan from Barclays Bank, I think at 6%, in 2010 and they funded it through there; it did not go through the Improvement and Development Fund. So the hon. Gentleman is really asking me a question that is clearly established by the structure that we inherited from them.

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Mr Speaker: Next question.

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Q512/2022
Company COVID charge –
Whether abandoned

Clerk: Question 512/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government confirm that it has abandoned the introduction of the £25 per week company COVID charge announced in the Chief Minister's 2022 Budget speech?

Clerk: Answer, the Hon. the Chief Minister.

390 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this continues on hold whilst the Government meets with various representatives of the business sector.

Hon. R M Clinton: Mr Speaker, if I can ask the Chief Minister: can he give the House an indication of how much he had hoped to raise with this tax at the time he announced it at the Budget session?
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Hon. Chief Minister: Mr Speaker, I could give him that indication, but it would not necessarily be rocket science because you are just multiplying the number of companies on the register by the amount of the weekly charge.
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Hon. K Azopardi: Can I just ask the Chief Minister ...? I think he said in his original answer that it was still subject to the discussions he was having. How many meetings has he held with representative organisations, and who is he consulting specifically on the issue?

405 **Hon. Chief Minister:** I have held a handful of meetings already. Mr Isola has held a number of meetings as well. We are consulting with those who represent trust and company managers in particular, and we are consulting with the wider business community.

Hon. K Azopardi: The Chief Minister will know that there was some concern voiced quite soon after the measure was announced, which caused the Minister for Financial Services to come to this House and, in his own Budget contribution, make the announcement that indeed the measure would be – I am not taking a word from his speech, but for want of a better word – ‘suspended’ until there was representation, and the Chief Minister will be aware there is concern in the industry out there at the significant effect that such a charge would have. Will the Chief Minister bear in mind that concern? In particular, I am sure he shares the view that it is important to give clarity to the industry going forward, so that the Government lands on the issue, one way or the other, relatively soon. Does he agree with that?
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Hon. Chief Minister: Mr Speaker, I obviously agree with that. I do not know whether he is just getting up to make the statement so that people hear him saying it, because although he is saying it, I am the one doing it. I am the one who has not given effect to the measure because of the concerns that have been expressed to us. I am the one who has listened to the concerns and does not want to push people over the edge. I am the one who wants to make sure that we continue to help businesses in Gibraltar. I am the one who is doing what we can do in not proceeding with the measure at this stage to give the clarity that people need, and we are looking to try to ensure that we do not have to go down this route if it has a materially adverse effect on business in Gibraltar, as some suggest to us that it does.
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We are working to help the business community to get out of COVID, as we helped the business community in COVID, and what we are trying to do is avoid the business community being used as a political football and deal with this issue under the radar in a proper way and in a way that delivers the result that will ensure the greater prosperity of all sectors that rely on the corporate register in Gibraltar, in particular the trust and company managers.
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Hon. K Azopardi: Yes, Mr Speaker, he is the one who is consulting the industry, he is the one who is sitting down with them and he is the one who can take the credit for rowing back on the measure, but he is also the one who came up with the brilliant idea and announced it, and all I am saying ...
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On this side of the House we are elected to also express concerns, so that the Government is aware of those issues. I am sure the Government is also aware. He says he is aware. It is four months after the Budget. It is appropriate and in the public interest for us to raise the issue with the hon. Member because the industry also speaks to us and wants clarity. That is the issue that
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we are bringing to his attention. That is why we ask him again to consider the issue and give clarity, and I am glad he agrees with that in his remarks.

445 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has just got up and given a speech at Question Time, which is really, frankly, unacceptable, and what he is going to get from me is to say it is all very good that he gets up now and says that, but in his Budget reply to me he did not express concerns. (**Hon. K Azopardi:** I did.) No, Mr Speaker, I will check again, but I cannot recall him expressing concerns. They were asking us to raise money to deal with the cost of COVID
450 because that had affected the public finances. That is what they were asking us to do. Then we bring measures and the measures cause an issue.

I am always going to be the one to take responsibility for my actions. I am not going to say I did not come up with the measure, whether I did or whether I did not. I announce the measure, it is my responsibility, but if genuine concerns are expressed to me which I believe have a reason, in
455 fact, to persuade us not to proceed with the measure, we will not proceed with the measure, because we are listening and because all of the measures that we take are designed to deliver prosperity, are designed to make Gibraltar a better business environment, which also, of course, requires us to have our public finances back to where they were pre pandemic, and when we agreed that we should spend the money during the course of the pandemic across the floor of the
460 House – although again it appears that I am the only one still prepared to accept the responsibility for that spending.

Given that there was no question, Mr Speaker, he must not assume this is an answer which would lead to a supplementary.

465 **Mr Speaker:** We are now going to continue with the next question.

Q513/2022

Legal claims settled at over £50,000 against Government, its agencies or companies – Number settled in last six years

Clerk: Question 513/2022. The Hon. E J Reyes on behalf of the Hon. DA Feetham.

Hon. E J Reyes: Mr Speaker, how many legal claims or threatened legal claims against the Government, Government agencies or Government companies have been settled in the last six
470 years where the claimant has been eventually paid more than £50,000?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, a total of 42 legal claims or threatened legal
475 claims of over £50,000 have been settled.

Hon. K Azopardi: Mr Speaker, I do not know if the hon. Member has the total of what those 42 claims would come to. Obviously the question asks for payments over £50,000, so they might vary from £50,000 to bigger sums. Does he have a total of the sums that have been settled?
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Hon. Chief Minister: Mr Speaker, I do not have a total, but I have some subtotals. Without adding anything other than the millions and hundreds of thousands so that I do not get into any difficulty, it is £5.4 million – over, because I am not adding the tens of thousands. I am only adding the millions and the hundreds of thousands, so £5.4 million.

485 **Hon. K Azopardi:** Again, I do not know if he does have it, but among his subtotals – the question asks for Government, Government agencies and Government companies – is there a split between Government, Government agencies and Government companies?

490 **Hon. Chief Minister:** There is, Mr Speaker, but I am not sure that it is accurate because I have only been given it in respect of supplementary information. I can tell him that I can see the Gibraltar Health Authority obviously is one entity on its own and that accounts for 17 of the claims. Eighteen of the claims are GHA and Care Agency. Fourteen are Government companies, from what I can see here. I hope that is helpful. Then the breakdown is other agencies and Departments.

Q514/2022

Housing estates –

Whether instruction given to clean in advance of Chief Minister’s visits

Clerk: Question 514/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Did the Chief Minister, Ministers or any public servant give instructions for the cleaning of the housing estates ahead of the Chief Minister’s recent visits?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir.

Hon. D J Bossino: Mr Speaker, that was a predictable reply. *(Interjection by Hon. Chief Minister)* Yes, it was. The reality is – and we have, as a party, shown to the press evidence – that there was substantive cleaning to one particular estate, in this case Mid Harbours, the day before the hon. Member visited. We have also been told, directly on the ground by residents, that there has been cleaning in advance of the Chief Minister’s visits with a retinue of press and him giving him interviews and all the rest of it. Does he not agree with me that if that is the case – and I put to him that it is the case – this is cheap electioneering on his part?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman does not seem to know what comes out of his mouth or what flows out of his pen. The question the hon. Gentleman has asked me has nothing to do with his supplementary contribution. The question was did the Chief Minister, Ministers or any public servant give instructions for the cleaning of the housing estates ahead of the Chief Minister’s recent visits? The answer – the truth – is no. If he knew the answer to that question, his question is out of order because he should not ask a question which he knows the answer to. If he knew the answer to that question, I wonder why he asked it.

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The reality is that the things he has said happen do not flow from the things that he asked us. When I go to a housing estate on location, I ask that the people who should be with me are the people who represent the Department of the Environment, the cleaning subcontractor to the Department of the Environment, the people who represent the Housing Works Agency and the people who represent GJBS. I also have people from my staff present. We also have members of the Royal Gibraltar Police present. If he had asked me did the people who run the cleaning company that has the contract for the cleaning of the estates know that you were going to the estates, the answer would be yes, sir. If the people who run the cleaning company know that I am going to the estate and decide to clean the estate before I go to it ...

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The hon. Gentleman can accuse me of many things but he cannot accuse me of cheap electioneering when an election is not due for another 11 months. Somebody might accuse them of waking up, Rumpelstiltskin-style, to the needs of the Government’s tenants and our

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530 constituents only once every four years, but you cannot accuse the Government and this Chief
Minister, who has been going on location since 2015 to do his clinics on location, who has been
going to visit housing estates since we were elected, to ensure that the refurbishments were
done – the very same refurbishments that they did not want, the very same refurbishments the
cost of which they would not have incurred and they criticised – of cheap electioneering.

535 I did not need him to put video evidence of somebody cleaning an estate to be told that the
estate had been cleaned before I arrived. It was, in the French vernacular, bleeding obvious
because the guys who were doing the cleaning were still there when I turned up, the floor was
wet and they were still sweeping, and the people from the estate were saying to me, ‘You know,
540 this does not happen every day. Maybe this is just because you are here.’ My answer to them was,
‘Don’t worry, I am going to keep coming. If it is just because I am here, I am going to keep coming.’
In fact, I am going to keep going to the estates to ensure that the standard of cleanliness that I
have seen in the estates is the standard of cleanliness maintained and, indeed, given the things I
have seen for myself which are not up to standard, that the standard is exceeded, because, in the
way that the Hon. the Minister for Housing said, we expect the performance of our subcontractors
545 and we expect the compliance of our tenants and people who reside in the estates. That is what I
am elected to deliver, that is what the Hon. the Minister for Housing is elected to deliver, and if
the hon. Gentleman thinks that we are not going to deliver it so that they can ride a wave of
misery, anti-social behaviour and lack of cleanliness into No. 6 Convent Place, they have
something else coming because, first of all, there will be no such misery, there will be no such
550 anti-social behaviour, there will be no such lack of cleanliness and it will take more than a wave
to get them into No. 6 Convent Place.

Hon. D J Bossino: Mr Speaker, so long as the estates are going to get cleaned, quite frankly I
am very happy. I am very happy that that should be the case, (*Interjection*) but the evidence clearly
555 suggests that what I said in my original supplementary is absolutely correct. He is being very
technical in his reply. All I say is it is not that I knew the answer, I am not suggesting that I knew
the answer; it is the answer that I expected from him, which was a simple no. What he is telling
me is that he did not give any instructions for the cleaning of the estates – or any other Member
of his Government – in advance of his visit. What he is, in effect, telling me – and I would ask him
560 to confirm this by way of the question, whether he agrees with the way that I am putting it to
him – is that the cleaning companies were aware that he and his Ministers and colleagues were
going to be visiting, and then, out of a frolic of their own, on their own initiative, waving the magic
wand, indirectly, they cleaned the estates before the arrival. Does he agree with that proposition
I am putting to him?

565 Can I suggest he has taken (*Interjection*) a long time in his response and come up with, in effect,
a party political broadcast? And then he says he is not electioneering, he is doing it 24/7 and the
elections are not for another 11 months. But can I suggest to him that he keeps his visits absolutely
secret, that he keeps his visits away from the cleaning companies, so that he sees the reality on
the ground, so that he sees the endemic problem that these estates suffer day in, day out – despite
570 what they are wishing to tell us here and the Minister for Housing getting all excited
(*Interjection*) – and the reality of what they live day in, day out?

Hon. Chief Minister: Mr Speaker, it is remarkable. Hell hath no fury like a leadership candidate
caught out, obviously. The hon. Gentleman asks a question and is then disappointed when he gets
575 the answer that he expects, which is the answer that of course he should expect – that is to say
the truth. Now he is dancing on a pinhead to try to get himself off the hook that he has created
for himself. I have never seen anything quite like it in this Parliament. I must say the GSD really
does need to stick with Mr Azopardi because perish the thought that they fall into the trap of a
Bossino leadership.

580 The evidence suggests, he says, that what I have put to him is the truth. Didn’t I just get up and
say to him that I did not need to see a video from him to be told or see that the estates were being

cleaned before I arrived? I did not, because I told him – *(Interjection by Hon. D J Bossino)*
Mr Speaker, the hon. Gentleman is –

585 **Hon. D J Bossino:** This point of order arises from your suggestion and ruling, I think it was, in
relation to political discourse and discourse in this Chamber. The hon. Member has come up
already, as it is, within an hour, with three or four gems. The last one was ‘into the trap of a Bossino
leadership’. He talks about ‘hell hath no fury like a leadership candidate ...’ I did not take a full
note. He says, in relation to answers given to my hon. Friend Mr Clinton, ‘it smells of political
590 hypocrisy’. He even, dare I say, talks about the deficits in relation to the company as ‘a black hole’.
All of those things ... it depends on what standard we are expected to reach. Just to repeat the
point that I made yesterday, I am fine with them, but I simply raise it as a point of order to seek
the Chair’s guidance in relation to this, because then we can do the same.

595 **Mr Speaker:** The Chief Minister.

Hon. Chief Minister: In reply to that point of order, Mr Speaker, it is quite something to see
somebody who is taking his nascent steps into an attempt to lead this community and his political
party, seem so afraid of the political debate. The hon. Gentleman needs to understand there is a
600 difference between political discourse and taking the Parliament down the road of the invective
and starting to create an ambience which means that tempers flare. That is what he was doing
yesterday. All I am doing today is reflecting the political reality as I see it. For example, Mr Speaker,
I will accept whatever ruling you make today. I did not hear the Hon. Mr Bossino yesterday
apologise to you, as you suggested that he should when you made your ruling. I believe Mr Bossino
605 needs to understand that there is a difference between a lack of temperance and being political
and dealing with matters in a normal parliamentary manner. That is what he is failing to
understand, and today he is raising a shield, I assume to avoid me giving the answer I am going to
give to the latest supplementary, which will once again demonstrate how wrong he is in the
approach that he is taking to these things and how foiled he feels in respect of the campaign that
610 he was obviously seeking to launch.

Mr Speaker: I think both sides are guilty, in many ways, of bringing politics into play – both
sides. I have read a lot about judgments made in other jurisdictions, and one thing which comes
to mind I think is quite appropriate to be used now. It says here:

The whole idea of supplementary questions is not to make a range of political statements about an issue but to dig
into an issue to test a Minister’s answer.

615 I have to say with all due respect to the Opposition that they fall foul of this quite often. I also
have to say that the Government falls foul because it also, when it replies, makes political
statements.

Another explanatory note that I have here, which again I have picked up from my looking at
other administrations, says:

Ministers should not commence an answer to a question with a political attack on the person asking the question.
That is totally outside Standing Orders, but where Members asking questions make a political statement, they are
likely to get a political statement back.

620 Again, this is what is happening. It happened yesterday, it is happening today. My answer is
stop bringing in political issues. But it is very difficult; everybody wants to do that. It is part and
parcel of what transpires in Parliament because that is the nature of the beast. You understand
that? Okay. So that is my ruling.

625 **Hon. D J Bossino:** Mr Speaker, it is a massive tension, but at the end of the day – I think I
mentioned it yesterday – this is a political Chamber and it would be odd that, for example ... But
both sides can ... In fact, in relation to this issue, I think we exchanged press releases and we talked
about ... I said things like ‘electioneering’ and then they said whatever it was that they said, but
630 you can have that type of discourse out there ... It is the type of discourse that those who elect us
are having and yet somehow that should be muted here.

As far as I am concerned, I repeat the point that I am fine with the things that he has said today
because I think those are political issues, but then I need to be able to make political comment in
the questions, and ultimately, whilst it may be that technically we are the ones who start this
because we are the ones who pose the questions, sometimes they start it because sometimes we
635 file a question, a very –

Mr Speaker: Please resume your seat. I know that the Opposition’s role here is to hold the
Government to account; of course this is allowed and this is part and parcel of the process. But
yesterday – and I am going to bring this up because the hon. Member brought it up – everything
640 that came from your good self was tinged with ... not aggression, but unhelpful comments as a
preamble to a supplementary. That is the way I interpreted the matter yesterday, and it is
beginning to creep in again. I do not think Parliament is set up for that kind of behaviour.

People in the street comment about the way we do our business here. Do you know what they
say? Not everybody, but some say it is like trying to keep children in a classroom under control.
645 And it is true. To a certain degree, it is true.

I think we are going to move on from this question and this answer, but I am going to ask all
Members to hold back and let’s make this a meaningful Parliament, a Parliament where legitimate
questions are made and truthful answers are given. We are going to move on from here, and I am
going to ask all Members to pipe down.
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Hon. Chief Minister: Thank you, Mr Speaker. As I told you yesterday, I think that is excellent
advice.

The hon. Gentleman asked me a question. He extended himself over that question with very
partisan remarks – some of which I am sure they will now seek to extract in the video and portray
655 to the world, to try to extract support – and then interrupted me when I was starting to reply. You
have ruled that you want us to move on. I do not know, Mr Speaker, whether you want me not to
answer the question that he put, or whether you simply want me to answer it without falling into
the trap of the partisan invective which the hon. Gentleman was laying.

660 **Mr Speaker:** We just need to move on to the next question.

Q515 and Q519/2022

Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views –

Number of units unallocated; estimated construction cost

Q516-18/2022

Bob Peliza Mews and Chatham Views –

**Number of purchasers wishing to discontinue purchases; reason for purchase agreements not
yet being signed; whether advertised purchase price to increase;**

Clerk: Question 515/2022. The Hon. D J Bossino.

Hon. D J Bossino: How many units in the Hassan Centenary, Bob Peliza Mews and Chatham
Views developments remain unallocated and why is this the case, considering the continuing and
665 high demand for housing?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 516 to 519.

670 **Clerk:** Question 516/2022. The Hon. D J Bossino.

Hon. D J Bossino: How many people of those initially allocated homes at Bob Peliza Mews and Chatham Views have now requested to discontinue their purchase?

675 **Clerk:** Question 517/2022. The Hon. D J Bossino.

Hon. D J Bossino: Why have prospective purchasers of Bob Peliza Mews and Chatham Views not yet signed any purchase agreements, given they were allocated homes some years ago?

680 **Clerk:** Question 518/2022. The Hon. D J Bossino.

Hon. D J Bossino: Is the Government considering increasing the selling price to purchasers of Bob Peliza Mews and/or Chatham Views from that originally advertised?

685 **Clerk:** Question 519/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what is the current estimated projected construction cost of each of Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views, and how does the current projected construction cost compare with the original contracted construction cost and the original tendered construction cost, if different?

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

Hon. Chief Minister: Mr Speaker, all units for all three estates are now allocated.
695 The requested figures are as follows: Bob Peliza Mews – 18 flats have been handed back; Chatham Views – nine flats have been handed back.

Construction contracts have not yet been finalised with the contractor for Chatham Views and Bob Peliza Mews. Once these contracts are signed, the Government will be in a position to start entering into purchase agreements with prospective purchasers.

700 The Government is not considering increasing the selling prices of properties already sold at either Bob Peliza Mews or Chatham Views.

As for projected construction costs, can I ask the hon. Gentlemen to ask me again February, to avoid disclosing information that is currently commercially sensitive but I hope to be able to answer by then without any concern?

705 **Hon. K Azopardi:** Mr Speaker, can I just take my supplementaries on Question 519 first, if I may? And can I just say, before I do that, that if I have any supplementaries on the other questions, with Mr Speaker's leave, in accordance with your usual ruling that I can sweep in at the end, if I have any comments I will, but I am not going to take those first, in deference to my colleague who put those questions?

710 On Question 519, as I understood the Chief Minister's answer, on Bob Peliza Mews and Chatham Views he is saying they have not got to a contracted situation as yet – that is how I have understood that – and towards the end he said, 'Ask me in February.' That is fine, we will, and there is no issue with that. I understand the reasons behind the comment and we will do that. But
715 insofar as Hassan Centenary Terraces is concerned, presumably that is a different position because – (*Interjection*) Well, I will finish the question, then you can answer. Presumably – I was going to say – it is a different position because the project is well under way and the blocks are

rising, and therefore I would have assumed it is a different situation. But I can see him shaking his head, so I will give him the opportunity to answer.

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Hon. Chief Minister: Mr Speaker, the Hassan Centenary Terraces agreements have been concluded both for phase 1 and phase 2, but if I disclose what we have agreed there, then that potentially affects the contracts that we are hoping to conclude in respect of Bob Peliza and Chatham Views. That is why I do not want to give the information at this stage. That is why they are linked. I am happy to give the hon. Gentleman the figure in respect of Hassan Centenary Terraces confidentially at this stage, and I am happy to give it publicly in February, but I do not want to give it publicly now because it could affect our negotiations in respect, I think, of one of the contracts.

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Hon. K Azopardi: Mr Speaker, February is around the corner, so – as the hon. Member has said several times now, the election is not for a while – we can easily wait till February and I can put that question, with Mr Speaker’s leave, of course, so that it does not infringe the six-months rule, given the invitation of the Chief Minister.

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Can I ask, though, before I sit down, the magic of February is what? That they have some kind of understanding with the contractors that they are going to land on this issue by then?

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Hon. Chief Minister: Mr Speaker, the timetable I have given to the House is I expect the demolitions to be finished by December in respect of Chatham, and at the very latest by March, in respect, I think, of Bob Peliza, and therefore the expectation I have is that the contractual negotiations for the start of works will be finished by December/January in respect of each of those projects respectively. Therefore, by February I expect we should be in a position to disclose the information because I expect we will have concluded the negotiations and signed the agreements, or at least concluded the price, and be in the process of finalising the JCT or whatever other elements of the construction contract will have to be in place. That is why I think that February is the prudent period at which to pitch it, because although we expect to finish the construction contracts in respect of Chatham earlier, there could also be linkage which would make it disadvantageous to disclose that publicly until we have nailed the Bob Peliza building contract. I believe it will be done by then because we will want to be commencing construction at the end of the following month. That is why I think February is relevant. In February I might say to him I need another 30 days, but again, he needs to rest assured that the election is not going to be in March either, so there is no problem there.

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Hon. K Azopardi: Okay. Maybe I should just ask him point blank when the election will be. It would be very helpful for us to understand that.

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Hon. D J Bossino: March 2023. *(Interjection)*

Hon. Chief Minister: I am happy to tell him if he will give way. Next year, Mr Speaker.

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Hon. K Azopardi: All right, well –

Hon. D J Bossino: It will be March, then.

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Hon. K Azopardi: I think I could have worked that one out, but anyway, I will ask him behind the Speaker’s Chair. I think I will be as unsuccessful, though.

My final question, Mr Speaker, on this issue: is the contractor of those developments – Hassan Centenary, Bob Peliza and Chatham – the same one, or are they different contractors? And can he name them?

770 **Hon. Chief Minister:** Mr Speaker, we are in negotiation. I think there are two different contractors involved in the negotiation. At this stage, I do not want to name them because we are just in negotiation and that negotiation could still come to nought. In any negotiation one has to be willing to walk away in order to do a good deal. That applies in the international arena as it applies in the construction arena.

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Hon. D J Bossino: Mr Speaker, in terms of my questions, the underlying thread, if I can be helpful to the hon. Member, is this. We have the economic situation that we are in – Ukraine, rising inflation. This is not my area of expertise by far, but that, I am told, and we know from news reports, is having an effect on construction prices to the tune, I am told, of 30% to 35%. The information I was getting was that there was a resistance on the part of the Government to allocate flats which had been returned because it would then have an impact on the purchase price – in respect of the question I have raised, which includes Hassan Centenary and the other two projects. In relation to the other two projects I have specific questions about the disturbing of the purchase prices. Given that the Hon. the Chief Minister is not willing to divulge information in relation to the construction costs in connection with the Hassan Centenary project, and given also the fact that he has already committed himself not to disturb the purchase prices down the line with the purchasers, is it fair at this stage to assume that, given the background I have just set out by way of preamble to this question, ultimately there will be a cost which the Government will need to assume as a result of the increased construction costs?

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790 I have information which has come to me from out there in relation to Hassan Centenary, where I am told that because the price was not locked in, there has been an increase. I understand the domino effect that that could have in relation to the two other projects, why the Hon. Chief Minister may be circumspect in terms of answering any questions in relation to that, but can I ask him to comment in relation to the point that I have just raised?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman has said a lot, so you will forgive me if I try to deal with everything that he has said.

800 I am going to start at the end. The price for Hassan Centenary Terraces phase 1 was fixed before the pandemic. The price for Hassan Centenary Terraces phase 2 was fixed before the war in Ukraine. How can it be anything other than fixed? I do not know where he gets his information from and I do not know what filter he distils his information through, but a construction contract is for a price. It cannot be anything other than fixed. I do not know what it is that the hon. Gentleman has been told that he has believed.

805 **Hon. D J Bossino:** I will tell you now.

Hon. Chief Minister: Mr Speaker, in the context of the estates, he needs to listen very carefully to what I have said because I have said it for a reason. I will read it for him again: the Government is not considering increasing the selling prices of properties already sold at either Bob Peliza Mews or Chatham Views. That is to say any property that has come back to the Government is not a property already sold. Anybody who has bought from the Government, whether or not they have signed the agreement is not relevant. The agreement is not yet signed because we have not got a date when we can say we are starting construction and we can go for it, but the purchase price is agreed. But if you pulled out of the purchase, then the Government holds that property now to sell again, and those sales will be done on 50/50 terms, but they will be done on what the cost will be to the Government at the time we execute the contracts in respect of those properties. That will affect only, in respect of the numbers I have given him, 27 flats. The Government is going to absorb the increased cost that those who are purchasing are going to benefit from, but those who have relinquished the purchase and where the Government is going to sell, there we must, in the interest of the taxpayer, say, 'Now the project is going to be so much. This is so many square metres. Fifty per cent of this cost, now this amount.' That will affect 27 purchasers, but that is a

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fraction of the number of properties available and that increased cost that we are talking about, such as it may be – the hon. Gentleman has come up with a figure, but such as it may be – would still make these properties *massively* affordable because the prices that are in the private sector compared to the prices at which we are going to be selling are going to make these properties sold, let me be clear, almost at a 75% discount against the market. I think hon. Members will agree that we should, in respect of these properties to new purchasers, put the actual price that it is going to cost the taxpayer to produce as to the fraction that the party buys. Somebody might want to buy 100%, so they buy at the cost of 100% of the cost per square metre for that flat, or at 50% of the cost per square metre for that flat.

I think that deals with the issue of the purchase price, it deals with the issue of the fixed contracts in respect of Hassan Centenary Terraces, and I do not know what else it was that he said in his very long introduction but I just want to be very clear that the contracts that have been entered into – or the agreements that have been entered into, even if they have not been contractually signed yet because we have not offered the contracts, because we have not entered into the building contract – will be honoured at the price at which they were agreed.

Hon. D J Bossino: Mr Speaker, yes, and I think he mentioned, perhaps in the context of a reply that he gave to the Hon. the Leader of the Opposition, a fixed price. I do not want to go into absolute numbers, but the information that I have received, if it is helpful – not to him, necessarily – in terms of this question and answer session, is that there has been an increase to the tune of, I am told, about £40 million. He is telling us that that will only have an impact – despite the things he has said about 75% of the market value – on 27 of those apartments, which he has said have been allocated and which have been reallocated. *(Interjection by Hon. Chief Minister)* There may be other things that I am getting wrong, and then he can answer them all together. *(Interjection by Hon. Chief Minister)* No.

Hon. Chief Minister: Mr Speaker, if the hon. Gentleman will give way – because he is going to continue to get things wrong – there are none in respect of Hassan Centenary Terraces, so he is talking about a price increase in respect of Hassan Centenary Terraces and there are none pending allocation at Hassan Centenary Terraces. All of those have been sold and we are honouring the price. The ones I have told him – in fact it was him, it was his question – which have come back are Bob Peliza and Chatham Views, so the £40 million has nothing to do with these two.

Hon. D J Bossino: I do find that helpful, but this question which I was going to go on to is still relevant despite his explanation. In relation to those 27 – I think the number is right – when he talks about allocation, how far down the line has it gone? Are they fully allocated in the sense that those individuals have signed, not necessarily even a reservation agreement, but have those individuals signed a deposit based on a price that the Government has set for those 27 prices, and is that price an increased price in relation to the ones which have previously been allocated, if he understands the point I am making?

Hon. Chief Minister: Mr Speaker, in trying to pursue your ruling I must tell the hon. Gentleman, with affection and respect, that I think what he is talking is nonsense. I do not understand what 27 prices he is talking about in the context of his question, and the £40 million that he referred to earlier is a figure that I do not recognise in any event. Let me try to explain it to him so that he has a better understanding.

In respect of Hassan Centenary Terraces, all of the properties are sold. If any come back now – *if* any come back now, and it is possible that they come back before completion – there will be a recalculation of the cost per square metre of producing Hassan Centenary Terraces, and whoever is able to purchase that flat which might become available will purchase on affordable housing terms at a square-metre fixed cost which will be higher because of the increased cost of

construction, but at the moment that affects zero people (**Hon. D J Bossino:** For Hassans.) for Hassans.

875 In respect of Bob Peliza Mews and Chatham Views, we have a number of flats returned. The people who have not returned flats have their price and it will be honoured. People who come to purchase these flats which have become available will have a new price given to them, which will be based on the cost, such as it may be, of completing these flats and on affordable terms. So you calculate the cost per square metre now with the increased cost, and you either sell 50%, 60% or
880 100% on the basis of that eligibility requirement. That is what we are talking about doing. The figures that represent the other flats at Bob Peliza Mews and Chatham views are the ones that are considered to be sold subject to executing the purchase contract and subject subsequently to completion of the agreement of the conveyance at the end, and those have their price honoured.

885 **Hon. D J Bossino:** So that I stop thinking nonsense and rubbish, as he has suggested, can he put me out of my misery and explain this point, then? This is what I was driving at, actually. When he talks about allocation of the 27 flats in relation to Bob Peliza and Chatham, which presumably have been returned or for whatever reason have not been allocated, in respect of the first question he said that all the flats have been allocated. Ergo, the 27, the 18 and the nine have now
890 been allocated. I think he then said, 'When the purchasers of those flats come to purchase, then we will agree.' How does that work? I thought that the moment that you allocate to Mr and Mrs X, you allocate at a price. (**Hon. Chief Minister:** Yes.) Is that –?

Hon. Chief Minister: We allocate at a price and we respect the price, but when the person to whom that property has been allocated withdraws, the Government is the only party left to the
895 contract. The purchaser says 'No lo quiero, I do not want it,' and so (*Interjections*) those 27 have come back to the Government and the Government has not yet allocated those 27 because we are waiting, before allocating those 27, to get the new price. (*Interjection by Hon. D J Bossino*)

900 **Mr Speaker:** Now can we allow the Hon. Edwin Reyes ...? He might clarify the position. (*Interjections*)

Hon. E J Reyes: Thank you, Chief Minister. Our understanding is – you have now made it clear – 27 have been returned, still to be allocated. Can I simply ask: given that we now have a figure of
905 27, which could end up being more, will those be offered to people who are, at the moment, on a reserve list, or will a new tender notice be issued? Can the Chief Minister confirm what I think we all now finally understand? The actual price will not be determined until that offer is made, because it is subject to fluctuation of the cost, which they still have to finalise, hopefully by February.

910 **Hon. Chief Minister:** Can I thank the hon. Gentleman for helping us. That is exactly the position, and the moment of being able to proceed to allocation at the new price is only now safely once we have done the construction contracts – as I said to the Hon. the Leader of the Opposition, one hopefully before the end of the year, the other one by February, so that we can start one by the
915 beginning of the new year and the other one by April, which is the first month of the next quarter of the year, in 2023. Those 27 properties will potentially increase. There may be more that come back and we can handle in that way as well. I am grateful he has understood it and he has paraphrased it in a way that I think is helpful.

920 **Mr Speaker:** The hon. Member completed his supplementaries because I believe the Leader of the Opposition wants to ask something. (**Hon. K Azopardi:** No.) (*Interjection, laughter and banging on desks*)

Next question, please.

Q520-21/2022

Public counter services –

List of Government providers, including opening hours; list of those not providing

Clerk: Question 520/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Further to Questions 203 and 204/2022, can the Government provide an updated list of all Departments, public authorities and agencies which are providing public counter services and the times of operation?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 521.

Clerk: Question 521/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, can the Government provide an updated list of all Departments, public authorities and agencies which are not currently providing public counter services?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister: Mr Speaker, I now hand over a schedule with the information requested.

Answer to Q520/2022

Department Name	Opening Hours
Aquagib Ltd	Monday to Thursday: 08:30 to 15:00 Friday: 08:30 to 14:30
Civil Status & Registration Office	Monday to Friday: 08:00 to 14:30
Department Of Social Security	Monday to Friday: 08:00 to 14:30 Cash Payments: 10:00 to 13:00
Department Of The Environment Upper Rock & Beaches	Monday to Friday: 08:00 to 15:00
Driver And Vehicle Licensing Department	Monday to Friday: 08:30 to 12:30
Economic Development Employment Company	Monday to Friday: 08:00 to 15:30
Environmental Agency Limited	Winter Hours Monday to Thursday: 09:00 to 16:15 Friday: 09:00 to 16:00 Summer Hours Monday to Friday: 08:15 to 14:15
Gibraltar Air Terminal Ltd	Air Terminal Operating Hours
Gibraltar Bus Company	Monday to Friday: 09:00 to 13:00
Gibraltar Courts Service	Both public counters share the same opening hours. Winter Hours Monday to Thursday: 09:30 to 16:00 Friday: 09:30 to 15:45 Summer Hours Monday to Friday: 09:00 to 13:00
Gibraltar Electricity Authority	Monday to Thursday: 08:30 to 15:00 Friday: 08:30 to 14:30

Answer to Q520/2022 cont.

GIBRALTAR HEALTH AUTHORITY - ST BERNARD'S HOSPITAL	
ACCIDENT & EMERGENCY	24hrs
MAIN RECEPTION	24hrs
MEDICAL RECORDS / RELEASE OF RECORDS	Monday to Friday: 08:00 to 15:00
SPONSORED PATIENTS	Monday to Thursday: 08:00 to 16:30 Friday: 08:00 to 16:15
PHARMACY	Winter Hours Monday to Friday: 09:00 to 16:30
	Summer Hours Monday to Friday: 08:00 to 15:00
REHABILITATION (PHYSIO)	Monday to Friday: 08:00 to 16:30
PPAU	Monday to Friday: 09:00 to 11:45 & 13:00 to 14:45
ACCOUNTS	Monday to Friday: 08:00 to 15:30
GENERAL STORES	Monday to Thursday: 08:00 to 14:30 Friday: 08:30 to 14:00
INCONTINENCE DISPENSARY	Tuesday and Thursday: 09:00 to 14:00
PATHOLOGY	Monday to Sunday: 08:00 to 20:30
RADIOLOGY	Monday to Friday: 08:45 to 16:30
OPHTHALMIC UNIT	Monday to Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00
ENT	Monday and Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00
ORTHOPEADICS	Monday to Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00
MEDICAL INVESTIGATION UNIT	Monday to Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00
SURGICAL OUTPATIENT DEPARTMENT	Monday to Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00
ONCOLOGY	Monday to Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00

Answer to Q520/2022 cont.

GIBRALTAR HEALTH AUTHORITY - PRIMARY CARE CENTRE	
REGISTRATION APPLICATIONS BY APPOINTMENT	Monday to Friday: 09:00 to 13:00
REGISTRATION QUERIES	Monday to Friday: 09:00 to 12:00
GROUND FLOOR	Monday to Friday: 08:00 to 18:30 Saturday: 09:00 to 13:00 and 17:00 to 20:00 Sunday and Public Holidays: 10:00 to 13:00 and 17:00 to 20:00
FIRST FLOOR	Monday to Friday: 08:00 to 15:30
SECOND FLOOR	Monday to Friday: 08:00 to 14:00
GHA CHILDRENS HEALTH CENTRE	Monday to Friday: 08:00 to 18:30 Weekends and Public Holidays: 08:00 to 11:00
Gibraltar Joinery & Building Services Limited	Monday to Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00
Gibraltar Maritime Administration	Monday to Friday: 08:00 to 15:00
Gibraltar Port Authority	Monday to Thursday: 08:30 to 15:00 Friday: 09:30 to 14:30
Gibraltar Regulatory Authority	Monday to Friday: 08:00 to 17:00
Gibraltar Sports And Leisure Authority	Monday to Sunday: 08:00 to 23:00 NB: It becomes a reception area after 16:00
GIBRALTAR TOURIST BOARD	
The Main Guard	Monday to Friday: 09:00 to 16:30 Saturday: 10:00 to 14:30
Frontier	Monday to Friday: 09:00 to 16:30
Coach Terminal	Monday to Saturday: 09:00 to 16:30 Sunday: 09:00 to 13:00
Gov.Gi Eservices The Hub 323 Main Street	Monday to Thursday: 09:00 to 15:00 Friday: 09:00 to 14:30

Answer to Q520/2022 cont.

HM CUSTOMS	
Customs House and Cashier	Monday to Thursday: 08:30 to 15:00 Friday: 08:30 to 14:30
Entry Processing Unit (Commercial and Private Importations)	Monday to Friday: 08:30 to 15:00 1. We then have a 24 hour service entering Gibraltar for Commercial importation on a on-call service after hours. Private importation via land border/airport in which people are attended have also a 24 hours officer presence in which import duty can be paid. 2. Lastly Control Unit is open from 8am to 9pm to attend the commercial exportation of vehicles into Spain collecting export licenses on the counter.
HM Prison	Monday and Wednesday to Friday: 09:00 to 16:30 Tuesday 09:00 to 16:30 and 17:30 to 19:00
Housing Department	Monday to Friday: 08:30 to 14:00 (appointments only)
Income Tax Office	Monday to Friday: 09:00 to 13:00
6 CONVENT PLACE	
Reception	Monday to Friday: 08:00 to 21:00
Sale of Publications	Monday to Friday: 08:00 to 16:30
Office Of Fair Trading	Monday to Friday: 08:30 to 15:00
Procurement Office	Monday to Thursday: 08:30 to 15:00 Friday: 08:00 to 15:00
Royal Gibraltar Police	24hrs Manned by staff Monday to Thursday 08:30 to 15:00 Friday: 08:30 to 14:30
ROYAL GIBRALTAR POST OFFICE	
Main Street	Monday to Thursday: 09:00 to 16:15 Friday: 09:00 to 16:00
Parcel Post	Monday to Thursday: 08:30 to 15:15 Friday: 08:30 to 15:00
Irish Town	Monday to Thursday: 08:30 to 15:15 Friday: 08:30 to 15:00
Town Planning And Building Control	Monday to Thursday: 08:00 to 16:30 Friday: 08:00 to 16:15
TREASURY DEPARTMENT / GIBRALTAR SAVINGS BANK	
Treasury / GSB	Monday, Tuesday and Thursday 08:30 to 15:00 Wednesday 09:00 to 15:00 Friday 08:30 to 14:00
Payroll	Monday to Friday: 08:00 to 15:30
Human Resources Department	Monday to Friday: 08:30 to 15:00
CARE AGENCY	
Johnstones Passage	Monday to Friday: 09:00 TO 16:30
16 Governors Parade	NB: Shortly to move to Suite 7, Floor 3 Europort Monday to Friday: 09:00 to 16:30

Answer to Question 521/2022

Department	How a Service User Can Access These Services.
Department of Education	Telephone, emails, online forms, through appointment and without appointment on a daily basis when customers ring the 'staff bell'.
Government Law Offices Gazettes	Notices for the Gibraltar Gazette are sent to us via email.
Housing Works Agency	The public can access these services via phone or email. If for any reason they need to attend the department, they would be provided with an appointment. An intercom system is also available for any deliveries, messenger drop offs etc.
Technical Services Department	These services can be accessed via email or telephone.

Hon. K Azopardi: Mr Speaker, I am grateful for the schedules. I asked this question some months ago. As the hon. Member knows, at the time I asked it cast in pretty much the same terms, but in supplementaries we had a discussion because some Departments, agencies or authorities
945 had been left out. I am just glancing through and I can see that this list is more comprehensive and it does include the Gibraltar Health Authority, which was a glaring omission last time.

Obviously we will need to study the schedule compared to the last one, so I am not going to put the Chief Minister to a test of telling me whether the hours have changed in any particular Department, but can I ask him are there plans to change the hours beyond this schedule, the
950 opening hours of the counters?

Hon. Chief Minister: Mr Speaker, that is very much a Department-driven issue. In other words, some Departments may suggest that they should open at different hours and we will, of course, listen to the rationale of that and assess whether it is in the public interest that they should change
955 the hours. To be fair to civil servants, when they propose a change in hours it is usually not designed to suit them, it is usually designed to suit the public that they serve, so there would probably be good reason for that.

What is not here is that we have added, as the hon. Gentleman knows, a hub service – the counter down at the area which is known as the Hub, opposite John Mack Hall – and that tries to
960 assist people generally.

The hon. Gentleman will see that there are four Departments that are not operating a counter, but they are providing the service to the public simply because they now have a bell on a door, rather than a counter, and the door is opened and they give the appointment.

Mr Speaker, I think the hon. Gentleman and I have been able to deal quite collegiately with this question when he has put it. The answer to this question may be an interesting guide for
965 people to see, when it is up on the Government website or on *Hansard*, what the opening hours are for all the Government counters. There are no Departments of the Government now not operating a service to the public. All of the counters are open and the counters that are not open have been replaced with appointment services so people can attend and see a person – which is
970 what a counter usually does in a different form – instead of at a counter, in an office where they can sit down with someone and have the issues that they have dealt with. I thank him, therefore, for having put the question in a way that we have been able to answer, as we agreed last time that we would.

975 **Hon. K Azopardi:** Can I just ask, on the hub service that he mentions, what the opening hours of the hub service are – if he has that information? I do not know if he has that information.

Can I also perhaps say to him, in response to what he has just said, clearly there continues to be quite a lot of chatter on the issue of the public counters, and concerns. The hon. Member says this will be uploaded on their website as an answer, but I would ask him probably to go further and try to take measures to give some publicity to the fact of the counter service, because otherwise people will continue to feel that they cannot speak to physical civil servants.

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985 Can I just pick up an example, just to test the point that he has mentioned? For some time, if you wanted to apply for a passport ... I have not applied for a passport in the last couple of years, but certainly I know that the last time I did that – it might have been during COVID – we had to fill in a form and deposit the application form and so on. Have those processes changed? Put better, those processes might still be there for you to follow that procedure, but can someone who has difficulty in filling in a form now speak to a civil servant about that issue?

Hon. Chief Minister: Mr Speaker, I am enormously grateful to the hon. Gentleman for his question in this respect, because it enables me to say that people should not believe chatter, people should not believe rumour and innuendo. I will take him up on his suggestion that we should go further and that we should give publicity to this schedule, and I will do so with alacrity in the local press and, working with the Office of the Deputy Chief Minister, I will ensure that we publish an advertisement that reflects this.

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1005 Physical civil servants – and I know of no other type – are, therefore, available at all of the times set out in this schedule. In the Civil Status and Registration Office, which happens to be the second one on his list, he will see that from 8 a.m. to 2.30 p.m. they are available. The question of putting the passport application in a box is just the modern way in which it is done. That is the way it is done in the United Kingdom as well. If you need to ask a question about the form, you can now attend at the counter; you can ask a physical civil servant to assist you. This is a representation that we are back to normal. Certainly, people should not believe or come here or in any way act in keeping with, as the hon. Gentleman said yesterday, which I found amusing ... on the basis of ‘something that somebody in Main Street is said to have heard and they have said to me that they think the person said’, because very often that is what – (*Interjection*) It was, absolutely, but very often in Gibraltar – (*Interjection*) no, not you – third-hand hearsay is what people rely on – forget about counters – in order to tarnish people’s reputations irreparably with the worst sorts of allegations.

1010 So I entirely agree with the hon. Gentleman: the chatter is wrong, the chatter should be ignored, the physical civil servants are available, the counters are open and we shall give that a lot of publicity. Gibraltar is open for business and back to normal. (*Interjection*)

Clerk: Question 522.

1015 **Mr Speaker:** The Hon. Edwin Reyes would like to ask a supplementary.

Hon. E J Reyes: Thank you, Mr Speaker. I was originally going to raise a concern with you, but my colleague the Hon. Roy Clinton has saved the day. The handout that I first received had a page missing, so just for the record, when we come to *Hansard*, we have to make sure it is five and not four pages.

1020 I have a question. Can I ask two simple things of the Chief Minister? One is on the third page, on the Gibraltar Health Authority. Right at the top it says ‘Registration Applications by Appointment’ and gives from 0900 hrs to 1300 hrs, and then ‘Registration Queries’. The first one, by saying ‘by appointment’, does it mean you have to make an appointment in order to be able to attend during those times, or can one simply turn up? That is where I know some confusion has arisen amongst some members of the public I have met. They have said, ‘I have come here at the

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allocated time and I have been told no, that I need an appointment. Does he want to deal with that one first, and then I will come to the second, very short question?

1030 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman reminds me of a fantastic *Monty Python* sketch where somebody knocks on the door that says 'Arguments', and when the door is opened and he asks, 'Is this Arguments?' the person the other side of the door says, 'No, it isn't,' to which he replies, 'Yes, it is,' and the argument ensues.

1035 As the name implies, 'Registration Applications by Appointment' is an office that takes appointments to help people through the process of registration, but you need an appointment. You can turn up there and get an appointment for the same day, if possible, or you seek an appointment and then the time is given to you to take you through the process. These are usually registrations that are unusual or are first registrations of people registering for GHA services etc. Registration Queries is where you would go initially, and if your query cannot be dealt with there, then you can have an appointment for a full registration application by appointment.

1040 **Hon. E J Reyes:** Thank you, Mr Speaker. For the other one I am looking at the very front page. Civil Status and Registration Office is an entity that one takes for granted is manned wholly by public servants, and so is the Department of Social Security, and they have the same opening hours, but a comment that goes a lot around town is another Department that should be manned, or we think is manned wholly by public servants – the Driver and Vehicle Licensing Department. They have a half-hour-later-starting day and they close by 12.30, which does not even give chance to some employees to attend during the lunch break, like those who need to pop in quickly to hand in a passport application to the Department of Social Security. There seems to be a great discrepancy in the hours of availability, certainly not catering for those who have to be at a place of work and cannot make use of the lunch hour, because lunch hours are normally round about the one o'clock mark, and here, by 12.30 they seem to be closed. Perhaps it is an issue that can be reviewed, if the Chief Minister agrees he will just looked into it and, if possible, make life as easy as possible for the poor working people who have to turn up to this Department.

1055 **Hon. Chief Minister:** Mr Speaker, I am all for helping poor working people who have to turn up at Departments, as the hon. Gentleman said. One of the best things about the DVLA now is the electronic system: the digital system for booking appointments, which I am told works very well; the digital system for renewal of licences, which I am told works extraordinarily well, which you are told online will take x number of days but actually you tend to receive the document in a much shorter period of time. But if you do have to turn up, you already know that when the hon. Member was a Minister, that Department used to open at 9.30 and close at 12.30. Today, it opens an hour earlier for poor working people, the sort of people I care about and he has expressed concern for. It already opens an hour earlier, but I am happy to look with the Hon. Minister to see whether we can extend the closing time even further. Although we have already added an hour to the period of operation from when he had ministerial responsibility, we will look to see whether we can make it even more accessible, but it would be the first complaint we have had since the reopening of that counter given the excellent digital system that is in place for this Department, which was one of the guinea-pig Departments. Lots of teething problems in the beginning, but now, actually people are very pleased with how the DVLA works.

1070 I have had my own experience of doing stuff online, and once the teething problems are dealt with and once one has cursed the name of Minister Albert Isola a thousand times and got through that, one is very happy with how the system works thereafter.

Mr Speaker: Next question.

Q522/22

**Extension of reciprocal healthcare arrangements with Spain and the EU –
Progress**

1075 **Clerk:** Question 522/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what progress has there been in securing the extension of reciprocal healthcare arrangements to people resident in Gibraltar when they visit the EU or Spain under the existing European Health Insurance Card or Global Health Insurance Card schemes, or
1080 any other arrangements?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, reciprocal healthcare arrangements between
1085 Gibraltar and Spain came to an end as from 1st July 2022 on the termination of a Spanish bridging measure. The Government is in discussions with the United Kingdom and Spanish governments in relation to the potential renewal of these reciprocal healthcare arrangements.

Hon. K Azopardi: Mr Speaker, yes, we know that. The purpose of the question was not that,
1090 although that is, of course, included and I will ask him a supplementary on that. But if I step back from the Spanish bridging measure issue, I first asked about this in March 2021 and the answer that I got then again jumped straight into the bridging measure issue, when I was making a much broader point. So I just remind the hon. Member of the question that I asked. I asked about the Global Health Insurance Card and I asked about the entitlement of Gibraltarians and British
1095 residents of Gibraltar in respect of the Global Health Insurance Card. I filed this question in January 2021, and the purpose of it was ... I pointed out to the Government ... and the Hon. the Minister for Health, Miss Sacramento, who was then the Minister for Health, answered the question, but the Deputy Chief Minister then assisted with supplementaries. The point that I made then was that there was NHS information about people being entitled to use a Global Health Insurance Card
1100 or UK-issued European Health Insurance Cards. What I said then was that there was information that said, and I quoted it then:

UK-issued European Health Insurance Cards (EHICs) are still valid and offer the same cover as GHICs

– in other words, Global Health Insurance Cards –

in the EU. Once your EHIC has expired, you'll be able to replace it with a GHIC.

That information is still the information being put out by the NHS. In other words, you may
1105 have an EHIC, an original one under the scheme as it was then under the relevant decision of the European Union, and when it expires, if you fall within a certain category you might be entitled to a renewal, but in any event you are entitled to get a Global Health Insurance Card under the UK scheme.

The purpose of my question originally was will the Government make enquiries about
1110 extending that regime to Gibraltar or claiming that the British citizens of Gibraltar are entitled to access that regime within the European Union for healthcare purposes. At the time when I put that question I think the Government was arguing that while the agreement that had been reached with the UK was territorial and therefore did not extend to Gibraltar, there might be personal rights in it that extended to British citizens in Gibraltar – Gibraltarians – and as I said and
1115 is reflected in *Hansard* of March 2021, I was asking the Government to examine whether that issue could be looked at. I am reading now from that *Hansard*. What I said was:

If there are benefits in the current UK-EU agreement that are in respect of health rights across the EU, can I ask the Government perhaps to [...] investigate the possibility that we may already be able to claim those personal rights in relation to healthcare ...

1120 The Deputy Chief Minister at the time said that the matter would be under consideration. I am sorry for the long preamble, but the purpose of my question was to ask about the progress of that macro issue, not about the Spanish bridging measures, although I would like to ask a supplementary in respect of that.

Hon. Chief Minister: Thank you, Mr Speaker.

1125 I fully understand the point the hon. Gentleman is making. This is not a right that attaches to British citizens. This is a right that attaches to contributors to the United Kingdom National Insurance Scheme.

Hon. K Azopardi: Mr Speaker, all right, so if that is the conclusion of the consideration of – (*Interjection by Hon. Chief Minister*) It is not the conclusion?

1130 **Hon. Chief Minister:** The point I am making, Mr Speaker, is the hon. Gentleman asked me ... The upshot of his question was about rights which the TCA might give to British citizens *simpliciter*, absent a geographic somehow categorisation of residence of that British citizen. This is not such a right. This is a right based on being a contributor to the United Kingdom's National Insurance Scheme, regardless of nationality. Gibraltar has its own Social Insurance Scheme, which entitles
1135 us to care by the Gibraltar Health Authority but not to care under the NHS, other than through the NHS GHA arrangements that there are. What we are pursuing is that GHA Social Insurance contributors – those entitled persons under our Group Practice Medical Scheme etc. – should have rights in Europe in some way, as part of the negotiation.

1140 **Hon. K Azopardi:** That is helpful, and of course that is dependent on a treaty being possible and emerging as a result of that. Is there, without affecting the delicate discussions that are happening ...? Two aspects, if I may. Is the Government considering the alternative, which is in the scenario of perhaps a no-deal being done there might be alternative arrangements being reached so that our citizens – who are, in European terms, a drop in the ocean, really – can access those
1145 healthcare arrangements in Europe beyond Spain? Spain is the obvious first port of call for a lot of people accessing healthcare, because most people will be going to Spain more frequently than they would be going to France or Denmark, so that is an important aspect, but are there active considerations of those issues?

1150 As the Chief Minister will appreciate, the fact that Spain ceased the bridging measure – and that announcement came in July – gave quite a lot of concern to people; general concern, but also, in particular, concern voiced to me by perhaps more elderly citizens of Gibraltar who cannot get insurance arrangements. It is an issue of concern for people, and I think that is an important issue to resolve – I am sure he would agree with me – so it would be important to understand what the Government is doing in respect of that.

1155 **Hon. Chief Minister:** Mr Speaker, this is certainly an important issue and it is an issue that we are pursuing. It is an issue which is in the negotiation. I do not want to comment about the detail of the negotiation, but there are some things which are obvious and therefore those things which are obvious and which are in the public domain I am, of course, happy to further put on the table
1160 for discussion.

It is very clear that the widest interest is in reciprocal healthcare arrangements between Gibraltar and the United Kingdom and Gibraltar and Spain. That is where the majority of our people travel to at any time. Some of our people holiday in Portugal and some of our people go wider afield in Europe – not as often as the numbers of our people go to Spain.

1165 This is not an easy issue and it may be that we find that other member states – ironically, not
Spain – do not have an interest in having Gibraltarians as a field of people they also provide care
to, and we will then have to deal with that. This is not an issue where what we are experiencing
comes from a desire not to reach an understanding that assists Gibraltarians in Spain, Gibraltar
residents in Spain and Spaniards in Gibraltar or Spanish residents in Gibraltar, but Poland may not
1170 want to go through the administrative arrangements of extending to 30,000 Gibraltarians
healthcare in Poland, because there will be very few instances of Gibraltarians in Poland. That
might cause a difficulty for Gibraltarians travelling in Poland, but mathematically Poland might
have to deal with 30,000 of our people and deal with the administrative costs of sending us a bill
once in a while if one of our 30,000 was ever in Poland and was ill, but there are many millions of
1175 Poles, so we are more likely to have to deal with a Polish person who requires care and we are
more likely, then, to have to invoice them through the European system, which is laborious, rather
than invoice them directly, as we would be able to do.

The hon. Member will be aware of Bentham’s concept of the felicific calculus, and here the
felicific calculus may mean that actually not having a European-wide deal is in our interests, but
1180 we do recognise the importance of having a deal with our nearest neighbours and with the United
Kingdom. With the United Kingdom it is already dealt with, with Spain and Portugal I think it is
something that we will be dealing with, but it may not be a European-wide issue. Health is
European but in some instances can also be delegated to the member states for arrangements. I
do not want to say more than that, but I am just highlighting what the issues could be
1185 mathematically, given the geographic distance of some places from Gibraltar, the population
issues that we are dealing with and where our economic interests may lie in the context of such
arrangements.

Of course, in the concept of European travel, going to Spain is likely to be something that can
happen on a day basis, a non-overnight basis. Even going to Portugal could potentially happen on
1190 a day basis. It is unlikely to be happening in respect of France or further afield, and their insurance
is easily provided for most people at all ages because it is overnight insurance, it is not just day
insurance.

I hope that is helpful, Mr Speaker.

1195 **Hon. K Azopardi:** Yes, Mr Speaker, and of course I take the mathematical point – 30 or 40
million poles and our small population. I get that, but that is no different to the situation when we
were in the EU because that was the case then, so it should not necessarily be a daunting thing;
we have survived all these years.

I think people would appreciate the widest health protection that could be negotiated in any
1200 future treaty. I will leave the point at that. He will understand that issue and I take from the
comments he is making that it is an issue that is actively being negotiated by the Government as
part of the arrangements that are being negotiated, and that in the event that there was not going
to be an agreement, then the Government would have to seek, I suppose, piecemeal
arrangements with individual states.

1205 Can I ask, though, on the issue of the UK and Gibraltar – because I am making the assumption
that in the treaty, UK-EU in respect of Gibraltar, the arrangements between the UK and Gibraltar
will not be taken into account – what arrangements are being envisaged in relation to reciprocal
healthcare arrangements between the UK and Gibraltar?

1210 Can the Chief Minister also comment, in respect of the Spanish bridging measures, whether he
thinks he can persuade Spain to reinstate those Spanish bridging measures pending the treaty
negotiations concluding?

1215 **Hon. Chief Minister:** Mr Speaker, of course we are trying to achieve the widest possible
coverage for people, but like everything – that is a benefit that we are seeking for our people –
we would have to assess what the price on the table would be, and that is the process that we are
undertaking generally.

The issue of the arrangements between the United Kingdom and Gibraltar have long been settled. They have not changed. We continue as we were when we were Members of the European Union.

1220 In the context of what I may or may not be able to persuade Spain of, I do not want to venture anything into the public domain because anything I venture into the public domain will be used by those who are negotiating with us. If I say I think I can achieve it, then they will up the price because I have said publicly I think I can achieve it, so now I have to achieve it. If I say I do not believe we can achieve it, they might withdraw it from the table, if it were on the table, because I have already said publicly I think I am not going to achieve it, so they will try to extract prices for whatever it is they are trying to extract somewhere else. I am not saying that because that is the reality of what is happening in the negotiation, but that is how negotiations work. That is why I do not want to be drawn on public comment, not because I do not want to inform the people of Gibraltar – I cannot wait to tell the people of Gibraltar the conclusion of the negotiation, one way or the other, and give them all of the detail – but in the middle of the negotiation I create hostages to fortune for Gibraltar as a negotiating entity if I give indications of what I think I can and cannot achieve, because it ups the price if I say I can achieve it.

1235 **Hon. K Azopardi:** Mr Speaker, finally, can I just ask ...? He says the UK-Gibraltar arrangements have not changed. It is some time since I was on that side, and a much longer time since I was Health Minister. I certainly remember that we had UK-Gibraltar reciprocal arrangements in respect of healthcare for pensioners. I cannot remember wider arrangements, but if there are he will jog my memory. I just wanted to get an assurance from him that there were wider arrangements that have kicked in. Certainly when we were both in the EU, that was less relevant, but there may be historic ones.

1245 **Hon. Chief Minister:** Mr Speaker, there have historically been such since 1972. When he was Minister for Health the arrangements were not just for pensioners, and they continue. Anyone in Gibraltar who is a Gibraltar resident and is a contributor to our Social Insurance Scheme is entitled, if they are in the United Kingdom and they have an accident, to emergency care; anyone who is a contributor to the UK scheme, if they are in Gibraltar, is entitled to emergency care; and Gibraltar has the right to send elective or other surgeries to the United Kingdom and at no cost. Those arrangements have been announced more recently after we left the European Union. I think if the hon. Gentleman goes back, he will see that there was a Government Press Release, a Government Statement, and we debated it in this House – perhaps before he was a Member.

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q471-72/2022

Gibraltar College of Further Education – Students registered as Year 12 and Year 13 equivalent

Clerk: Question 471/2022. The Hon. E J Reyes.

1255 **Hon. E J Reyes:** Mr Speaker, further to the answer given through Written Question W29/2022, can the Minister for Education explain why there are no students as Year 12 equivalents at the Gibraltar College of Further Education for the academic year 2022-23?

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

1260 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 472.

Clerk: Question 472/2022. The Hon. E J Reyes.

1265 **Hon. E J Reyes:** Further to the answer given through Written Question W29/2022, can the Minister for Education explain the high number of students registered as Year 13 equivalents at the Gibraltar College of Further Education when compared to students attending Bayside and Westside Schools?

1270 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Hon. Prof. J E Cortes: Yes, Mr Speaker, there was an element of double counting and pooling with the figures with which I was provided, for which I apologise. The correct figures are: Year 12 College, 36; Year 12 Westside, 149; Year 12 Bayside, 144; Year 13 College, 30; Year 13 Westside, 145; Year 13 Bayside, 139. To assist further, I can say that 102 students from Westside access courses from the College, as do 58 from Bayside, across these two years.

1275 Potentially – if I may add, Mr Speaker – one of the things that happened was the Westside and Bayside students who were in consortium and were also going to the College had been double counted.

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Hon. E J Reyes: I think the Minister gave a low figure of 20-odd students who are solely attending the College therefore registered there, [*inaudible*] for what is Year 12. In other words, it must be the intake for this year. Can he repeat that number, so I have an idea, please?

1285 **Hon. Prof. J E Cortes:** Yes, Mr Speaker – Year 12, 36.

Q473/2022
Special Educational Needs and Disabilities –
Reconciliation of totals given in answer to W30/2022

Clerk: Question 473/2022. The Hon. E J Reyes.

1290 **Hon. E J Reyes:** Further to the answer given through Written Question W30/2022, can the Minister for Education explain why the total number of pupils listed under the heading ‘Main Area of Need’ does not coincide with the total number of pupils then further listed under the subheadings of needs? This non-reconciliation of totals equally applies to statistics given for all the four academic years requested in the original question.

1295 **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, children and young people with special educational needs and disabilities – SEND, as we call them – who require extra help and support to learn are placed on the school’s SEN register. The UK SEND Code of Practice sets out four broad areas of SEN, and those are the four which the table subdivides into: communication and interaction; cognition and learning; social, emotional and mental health difficulties; and sensory and/or physical needs.

1300 When a child is placed on the SEN register, their main need is listed under one of these four broad areas of SEN. In reality, many children and young people do not solely have needs in one of these areas and they may present with co-occurring conditions, which can also be described as

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comorbidities. For example, a child may present with both autism and ADHD, or may have dyslexia and fine motor difficulties. This is why the number of pupils listed under the heading 'Main Area of Need' does not coincide with the total number of pupils listed further under the subheadings of needs. This is the same across all academic years.

1310 Even when two pupils have the same medical diagnosis, like autism spectrum disorder (ASD), their profile and presenting needs can be very different. For example, one child may be overly sensitive to sounds and textures, whereas another child may be sensory seeking. One child may have expressive language difficulties, whereas another may have anxiety and mental health needs. When you meet one child with autism, you have met one child with autism. The same can be said for any SEN need or diagnosis. Therefore, adding up the columns will result in a greater total number of conditions than the total number of children.

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

1320 Following on from that, the Minister clarified that the figures given in the first four columns under the main areas of need ... those four subtotals, if we call them that, end up ... If I take the academic year 2022-23, they end up coming to a grand total of 1,929. Can the Minister, first of all, confirm that these 1,129 are different individual pupils and that none are double counted?

1325 **Hon. Prof. J E Cortes:** Mr Speaker, the figure I have been given today is 1,930, but because there could be another one added since the question was asked, our figures are, we can say, identical. That is the total number of children, but obviously if you add the different conditions – because each child can have more than one condition – the total column is not correct. There should not be a total column, because that is confusing.

1330 **Hon. E J Reyes:** Thank you. That does help to clarify a bit.

Now let me take you to the other half of the table, the subheadings of needs. If I take the academic year 2022-23, my total there of all those sub-columns is 1,470 – the Minister may differ by one. Can the Minister, first of all, confirm that those 1,470 are already accounted for within the 1,929 – I see the Minister kindly nodding yes – and therefore the number missing in between are people who fall under the main area but not necessarily then falling into that bracket, so those are just those with some other condition?

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Hon. Prof. J E Cortes: Yes, Mr Speaker, that is correct. The total number of children on the register is 1,930 – 1,929, perhaps a week or two ago when those figures were compiled. As you will know, we do get children who are added after being assessed by a panel, which was another of the questions I answered last time in writing because the hon. Member was not here because of COVID, I believe.

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Hon. E J Reyes: Thank you, Mr Speaker, statistically that has cleared a lot of the air.

1345 With your leave, sir, can I invite the Minister ...? He may have some information that perhaps he wishes to share or shed some sort of light on. If I take the total for the year 2022-23, we have identified 1,929 children, which is an increase from the previous year, when there were 1,881, but then the figures start to become more alarming. If one looks back two years, in the academic year 2020-21 there were only 1,647 and the year before that 1,600. So we seem to be from the mid-1,000s, now just about starting to touch upon 2,000. Is the Minister receiving any feedback? Is this because there is a greater analysis and that has led to better identification of people's needs? Or is it because it is a tendency that unfortunately more people with special needs are coming into our main school or into our education system?

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1355 **Hon. Prof. J E Cortes:** Mr Speaker, we have dealt with this before when we have mentioned the unprecedented increase in children in St Martins, for example. Now we have children with special needs, obviously, in all the schools, we have learning support facilities in some of the

1360 schools; there has been a tremendous increase. Whether we are better at identifying conditions ... I think there is something there. I think there is some of that, but I do believe that genuinely, for whatever reason – and we cannot be sure – there are more children with special needs now in our schools. We are having to provide more learning support assistance, we are having to expand our LSFs. I think this is a reality and it is not an artefact of statistics.

Q474/2022

**Pearson BTEC Level 3 in Music Performance –
Reason why not delivered on school or College premises**

Clerk: Question 474/2022. The Hon. E J Reyes.

1365 **Hon. E J Reyes:** Further to the answer given through Written Question W43/2022, can the Minister for Education explain why the Pearson BTEC Level 3 National Extended Certificate in Music Performance is not being delivered within our secondary schools or the Gibraltar College premises?

1370 **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, because it is being delivered on the premises of the body delivering the course. This multi-campus approach is common practice in further education establishments. This is in much the same way that the Technical Certificate in Hairdressing City and Guilds course makes the most of professional offsite premises available in close proximity to the College. This arrangement allows the College to offer a wider range of courses in a manner not limited to their physical footprint.

1380 **Hon. E J Reyes:** Mr Speaker, I can understand the logic behind what the Minister has given me in the example of hairdressing because the student is offsite due to the facilities available in a particular location, but here the subject in question is music performance, and given that they are brand new schools which I think have been well thought out and planned to cater for the existing and immediate future needs, I do not quite understand why a pupil needs to ... 'commute' is too strong a word ... why pupils need to go out of the school environment, not within the consortium arrangement of Westside, Bayside and the College, but to an entity that does not come under the control of the Director of Education because it is an independent body. One would have thought that, if need be, because the teacher resources may not be available in Bayside, Westside or the College, the qualified individual could be brought in as an instructor and the lesson delivered within school premises, which is where parents would rather their children be, rather than having to go to an outside location which has totally no need to account for anything to the Director of Education.

1395 **Hon. Prof. J E Cortes:** Mr Speaker, I do not subscribe to that at all. The course provided by the accredited provider for Gibraltar, which is the Gibraltar Academy of Music and Performing Arts, is delivered by GAMPA on behalf of the College, so it is part of the consortium. There are hundreds of children and young people who make use of GAMPA premises after hours. In fact, I believe one of the private schools uses them during school hours. Their facilities are suitable for what they are used for, for this course.

1400 Gibraltar is smaller than certainly some university campuses, and we have had no feedback of any complaints from the students themselves about having some of their lessons at the GAMPA premises, so I do not think this is an area of concern any more than it is for the hairdressing

students to go to a hairdressing salon, despite the fact that we do in fact have hairdressing facilities in Bayside School.

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Hon. E J Reyes: Mr Speaker, for the record, I disagree with the Minister. I would rather the lessons were done there. But can I ask: in the past, through other questions the Minister has told us that when we have a subject like music, when we have an instructor coming to, for example, Bayside or Westside School, that instructor is instructing but under the overall supervision and under the overall care and observation of a qualified teacher. Are those delivering the Pearson BTEC Level 3 qualified teachers, or are they simply classified as instructors? And if that is the case, is there someone with QTS status also there, under whose ultimate responsibility the pupil comes?

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Hon. Prof. J E Cortes: Mr Speaker, I do not know whether this is some kind of veiled attack on the reputation of the Gibraltar Academy of Music and Performing Arts – because it looks like that is what it is becoming – which is highly regarded, is producing excellent results and excellent qualifications throughout all the age ranges. I think that we have to be careful how we question their ability.

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Let me just say that the BTEC was not possible in Bayside and Westside at the time we initiated it, just over a year ago. It was not possible for them to give this course. GAMPA was able to do the Pearson BTEC and was accredited by Pearson, and therefore is accepted to be qualified in order to deliver it. There are no concerns whatsoever, nor have there been any concerns that I am aware of, about the level and the standard that is being achieved. So I am completely satisfied that this is all done *bona fide*. In fact, we have been able to bring back into education some young people who had given up on education. They did not feel they could do the more academic A-Level music. They have come back and now they will be able to achieve a Level 3 qualification.

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I think this is a wonderful initiative and having to walk a little bit of a way up the hill to GAMPA premises I think is not a disadvantage at all. I know the hon. Member and those who are briefing him will not agree, but we beg to differ.

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Hon. E J Reyes: Mr Speaker, I must begin by denying completely any insinuations that could be interpreted that I have no trust or confidence in the ability or the professionalism of those within GAMPA. I am proud to say that I have seen them in many public performances and I have been quite impressed with what they deliver. So, if that thought did momentarily cross the Minister's mind, it was certainly not what I was aiming for.

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I am basically getting down to what the Minister has partly answered. He said that when this course began ... I think he was careful in his words by saying at the time it could not be delivered within our secondary schools. That situation may have changed for the academic year 2022-23. It may or may not have changed. I still have to disagree. If we have spent millions of pounds in building new secondary schools, why can the students not remain within the school premises? And if needs be for human resources purposes, we can bring someone – who may be part of GAMPA, may be part of whatever other organisation – into a school, but it remains under the immediate juridical control in the school building that comes from the head teacher delegated down to teacher and so on, all those who act in what is known in educational terms as *in loco parentis*. That is why we insist on having qualified teachers. The Minister has not answered whether – although I have no doubt of their ability – the person delivering within the GAMPA premises has qualified teacher status or is just a highly reputable, well-vetted person. But still it begs the question: do they act *in loco parentis* when push comes to shove?

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Hon. Prof. J E Cortes: Mr Speaker, the millions of pounds that this Government has spent on the schools is money extremely well spent and I am glad that by implication the hon. Member opposite has recognised that. Those facilities are being used. There are music courses being delivered in Bayside and Westside, but these students do not have to be there; they are perfectly well accommodated at the GAMPA premises. Remember that the course is being delivered by

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1455 GAMPA for the Gibraltar College and therefore the professional supervision and the overseeing
of the course is done by the teaching professionals at the Gibraltar College. They are not left out
in the wilderness. It is a course which has the total support of the Gibraltar College, which is being
extremely well delivered and which will open and has opened opportunities for young people, and
I really have no problem at all in stating that I am very comfortable with the way it is being
1460 delivered. I know we disagree, but so be it.

Mr Speaker: Next question.

Q475/2022

**Dropping off and collecting children from non-school premises –
Alternatives offered to parents**

Clerk: Question 475/2022. The Hon. E J Reyes.

1465 **Hon. E J Reyes:** Further to the answer given through Written Question W44/2022, can the
Minister for Education explain what alternatives the Department of Education offers to any parent
who, for a variety of reasons, finds it extremely difficult to drop off or collect children for
educational activities at a location other than the school premises where they are enrolled?

1470 **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, schools try to be as flexible as possible when it comes to making alternative
arrangements. One of the arrangements they put into place is a staggered drop-off and dismissal
1475 which allows parents a half-hour window to enable them to take or collect other children to school
and then have time to manage a drop-off or collection for a trip.

Parents within the school communities also know that the Gibraltar Bus Company offers a
fantastic service, and many parents rely on this.

1480 Schools do their best to limit trips which require parents' input, and where this is necessary
they limit the parental input to drop-off or collection. Schools take a considered approach and
when they feel the value of the trip warrants the parental inconvenience and cannot be replaced
with a trip closer to the school setting, they go ahead.

1485 Some schools also appeal to parents in their letters about a trip, encouraging parents to
consider supporting other families via a car-pooling approach. For example, school letters might
include a phrase such as, 'We thank parents who offer lifts to other children who may struggle
with the drop-off required for this trip. It is testament to the strong and collaborative school
community we have here at [such and such a school].'

1490 As far as the Department of Education is aware, schools have reported very few concerns with
reference to this issue. As previously mentioned, as far as is humanly possible, schools try to walk
to a trip from school and return to school for collection. However, schools recognise the
immensely powerful impact of educational visits and sometimes they feel they need to ask
parents to support schools with either a drop-off or collection. On many occasions, teachers walk
pupils there and back from the school setting so children get dropped off and picked up from
school, whenever possible, as per the normal routine. In summary, schools do the best they can
1495 but are extremely mindful of the inconvenience to parents.

Distances in Gibraltar are much smaller than those in other communities, so we are lucky that
children and young people can gain the benefit of access to a wide range of locations with minimal
inconvenience to parents.

1500 **Hon. E J Reyes:** Mr Speaker, the Minister in his reply has repeated a fair amount of what was
given through the original written answer, but my question here was what alternatives does the
Department of Education offer? If I use an example, if you have a single parent who has a child in
lower primary and another one in upper primary, that person already has certain daily
1505 adjustments to make to their personal lives and unavailability of working hours to be able to drop
off and collect the children at the appointed times, and even if one gives notice or whatever, it is
highly inconvenient. The Minister admits that there have been very few concerns, but even one
concern is one too many, and we cannot pick and choose when we do concerns, in the same way
as in a previous answer the Minister wanted to throw in the example that certain private schools
1510 use the GAMPA facilities and says all we are doing is following suit in what has been available for
private schools.

Is the Minister aware of and has he considered doing something similar to what private schools
do? The children report to school as normal and then transport is provided by the school – and
here it would come under the wider umbrella of Education – to actually take and return from the
school premises the children for those activities. That would make life a lot easier. It would even
1515 contribute to the lesser need to bring out vehicles where some parents have to then bring out a
car. Despite the bus service being there and suitable for many things, you are subject to the bus
timetable in what time you get there and so on. So it would actually even curtail traffic if children
were just put on one bus – like the Minister for Transport said yesterday, use a bus instead of
having to bring out all these private vehicles.

1520 **Hon. Prof. J E Cortes:** Mr Speaker, my good friend Mr Reyes – and I say that most sincerely, we
are good friends, but for this conversation he seems to have lost touch with reality. Private schools
are individual schools that might want to hire a bus for one particular occasion. The Department
of Education is responsible for 15 schools with thousands of children. How many buses would we
1525 have to own or hire on every occasion when we want to take children back and forth? Or is he
suggesting that we provide a taxi service, which would make our already large estimates – because
education is expensive in Gibraltar – even larger, in order to provide this? Unfortunately, that is
not realistic and I would love to ... In fact, it is interesting because, as I said earlier, children are
often walked to or walked back, and one complaint I get from people very close to me – I have
1530 two grandchildren in school – is ‘*angelito*’ they have to walk all the way. Why couldn’t we pick
them up from there?’ So there is to-ing and fro-ing.

I think that if any particular parent ... and clearly there will be parents who cannot do it. I would
have thought that if they make contact with the school, they would be very happy to talk to other
parents to provide some kind of car-pooling arrangement. I know for a fact that some phone, and
1535 because they are all in this SeeSaw group, they can contact each other. So I think the problem is
not as big. I realise that it will be a problem for some. We will do our best to help, but certainly
we cannot provide a bus or taxi service for seven or eight thousand children – it is just not
realistic – and I do not think we should deprive them of the possibility of these school trips, which
educationally and socially are very beneficial to them.

1540 **Mr Speaker:** Next question.

Q476/2022
Vandalism on school premises –
Updates re efforts to curtail

Clerk: Question 476/2022. The Hon. EJ Reyes.

1545 **Hon. E J Reyes:** Further to the answer given through Written Question W45/2022, can the Minister for Education provide updates in respect of the success or otherwise of their efforts to curtail vandalism within our school premises?

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

1550 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the schools have seen a marked improvement since the installation of the additional CCTV cameras in more circulation spaces. This, together with increased monitoring and more strategic supervision, seems to have deterred many would-be perpetrators as the school is able to identify those who vandalise and follow up appropriately with consequences, as relevant.
1555 The additional CCTV helps school staff to respond to any supervisory issues that arise within what are very large buildings.

Schools feel further work can be done in this regard and will continue working with young people and their parents or carers in order to enhance young people's sense of belonging and their feelings of school pride, as well as to ensure the continuing development of civic pride.

1560

Hon. E J Reyes: May I start by saying I am glad that the Minister started by saying that there has been marked improvement. I hope we are successful in getting a full or much more improved curtailment of vandalism.

1565 The Minister has gone on to mention this co-operation between parents and students and so on. Can I ask, have the Royal Gibraltar Police, as an example of an entity that could provide good professional advice, been engaged, and are they engaged with the schools and helping with those provisions? And has there been any case where a particular pupil has been identified as being one of those unfortunate vandals, and what course of action does the school then take from there?

1570 **Hon. Prof. J E Cortes:** Mr Speaker, I cannot speak for individual cases, I am not aware of the detail, but as I have said, the schools do identify them and they take appropriate measures. This might involve talking to the child – depending on the age of the child, of course – bringing in the parents, discussing, and in some cases they will have to take some action with the child in whatever manner they see fit. They are the ones who have to judge that in situ.

1575 In relation to the Royal Gibraltar Police, yes, indeed, whenever there are any major incidents, there is involvement of the Police. I, myself, met personally with the Commissioner of Police on this very matter probably around three weeks ago to discuss co-operation, so yes, we are engaging with them. Obviously, we want to keep the Police away, if we can. We do not want to involve the Police directly within our school premises if we can avoid it and if it is something that is nowhere
1580 near the criminal, but obviously we are in communication and should that be necessary, well, then it is necessary.

Q477/2022

Speech therapy facilities – Availability in Government schools

Clerk: Question number 477/2022. The Hon. E J Reyes.

1585 **Hon. E J Reyes:** Can Government provide details of the speech therapy facilities currently in place and available for students of all Government schools?

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

1590 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, with regard to facilities from a schools perspective, some schools, like St Martins, have a designated therapy room which can be used by speech and language therapists to see pupils. Other schools make a room available if a therapist is going to visit to see a child within the school environment. This room would not solely be for speech and language therapy; it may be used by the occupational therapists, the physiotherapists, the BEST team, a school counsellor or social worker if they need to see a child on a one-to-one or small-group basis within the school environment.

Hon. E J Reyes: Thank you, Mr Speaker, I am glad to hear that.

1600 In respect of the human resources ... Let's talk about speech therapists and such. Are they housed within the school or are they brought in as an when requested by the school from a Department like the Health Authority?

1605 **Hon. Prof. J E Cortes:** Mr Speaker, speech therapy is a GHA service, so Education do not decide which pupils will be seen by speech and language therapists. Some pupils are seen by the therapist within the school environment when therapist requests to see a pupil. Other pupils see the speech therapist in an alternative setting, like the Children's Health Centre or other setting as identified by therapist.

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

1610 A little bit of confusion arises from something the Minister has just said. Can he confirm, can the schools' teaching staff raise a concern and therefore make a request for a speech therapist to come in, or is it just an outside body that can identify them?

1615 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, clearly. Usually, children who need this therapy are identified in the assessment process for special educational need, which I explained in one of the written questions, so it would be picked up by the school. If it has not been picked up and the child is not technically registered but the teachers feel that there may be some advantage, then obviously they will refer this to the speech and language therapy team and then they will do the assessment and come in, or call the child to the clinic, as may be necessary.

Q478/2022

Repayment of scholarships for uncompleted courses – Updated details

1620 **Clerk:** Question 478/2022. The Hon. E J Reyes.

1625 **Hon. E J Reyes:** Can Government provide updated details of repayments outstanding from pupils who have not completed any courses for which they were granted scholarships, indicating the dates from which such repayments were due, frequency and amounts to be paid, together with the date by when individuals' repayments are expected to be completed?

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

1630 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I am handing over a schedule with the information requested.

Answer to Q478/2022

AS AT 30TH SEPT 2022

DATE OF AWARD	GIBRALTAR GOVERNMENT SCHOLARSHIP FUND		OUTSTANDING AS AT 30 SEP 2022	CURRENTLY PAYING	HELD IN AGREEMENT	FREQUENCY OF PAYMENT	PROJECTED COMPLETION DATE
1989/90	STUDENT	1	£788.99	No	No		
1990/91	STUDENT	2	£164.00	No	No		
1996/97	STUDENT	3	£546.59	Yes	Yes	Monthly	Jan-25
1997/98	STUDENT	4	£1,614.80	No	No		
1997/98	STUDENT	5	£81.60	Yes	Yes	Monthly	Feb-23
1998/99	STUDENT	6	£71.50	Yes	Yes	Monthly	
1999/00	STUDENT	7	£356.61	Yes	Yes	Monthly	
2000/01	STUDENT	8	£5,790.20	No	No		
2000/01	STUDENT	9	£4,947.81	Yes	Yes	Monthly	Mar-29
2000/01	STUDENT	10	£1,374.60	Yes	Yes	Monthly	Jul-30
2000/01	STUDENT	11	£1,012.59	Yes	Yes	Monthly	Jun-24
2000/01	STUDENT	12	£3,587.03	Yes	Yes	Monthly	Oct-52
2000/01	STUDENT	13	£6,007.40	No	No		
2000/01	STUDENT	14	£9,568.19	No	No		
2000/01	STUDENT	15	£532.80	No	No		
2002/03	STUDENT	16	£2,592.81	Yes	Yes	Monthly	Dec-25
2002/03	STUDENT	17	£823.80	No	No		
2002/03	STUDENT	18	£1,782.41	No	No		
2002/03	STUDENT	19	£2,873.69	No	No		
2002/03	STUDENT	20	£1,573.80	No	No		
2002/03	STUDENT	21	£1,260.19	No	No		
2003/04	STUDENT	22	£11,540.82	No	No		
2004/05	STUDENT	23	£4,211.41	No	No		
2004/05	STUDENT	24	£70.00	No	No		
2004/05	STUDENT	25	£4,472.41	No	Yes	Monthly	
2005/06	STUDENT	26	£1,547.41	No	Yes	Monthly	
2005/06	STUDENT	27	£8,411.33	No	No		
2005/06	STUDENT	28	£5,149.40	No	No		
2005/06	STUDENT	29	£4,937.41	No	No		
2005/06	STUDENT	30	£1,304.41	Yes	Yes	Monthly	Jan-25
2006/07	STUDENT	31	£2,130.73	No	No		
2006/07	STUDENT	32	£247.40	No	Yes	Monthly	
2006/07	STUDENT	33	£5,526.60	No	Yes	Monthly	
2006/07	STUDENT	34	£4,097.40	No	No		
2006/07	STUDENT	35	£2,100.48	No	No		
2007/08	STUDENT	36	£92.65	Yes	Yes	Monthly	
2007/08	STUDENT	37	£1,715.99	No	No		
2007/08	STUDENT	38	£1,335.37	No	Yes	Monthly	

GIBRALTAR PARLIAMENT, THURSDAY, 24th NOVEMBER 2022

2008/09	STUDENT	39	£3,072.26	Yes	No		Feb-33
2008/09	STUDENT	40	£7,113.81	No	No		
2008/09	STUDENT	41	£208.57	No	Yes	Monthly	
2008/09	STUDENT	42	£2,845.19	No	Yes	Monthly	
2008/09	STUDENT	43	£1,193.60	Yes	Yes	Monthly	Nov-24
2009/10	STUDENT	44	£916.80	Yes	Yes	Monthly	Oct-23
2009/10	STUDENT	45	£2,482.46	Yes	Yes	Monthly	Mar-33
2009/10	STUDENT	46	£2,032.06	No	Yes	Monthly	
2009/10	STUDENT	47	£916.00	No	Yes	Monthly	
2010/11	STUDENT	48	£3,936.86	Yes	Yes	Monthly	Jan-31
2010/11	STUDENT	49	£3,181.20	Yes	Yes		
2010/11	STUDENT	50	£3,052.81	Yes	Yes	Monthly	Jun-25
2010/11	STUDENT	51	£1,239.79	Yes	Yes	Monthly	Oct-25
2010/11	STUDENT	52	£84.27	No	Yes	Monthly	
2010/11	STUDENT	53	£620.06	No	No		
2010/11	STUDENT	54	£1,014.26	Yes	No		Feb-27
2010/11	STUDENT	55	£3,333.41	Yes	Yes	Monthly	Oct-36
2010/11	STUDENT	56	£2,600.00	Yes	Yes	Monthly	Apr-24
2011/12	STUDENT	57	£4,410.81	Yes	No		Feb-35
2011/12	STUDENT	58	£1,812.13	Yes	No		May-30
2011/12	STUDENT	59	£5,430.80	No	Yes	Monthly	
2011/12	STUDENT	60	£5,136.41	Yes	No		Jun-31
2011/12	STUDENT	61	£3,110.81	Yes	Yes	Monthly	Jul-31
2011/12	STUDENT	62	£3,901.80	Yes	No		May-29
2011/12	STUDENT	63	£7,569.80	Yes	Yes	Monthly	
2011/12	STUDENT	64	£2,479.79	Yes	Yes	Monthly	Jan-27
2011/12	STUDENT	65	£4,292.10	Yes	Yes	Monthly	Oct-40
2011/12	STUDENT	66	£8,699.66	No	Yes	Monthly	
2012/13	STUDENT	67	£2,362.00	Yes	Yes	Monthly	
2012/13	STUDENT	68	£750.00	No	Yes	Monthly	
2012/13	STUDENT	69	£5,725.50	Yes	Yes	Monthly	Jan-26
2012/13	STUDENT	70	£1,162.15	No	Yes	Monthly	
2013/14	STUDENT	71	£4,928.93	Yes	Yes	Monthly	Feb-31
2013/14	STUDENT	72	£6,925.29	Yes	Yes	Monthly	
2013/14	STUDENT	73	£90.00	Yes	Yes	Monthly	
2013/14	STUDENT	74	£9,719.30	No	Yes	Monthly	
2013/14	STUDENT	75	£200.00	Yes	Yes	Monthly	
2013/14	STUDENT	76	£1,120.00	Yes	Yes	Monthly	
2013/14	STUDENT	77	£3,585.00	No	No		
2014/15	STUDENT	78	£4,468.81	Yes	Yes	Monthly	Jan-29
2014/15	STUDENT	79	£2,848.55	Yes	Yes	Monthly	Aug-34
2014/15	STUDENT	80	£8,093.64	No	Yes	Monthly	
2014/15	STUDENT	81	£635.80	Yes	No		Dec-23
2014/15	STUDENT	82	£5,197.82	Yes	Yes	Monthly	Mar-27
2015/16	STUDENT	83	£259.80	Yes	Yes	Monthly	Apr-23

GIBRALTAR PARLIAMENT, THURSDAY, 24th NOVEMBER 2022

2015/16	STUDENT	84	£7,955.80	Yes	Yes	Monthly	May-35
2015/16	STUDENT	85	£133.20	No	Yes	Monthly	
2015/16	STUDENT	86	£5,915.81	No	Yes	Monthly	
2015/16	STUDENT	87	£10,392.80	Yes	Yes	Monthly	Jul-57
2015/16	STUDENT	88	£12,655.40	No	Yes	Weekly	
2015/16	STUDENT	89	£1,611.68	No	Yes	Monthly	
2015/16	STUDENT	90	£6,458.13	Yes	Yes	Monthly	Apr-28
2015/16	STUDENT	91	£11,651.05	Yes	Yes	Monthly	Aug-28
2015/16	STUDENT	92	£19,924.80	No	Yes	Monthly	
2015/16	STUDENT	93	£15,849.00	No	No		
2015/16	STUDENT	94	£18,000.00	No	No		
2016/17	STUDENT	95	£11,270.20	Yes	Yes	Monthly	Aug-34
2016/17	STUDENT	96	£1,772.16	Yes	Yes	Monthly	
2016/17	STUDENT	97	£313.00	No	Yes	Monthly	
2016/17	STUDENT	98	£4,176.60	Yes	Yes	Monthly	May-26
2016/17	STUDENT	99	£1,225.00	Yes	Yes	Monthly	
2016/17	STUDENT	100	£9,739.80	Yes	Yes	Monthly	Feb-39
2016/17	STUDENT	101	£11,290.00	Yes	Yes	Monthly	Sep-41
2016/17	STUDENT	102	£5,325.41	Yes	Yes	Monthly	Nov-25
2016/17	STUDENT	103	£1,398.00	Yes	Yes	Monthly	
2016/17	STUDENT	104	£3.00	No	Yes	Monthly	
2016/17	STUDENT	105	£1,865.80	Yes	Yes	Monthly	Nov-25
2016/17	STUDENT	106	£8,027.60	No	Yes	Monthly	
2016/17	STUDENT	107	£1,165.00	Yes	Yes	Monthly	Feb-26
2016/17	STUDENT	108	£13,896.80	No	Yes	Monthly	
2016/17	STUDENT	109	£1,180.00	No	Yes	Monthly	
2016/17	STUDENT	110	£11,364.80	Yes	Yes		
2016/17	STUDENT	111	£2,194.00	Yes	Yes	Monthly	Sep-24
2016/17	STUDENT	112	£9,538.55	No	No		
2017/18	STUDENT	113	£11,685.80	Yes	Yes	Monthly	Aug-32
2017/18	STUDENT	114	£12,281.80	No	Yes	Monthly	
2017/18	STUDENT	115	£5,295.60	No	Yes	Monthly	
2017/18	STUDENT	116	£3,454.80	Yes	Yes	Monthly	Aug-28
2017/18	STUDENT	117	£1,093.00	Yes	Yes	Monthly	Sep-24
2017/18	STUDENT	118	£16,159.80	No	Yes	Monthly	
2017/18	STUDENT	119	£9,625.80	Yes	Yes	Weekly	Apr-30
2017/18	STUDENT	120	£1,590.00	Yes	Yes	Monthly	Apr-27
2017/18	STUDENT	121	£5,200.00	Yes	Yes	Monthly	
2017/18	STUDENT	122	£1,662.80	Yes	Yes	Monthly	
2017/18	STUDENT	123	£9,149.80	No	Yes	Monthly	
2017/18	STUDENT	124	£4,014.00	Yes	Yes	Monthly	Aug-39
2017/18	STUDENT	125	£10,358.00	Yes	Yes	Monthly	Jul-31
2017/18	STUDENT	126	£4,066.40	Yes	Yes	Monthly	
2017/18	STUDENT	127	£2,576.30	Yes	Yes	Monthly	Feb-27
2017/18	STUDENT	128	£50.00	Yes	Yes	Monthly	

GIBRALTAR PARLIAMENT, THURSDAY, 24th NOVEMBER 2022

2017/18	STUDENT	129	£10,379.40	Yes	Yes	Monthly	
2017/18	STUDENT	130	£15,765.80	No	No		
2017/18	STUDENT	131	£12,894.80	Yes	Yes	Monthly	Mar-38
2017/18	STUDENT	132	£550.00	No	No		
2017/18	STUDENT	133	£16,025.60	No	Yes	Monthly	
2017/18	STUDENT	134	£9,460.00	No	No		
2017/18	STUDENT	135	£2,928.00	No	Yes	Monthly	
2018/19	STUDENT	136	£7,284.80	Yes	Yes	Monthly	Jan-35
2018/19	STUDENT	137	£31.55	Yes	Yes	Monthly	
2018/19	STUDENT	138	£982.00	Yes	Yes	Monthly	Jun-24
2018/19	STUDENT	139	£418.80	Yes	Yes	Weekly	May-24
2018/19	STUDENT	140	£12,184.80	No	Yes	Monthly	
2018/19	STUDENT	141	£15,897.80	No	Yes	Monthly	
2018/19	STUDENT	142	£1,621.30	Yes	Yes	Monthly	
2018/19	STUDENT	143	£11,925.60	Yes	Yes	Monthly	Oct-23
2018/19	STUDENT	144	£15,004.80	No	Yes	Monthly	
2018/19	STUDENT	145	£16,688.20	No	Yes	Monthly	
2018/19	STUDENT	146	£8,918.80	No	Yes	Monthly	
2018/19	STUDENT	147	£15,964.80	No	Yes	Monthly	
2018/19	STUDENT	148	£5,425.00	Yes	Yes	Monthly	May-27
2018/19	STUDENT	149	£15,452.80	Yes	Yes	Monthly	Oct-35
2018/19	STUDENT	150	£1,159.40	Yes	Yes	Monthly	Mar-23
2018/19	STUDENT	151	£5,990.00	Yes	Yes	Monthly	Nov-27
2018/19	STUDENT	152	£17,275.20	No	No		
2018/19	STUDENT	153	£16,729.60	No	Yes	Monthly	
2018/19	STUDENT	154	£600.00	No	Yes	Monthly	
2018/19	STUDENT	155	£6,704.80	No	No		
2019/20	STUDENT	156	£11,975.80	Yes	Yes	Monthly	Nov-32
2019/20	STUDENT	157	£20,819.60	No	Yes	Monthly	
2019/20	STUDENT	158	£14,714.80	No	Yes	Monthly	
2019/20	STUDENT	159	£15,754.80	No	Yes	Monthly	
2019/20	STUDENT	160	£15,148.80	No	No		
2019/20	STUDENT	161	£9,400.40	No	No		
2019/20	STUDENT	162	£1,326.46	Yes	Yes	Monthly	Dec-23
2019/20	STUDENT	163	£2,081.43	Yes	Yes	Monthly	Jul-24
2019/20	STUDENT	164	£3,164.80	Yes	Yes	Monthly	Jun-25
2019/20	STUDENT	165	£2,305.00	Yes	Yes	Monthly	Jan-24
2019/20	STUDENT	166	£11,115.80	Yes	Yes	Monthly	Feb-32
2019/20	STUDENT	167	£13,464.80	Yes	Yes	Monthly	Feb-34
2019/20	STUDENT	168	£6,616.80	yes	Yes	Monthly	May-28
2019/20	STUDENT	169	£161.71	Yes	Yes	Monthly	Jan-21
2019/20	STUDENT	170	£15,664.80	No	Yes	Monthly	
2019/20	STUDENT	171	£6,568.00	No	Yes	Monthly	
2019/20	STUDENT	172	£3,520.60	Yes	Yes	Monthly	Oct-24
2019/20	STUDENT	173	£6,001.30	No	Yes	Monthly	

GIBRALTAR PARLIAMENT, THURSDAY, 24th NOVEMBER 2022

2019/20	STUDENT	174	£15,289.80	Yes	Yes	Monthly	May-31
2019/20	STUDENT	175	£6,631.80	Yes	Yes	Monthly	May-28
2019/20	STUDENT	176	£6,844.46	Yes	Yes	Monthly	Jul-28
2019/20	STUDENT	177	£80.00	No	Yes	Monthly	
2019/20	STUDENT	178	£13,349.80	Yes	Yes	Monthly	Dec-33
2019/20	STUDENT	179	£10,775.80	Yes	Yes	Monthly	Nov-28
2019/20	STUDENT	180	£16,924.80	No	Yes	Monthly	
2019/20	STUDENT	181	£888.00	No	No		
2019/20	STUDENT	182	£1,660.00	No	No		
2019/20	STUDENT	183	£3,120.00	No	No		
2019/20	STUDENT	184	£4,590.25	Yes	Yes	Monthly	Oct-40
2019/20	STUDENT	185	£16,298.80	Yes	Yes	Monthly	Jun-36
2019/20	STUDENT	186	£9,959.15	Yes	Yes	Monthly	Jun-27
2019/20	STUDENT	187	£15,762.80	Yes	Yes	Monthly	Jul-36
2019/20	STUDENT	188	£15,251.65	Yes	Yes	Monthly	Jun-28
2019/20	STUDENT	189	£16,472.40	No	Yes	Monthly	
2019/20	STUDENT	190	£15,678.00	No	Yes	Monthly	
2019/20	STUDENT	191	£7,397.13	Yes	Yes	Monthly	Dec-26
2019/20	STUDENT	192	£5,271.46	No	Yes	Monthly	
2020/21	STUDENT	193	£2,080.80	Yes	Yes	Monthly	Jul-24
2020/21	STUDENT	194	£3,878.63	Yes	Yes	Monthly	Feb-26
2020/21	STUDENT	195	£17,786.20	No	Yes	Monthly	
2020/21	STUDENT	196	£9,959.15	Yes	Yes	Monthly	May-28
2020/21	STUDENT	197	£15,807.80	Yes	Yes	Monthly	Jan-36
2020/21	STUDENT	198	£9,250.00	No	Yes	Monthly	
2020/21	STUDENT	199	£9,462.80	No	Yes	Monthly	
2020/21	STUDENT	200	£11,772.00	Yes	Yes	Monthly	
2020/21	STUDENT	201	£15,790.40	Yes	Yes	Monthly	Jan-36
2020/21	STUDENT	202	£6,700.00	Yes	Yes	Monthly	
2020/21	STUDENT	203	£9,719.30	Yes	Yes	Monthly	
2020/21	STUDENT	204	£16,550.00	No	Yes	Monthly	
2020/21	STUDENT	205	£16,100.00	Yes	Yes	Monthly	Oct-31
2020/21	STUDENT	206	£16,350.00	Yes	Yes	Monthly	Jul-36
2020/21	STUDENT	207	£11,618.20	Yes	Yes	Monthly	Sep-28
2020/21	STUDENT	208	£16,496.00	Yes	Yes	Monthly	
2020/21	STUDENT	209	£16,635.80	No	Yes	Monthly	
2020/21	STUDENT	210	£10,802.90	Yes	Yes	Monthly	
2020/21	STUDENT	211	£8,390.40	Yes	Yes	Monthly	Nov-29
2020/21	STUDENT	212	£11,835.80	No	Yes	Monthly	
2020/21	STUDENT	213	£3,319.13	No	No		
2020/21	STUDENT	214	£17,830.80	No	No		
2021/22	STUDENT	215	£6,665.46	Yes	Yes	Monthly	Jun-28
2021/22	STUDENT	216	£5,289.46	No	Yes	Monthly	
2021/22	STUDENT	217	£14,202.46	Yes	Yes	Monthly	
2021/22	STUDENT	218	£4,696.65	Yes	Yes	Monthly	

2021/22	STUDENT	219	£5,303.63	No	Yes	Monthly	
2021/22	STUDENT	220	£1,283.33	Yes	Yes	Monthly	
2021/22	STUDENT	221	£5,208.13	Yes	Yes	Monthly	
2021/22	STUDENT	222	£5,253.63	Yes	Yes	Monthly	Apr-27
2021/22	STUDENT	223	£12,867.80	Yes	Yes		Jan-30
2021/22	STUDENT	224	£14,623.46	No	Yes	Monthly	
2021/22	STUDENT	225	£5,403.63	Yes	Yes	Monthly	
2021/22	STUDENT	226	£1,478.32	Yes	Yes	Monthly	
2021/22	STUDENT	227	£16,635.80	No	No		
2021/22	STUDENT	228	£17,690.40	Yes	Yes	Monthly	Sep-32
2021/22	STUDENT	229	£16,635.80	No	Yes	Monthly	
2021/22	STUDENT	230	£17,840.40	No	Yes	Monthly	
2021/22	STUDENT	231	£17,830.80	No	Yes	Monthly	
2021/22	STUDENT	232	£16,635.80	No	No		
2021/22	STUDENT	233	£14,476.46	No	No		

Hon. E J Reyes: Mr Speaker, I have the schedule. Unfortunately, it is rather smallish printed. I think in the past we have made the request ... Because, as the Minister divulged before, we have been very good friends – actually pupils in the same school, in the same class – for well over half a century, one is honest. If he does have it in an Excel format or whatever, if I can have that link then I can enlarge it.

1635

On my very first quick look, on the projected completion date in some cases there are no dates at all. That is something that the accounts clerks would have to do from the amount outstanding, but I do not have a column that says how much has been paid. What it brings to mind is, towards the top, one of the projected completion dates is October 2052. There are still 30 more years to go before that date. If the debtor is a 20-year-old, he will probably be knocking on the door of retirement and cashing in his pension and still have outstanding debt from a scholarship. It could be a typographical error. It could be something that the Minister is aware of and he may have a simple explanation for why that odd date of 2052 ... I know 2040 comes further down the line, later, but if one owes £4,000 and still has 20 years to pay, it means you are only paying, what, £500? I do not know – mathematics is not my forte – but it seems to be a very slow payback rate.

1640

1645

Hon. Prof. J E Cortes: Mr Speaker, I would have to find the information. I can say that I will certainly send the information in Excel. If the hon. Member does not receive it tomorrow, I would appreciate it if he just sends me a WhatsApp or an email to remind me and I will send it to him.

1650

These are contracts entered into by the Department with the student and/or the student's parents, and therefore no two cases will be the same. I will certainly check whether that date is typographical or real, and if it is real, then I am sure there is a reason for it, which I will be very happy to share with the hon. Member behind your Chair, Mr Speaker. There could be sensitive personal details that I do not think we should share, because in Gibraltar people could be identified. But this is not secret at all, and I would be very happy to do that with the hon. Member.

1655

Hon. E J Reyes: That is acceptable to me, Mr Speaker, and I look forward to that information.

Q479/2022
Vacant teaching posts –
Details

Clerk: Question 479/2022. The Hon. E J Reyes.

1660 **Hon. E J Reyes:** Can the Minister for Education provide this House with updated details in respect of all vacant teaching posts, identifying the school/establishment where these may exist, together with the grade they pertain to, and further indicating how many are being covered in an acting capacity and by when it is expected these posts will be allocated on a substantive basis?

1665 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

1670 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Yes, Mr Speaker, once again with apologies for the small print but likewise I am happy to share the digital file. The information is provided in the schedule being handed over. I can assure the hon. Member that I find it as difficult to read as he does, so he is at no disadvantage in that respect.

Answer to Q479/2022

ANSWER TO QUESTION 479

SCHOOL:	TYPE OF VACANCY	TIERING	TITLE OF VACANCY	CURRENTLY BEING ACTED	PRIORITY FOR VACANCY RELEASE	TIMEFRAME
BFUP	TLR	TLR 2B	Year Coordinator & Foundation Subject Leader	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
BS	TLR	TLR 1B	Pastoral Lead	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
BS	DHT	N/A	Deputy Headteacher at Bayside School	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
BS	TLR	TLR 1B	Subject Leader English	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
BS	TLR	TLR 1A	Senior Teacher	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
BS	TLR	TLR 1A	Senior Teacher	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
GC	TLR	TLR 2A	Coordinator for Continuing Education & Professional Courses	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
SBUP	TLR	TLR 2B	Year Coordinator & Foundation Subject Leader	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
SJUP	DHT	N/A	Deputy Headteacher at St Joseph's Upper Primary School	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
SPLP	TLR	TLR 2C	IT Coordinator	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
SPLP	TLR	TLR 2C	Music and Expressive Arts Coordinator	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
WS	TLR	TLR 2A	Subject Leader Textiles	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
WS	TLR	TLR 2A	Subject Leader Music	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
WS	TLR	TLR 2A	Subject Leader IT	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
BS	TLR	TLR 2A	Admin and Resource Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
BS	TLR	TLR 2A	Assisant to Post 16 Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
BS	TLR	TLR 2A	DT Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
BS	TLR	TLR 1B	Science Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
BS	TLR	TLR 2D	Assistant to Head of Department Art	Y	Under review	Decision on way forward to be determined by the end of this academic year
BS	TLR	TLR 2D	Teacher in charge of the Library	N	Under review	Decision on way forward to be determined by the end of this academic year
GC	TLR	TLR 1B	IT Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
GMLP	TLR	TLR 2B	Year Coordinator and Foundation Subject Leader	Y	Under review	Decision on way forward to be determined by the end of this academic year
HPS	TLR	TLR 2B	ICT and Foundation Subject Leader	Y	Under review	Decision on way forward to be determined by the end of this academic year
SJLP	TLR	TLR 2B	Year Coordinator and Foundation Subject Leader	Y	Under review	Decision on way forward to be determined by the end of this academic year
SJLP	TLR	TLR 2B	Year Coordinator and Foundation Subject Leader	Y	Under review	Decision on way forward to be determined by the end of this academic year
SPLP	TLR	TLR 2D	Early Years Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
SPLP	TLR	TLR 2B	Year Coordinator and Foundation Subject Leader	Y	Under review	Decision on way forward to be determined by the end of this academic year
SPLP	TLR	TLR 2B	Year Coordinator and Foundation Subject Leader	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 1B	DT Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 2A	Subject Leader Drama	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 1B	Science Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 2B	Assistant to Year Coordinator (KS3)	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 2B	Assistant to Year Coordinator (KS4)	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 2B	Assistant to Post 16 Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 1A	Key Stage Coordinator (KS4)	Y	Under review	Decision on way forward to be determined by the end of this academic year

Hon. E J Reyes: Mr Speaker, thank you, and of course I can look at it further at another stage. I am glad to note in the column under the heading 'Currently Being Acted', they all indicate yes except for one particular post, which is 'Teacher in charge of the Library'. Is there a specific reason why they have decided not to allocate this post, even in an acting capacity?

Hon. Prof. J E Cortes: Mr Speaker, this is one of the posts that we are reviewing, but it is not acted upon because it is teacher in charge of the library in the secondary schools, where we have now employed a librarian and the discussion is whether we need a specific teacher in charge of the library or whether that role is adequately filled by the post of librarian. That is a discussion we are having both internally with Human Resources and, obviously, with the staff side.

Hon. E J Reyes: Thank you, Mr Speaker.
Because of the Minister's answer it is now clarified that it is just a teacher of library as opposed to ... Just over 20 years ago, when I personally had a post within Bayside School, part of the duties was the library, but it actually encompassed more things and encompassed all learning facilities.

May I move on to the last column here? The Minister is being honest, saying 'We intend the recruitment process to have been completed by the end of Term 2,' so your recruitment process will have been completed by then. One could safely say, despite delays, by term 3. Then the incumbent would have been settled. However, a bit further down is 'Decision on way forward to be determined by the end of this academic year.' That could take us anywhere to June or July, and you determine a way forward but then the whole selection process does not commence until September. Can the Minister allay any fears that although it is work in progress, it seems in a year's time we could be talking about the same thing and still have a vacant position?

Hon. Prof. J E Cortes: Mr Speaker, I think that is unlikely. We are advancing in discussions on whether some of these need to be reviewed. Because the schools are larger, we had to give a bit of time to see whether responsibilities were adequate. I could go case by case, but obviously it would take too much time. The intention is that we finalise and agree with the teaching side what those posts should be, whether they need a change in title, whether they need a change in TLR, so that we would then advertise next term with a view to recruiting the following term, so that the teachers could be in place by the beginning of the next academic year. That is realistic because these things cannot be done overnight and the selection process normally – in many cases there are a lot of candidates – takes a long time, but that is the intention. I hope and I certainly undertake that we will not be in the position next year that these are pending. He will note, Mr Speaker, that a number of them are actually advertised and are currently in the process of being recruited – just under half of the total.

Hon. E J Reyes: Mr Speaker, thank you.
One small thing: because those towards the bottom say decision on way forward to be decided, are we talking about a decision that mainly, if anything, would affect the column 'Tiering', whether it be a TLR 1B or 2B and so on? Is that what the Minister is saying could be the main area to be decided on a way forward?

Hon. Prof. J E Cortes: Yes, Mr Speaker, that is a possibility. If the responsibilities have been increased because of the changes in the school, then the TLR may have to be a higher one; if they decrease, it may have to be a lower one. I suspect that if that happens they will more or less balance out, but this is a discussion that has to be considered very carefully and has to be done including the teachers' union.

Q480/2022
Greenhouse Gas City Inventory 2020 –
Expected date of publication

1720 **Clerk:** Question 480/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state when it is to publish its next greenhouse gas emissions declaration?

1725

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 2020 Greenhouse Gas City Inventory will be published in mid-December this year, in a couple of weeks' time.

1730

Hon. K Azopardi: I am grateful for that. As it is imminent, has the hon. Member seen a draft of that, and how would that compare with the previous ...?

1735 **Hon. Prof. J E Cortes:** Yes, Mr Speaker. May I also add that the requirement for producing these inventories is every two years, so we will publish the 2020 now and then we have to publish the other within two years' time; it takes time to develop the inventory.

From what I remember, the greenhouse gas emissions have dropped from the previous term. Clearly, there is a little bit of an artefact there because the 2020 figures will be expected to be lower because of lockdown. I think the indication is that even without lockdown the figures would have been smaller, but that will all be explained when the report is published. I believe the news is good, but obviously with the caveat that lockdown will have had an effect.

1740

Hon. K Azopardi: This is going to cover what specific period, just to remind us?

1745

Hon. Prof. J E Cortes: Mr Speaker, from memory I think it is the preceding two years. I have not got my supplementary notes with me, for some reason, but I believe it is two years. I stand to be corrected and I will certainly inform the hon. Member if I find that I am mistaken.

1750 **Hon. K Azopardi:** Just finally, so that I understand the point of 'the preceding two years' – meaning the period 2020-22 or the period 2018-20?

Hon. Prof. J E Cortes: Mr Speaker, again, my notes seem to be missing from the file. The 2020 inventory will have covered, I believe, the two years up to 2020, so the previous one would have been the two years up to 2018. Again, I stand to be corrected.

1755

Q481/2022
Renewable energy –
Gibraltar's share

Clerk: Question 481/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state what Gibraltar's share of renewable energy is?

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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, the installed capacity of renewable energy projects is about 3 megawatts. This constitutes about 10% of Gibraltar's daily average peak power demand, which is about 30 megawatts.

Hon. K Azopardi: Mr Speaker, what is the aim, in terms of the percentage that the Minister would like to achieve in terms of renewable energy?

Hon. Prof. J E Cortes: Mr Speaker, our published aim was 20% by 2021. That was delayed because of the inability of contractors to carry out projects during the COVID period. There are a number of other projects in hand which I believe within the next 12 months should take us very close to 20%. I would like to have much more than that, and we are working on ways of achieving it, but I am fairly confident that we will be very close to 20% in about 12 months' time. I am very pleased that we are now at 10%, which is obviously a lot more than it was 11 years ago when we were at not just zero but probably minus something because there was not a lot of interest.

Hon. K Azopardi: And when the hon. Member says they are working on projects to make it rise from 10% to 20% ... Obviously it was 20% by 2021, so clearly we have not got there and that could be due to other factors, but what is the kind of project that he is talking about that will make us get to that percentage?

Hon. Prof. J E Cortes: There are a number of projects that were planned and already have planning permission. In fact, there are one or two projects and I believe that one of the new stadiums is one which is producing energy, but we need to tweak the recording facility, so we may actually be producing a little bit more. There is already planning permission for a number of projects, and from memory I know that the University is one. I know that the solar panels were delivered there this week or last week. There is another plan for St Joseph's School and there are one or two others that were already part of a tender process, were allocated, went to planning but had to be halted and they are now taking off again. There are discussions with other, private, entities for themselves to install solar panels on their own roofs and there are discussions between the Department of the Environment, the Gibraltar Electricity Authority and these entities looking into the possibility of expanding further. This is why I believe that we can be close to 20% in a year's time.

Hon. K Azopardi: And so am I right in understanding from his explanation that the way we are achieving that jump in renewable energy is focused primarily, if not exclusively, on the solar panel route? Is that right?

Hon. Prof. J E Cortes: Yes, indeed, Mr Speaker, this is actually the cheapest and it is getting cheaper all the time, and, for Gibraltar, the most effective. Clearly we do not have land area for sizeable wind generators. Offshore is a possibility that is not being discarded and there are various studies looking into that. I think I have mentioned in here before we had an assessment of current speed to look at marine currents, which was done by the University of Highlands and Islands, and the preliminary studies suggested that our currents, surprisingly enough, within BGTW were not strong enough using present technology to make the marine current generators viable. In other words, it would take too long to give us the investment back. However, we are on their radar and they are leading in research on this, and as the technology improves it may well be possible for us to harness the power of the sea in our waters. But at the moment it is solar that is clearly well in the lead. There are still plenty of spaces where we can we can put them, and they are getting more efficient all the time.

Q482/2022

**Commonwealth and Campion Parks –
Smoke-free designation**

Clerk: Question 482/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

1815

Hon. K Azopardi: Mr Speaker, can the Government state whether or not Commonwealth Park and Campion Park are designated as smoke-free zones; and if not, why not?

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): No, Mr Speaker, Commonwealth Park and Campion Park are not currently designated as smoke-free zones. The original legislation for playgrounds and parks was designed for children's play parks specifically. However, new regulations designating these two parks as smoke-free zones are being drafted. I have seen a very advanced draft only this week, so it may be that we are able to publish as early as next week. I am not committing 100%, but I am quite hopeful that we will see it before Christmas.

1825

Q483/2022

**Walk the Wall project –
Progress**

Clerk: Question 483/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

1830

Hon. K Azopardi: Mr Speaker, can the Government state what progress it has made with its 2020 proposed Walk the Wall project?

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, the Government has produced a detailed design and costing of the Walk the Wall project which divides it into phases. This project will not be proceeded with until it is financially prudent to do so, or private sector funding has been identified.

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Hon. K Azopardi: Can the Minister give us a bit more information about the phases? For example, when he says it will not be proceeded with because of the financial aspects, how many phases, what is the implementation timescale of the phases and what is the cost?

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Hon. Prof. J E Cortes: Mr Speaker, the Deputy Chief Minister is working on this with me and he may have more information. I think it is at least four phases. My hon. Friend suggests it is more. I think, from our last discussion, which is some months ago, we would start in the north and work our way southwards, heading from the American War Memorial towards the Catholic Community Centre as a first phase and taking it from there.

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I have no indication as to costs, but I think whatever costs we will have had by the time the phases are rolled out would obviously have to be reviewed, so I cannot assess that one.

Hon. K Azopardi: Just to understand that ‘no indication of costs’, is it that you have no indication of costs with you today?

1855 **Hon. Prof. J E Cortes:** Yes.

Hon. K Azopardi: All right, so it is not that you have no indication of costs?

Hon. Prof. J E Cortes: I have no indication of costs with me today.

Q484/2022
Upper Rock –
Measures to protect against fire

1860 **Clerk:** Question 484/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

Hon. E J Reyes: Is the Government taking any extra measures to protect against fire in the Upper Rock?

1865 **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): Yes, the Department of the Environment works with colleagues in the GRS and Civil Contingencies to protect the Upper Rock against fire. Recently we have stepped up preparedness and have carried out a series of desktop exercises in order to be ready for such an eventuality. A live exercise is being planned for the near future involving all stakeholders. Practical steps, such as widening of firebreaks and repairs to water tanks, have also been carried out and more is planned.

1875 **Hon. E J Reyes:** It is amazing how nature interfered with this question. We did have a little bit of rain yesterday, but obviously by the time this question had been posed it had not rained for a very substantial time. If one brings to mind what used to happen years ago, when we had what seemed to be annual occurrences of fires in the Upper Rock ...

1880 The Minister has, in his answer, explained that the fire breaks and so on will be kept. Is there a scheduled programme, now that we are at this time of the year and more so, so that when spring comes we do not start to get, again, new growth in areas that have traditionally served as firebreaks? I am thinking of those that come to mind like behind the Bruce’s Farm area and so on.

1885 **Hon. Prof. J E Cortes:** Mr Speaker, the firebreaks are cleared before the summer. The new growth between now and the end of spring will be green, and because the woody vegetation is all removed it will all be herbaceous and not a danger to fire, so it is unlikely that fire would spread across firebreaks. It clearly depends on wind conditions and all that sort of thing, but the programme, I think, works well and the firebreaks are being extended. The plan is that every year they will be extended by a little bit more, obviously within limits, in order to increase the gap should fires arise.

1895 We are reviewing water supplies to the Reserve. You will be aware that there are works ongoing by AquaGib to take water up to Jews Gate to improve on the MoD supply there. All these things are happening and there are now a series of meetings being held with stakeholders to discuss and carry out desktop exercises as to how we will respond in different wind conditions and so on. So I think we are really upping the ante, hoping always that it will be a waste of time because we will not have to deal with a fire.

1900 **Hon. E J Reyes:** Mr Speaker, I am glad to hear the Minister confirming that AquaGib is working on the extra provision, or improved provision of water and so on. Things may have changed. I know at one time the only supply of water in the Upper Rock was actually fresh water; there was a total lack of brackish water. Are these works being undertaken by AquaGib exclusively fresh water, or brackish or non-potable water, because that influences the demand on the town, as unfortunately we had a few months ago when we had to be careful and ration our use of water?

1905 **Hon. Prof. J E Cortes:** Mr Speaker, I cannot answer that question. I know fresh water is involved. Whether they are putting in saltwater mains as well, I am not certain. I am glad to say, on behalf of my hon. Friend the Minister for Public Utilities, that water stocks at the moment are very healthy. I do not think that having the ability to have more pressure on our water supply on the Upper Rock is necessarily going to increase the consumption there. We are not going to suddenly provide more people with water, for instance; it is just that the water will be more reliable for
1910 those who live there.

Mr Speaker: Next question.

Q485-86/2022

COP27 –

Government attendance; implementation of recommendations

Clerk: Question 485/2022. The Hon. the Leader of the Opposition.

1915 **Hon. K Azopardi:** Mr Speaker, did the Government attend COP27?

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

1920 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** I will answer this question together with Question 486.

Clerk: Question 486/2022. The Hon. the Leader of the Opposition.

1925 **Hon. K Azopardi:** Mr Speaker, how will Government respond or envisage implementing the recommendations emerging from COP27, and what impact will this have on its own Climate Change Strategy issued in 2021?

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

1930 **Hon. Prof. J E Cortes:** Mr Speaker, the Government did not attend COP27 in person, although Government officials did attend a number of sessions virtually.

1935 The main outcome is the setting up of funding for developing nations, which I wholeheartedly welcome, but the need for stronger commitment for the reduction of the use of fossil fuels was not met. This is both disappointing and worrying. The Government will discuss the outcome with the Net Zero Delivery Body tasked with achieving our targets and will also take advice from the independent Climate Change Committee on if and how the Climate Change Strategy should be reviewed, although it is unlikely that this will be necessary.

1940 **Hon. K Azopardi:** Mr Speaker, the part that it is unlikely to be necessary I suppose is added by the Minister because he has preceded that by the statement also that he is going to consult the

Net Zero Body and the Climate Change Committee. So I guess he is adding that from his own personal view – is that right?

1945 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, the Net Zero Body, chaired by the Deputy Chief Minister, will consider, as will the totally independent Climate Change Committee, whether our strategy has to be changed. My view is that nothing significant has happened at COP27 that will need our Climate Change Strategy to be changed because I think it is a good strategy, challenging as it is, but I do not believe ... I may be wrong, and if the delivery body or the Climate Change Committee
1950 advise that we need to change it, then obviously that will be considered. My personal opinion is that COP27 was so disappointing that we were well ahead. Let's hope that COP28 is better, because we are running out of time.

1955 **Hon. K Azopardi:** Mr Speaker, I certainly agree that we are running out of time, meaning the globe is running out of time. *(Interjection)* Yes, indeed.

The Climate Change Strategy is a chunky document, and while it may not be impacted by COP27 in his view, although that is subject to those discussions that the Minister has pointed out, does he have a view on when the Government would want to amend that strategy? Clearly it is a chunky document, so it is not something that will be done immediately, but is there an aim to replace it with a further document in the future? And if so, would it be at the five-year point or a shorter period?
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1965 **Hon. Prof. J E Cortes:** It has to be a dynamic document, and I think when we launched it we said it was a dynamic document which will be reviewed. We have the ideal body to review it, or to recommend changes, because that is what the independent Climate Change Committee was set up to do, made up of experts from Gibraltar and the majority, I believe, from outside Gibraltar, so it is totally independent and they are experts in the field. They report to me on a regular basis and as and when they recommend changes we will consider them, but I do not think we need a new document; I think this document has to be flexible and amendable, and so it should be.

1970 **Hon. K Azopardi:** And then just my final question. The Minister mentioned that at COP27 there had been some kind of agreement on the accessing of funding for developing nations. Is there any possibility of accessing funding for us to make any environmental changes, or is this very targeted to poorer countries?

1975 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, I would say there is no possibility. This is aimed at poorer countries who are large emitters, who feel, as we see from news reports, that the developed nations were able to do it as they were developing and contaminated the world, and now we in the developed world are asking them not to and they feel there should be some redress. Fortunately, COP decided that there should be, but it is not something that we would be able to
1980 lay our hands on, and probably nor should we because there are bigger problems elsewhere when we are talking specifically about emissions from developing countries, which have their own social and other problems.

Mr Speaker: Next question.

Q487/2022
St Mary's School –
Signing of underlease and financial terms

1985 **Clerk:** Question number 487/2022. The Hon. the Leader of the Opposition.

1990 **Hon. K Azopardi:** Mr Speaker, can the Government confirm when it would expect to sign the underlease in respect of the future St Mary's School and what the financial terms of the agreement entered into with the developers dated 30th September 2021 in relation to that school are, and in particular what the annual rent or fee payable in relation to the school will be and what amount has been fixed in respect of the option to purchase?

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

1995 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** My apologies, Mr Speaker, I almost left – I thought we had finished – as I have been invited to attend the Gibraltar Heritage Trust Annual General Meeting, but I have told them I will be a little bit late.

2000 I refer the hon. Gentleman to Question 245/2019. The Government expects to sign the underlease only upon completion of the works and the handing over of the site and post-snagging. Completion is presently anticipated for late spring/early summer 2023.

The financial terms are a rent of £29.75 per sq. foot internal, plus a fit-out rent of £4 per sq. ft internal and £2 per sq. ft external. The exact square footage will be set out in the lease once signed.

2005 The Government has also secured a right to buy the property at defined intervals. The buyout valuation is based on a 4% yield at year 14 and a 6% yield at year 21 and every seventh anniversary thereafter. Assuming RPI at 2.5%, LPS calculated the valuations to be £28.9 million and £20.25 million respectively.

2010 **Hon. K Azopardi:** Thank you for that, although I think the Minister went a bit fast on some of these stats – (*Interjection*) yes – and I may have to go over some of that ground. So let me be clear on what he is saying. That square footage had, in fact, come from a previous answer, although I had asked ... The hon. Member knows that I had put a similar question last time and we had a discussion between us as to whether the information had been received by us, or not. I went back to look at the 2019 question that I had asked the then Minister, Mr Licudi, who was dealing with it, and he had mentioned that once there was an agreement, it would be clearer to have the appropriate view of actual costs.

2020 As I understand the figures he is giving us, the assessment is that the buyout price is £28.9 million – is that right? – at year 14, but then he gave a different figure at 21, and that was (£20.25 million.) £20.25 million. That would be a buyout price. Before the buyout, there is rental paid at the figure of £29.75 per square foot – is that right? – and obviously there is a fit-out. But is the hon. Member in a position to tell us what the rental charge would be? The last time I asked this, in 2019, Mr Licudi said at that stage that what they had were conceptual drawings of the plan, so it was difficult at that very early stage of the building works to calculate the square footage, so really it could not be one, but that that would emerge. Now that there has been an agreement with the developers, is there clarity of the square footage and therefore there can be a precise calculation of what the rental will be per year?

2030 **Hon. Prof. J E Cortes:** I do not have that available. Until the lease is drawn up we will not have certainty. I believe there is some adjacent property also involved in parallel works. But I think that if we consider the cost per square foot of £29.75 ... Buildings built perhaps 25 years ago would have attracted a rent of £28 to £31. New-build now is attracting between £35 and £40 per square foot, so I do think, considering that, it is not a bad deal for the Government at all.

2035 **Hon. K Azopardi:** I am reminded by my hon. Friend, who is, of course, much more on top of the figures, that ... I think it is in the public domain and would he agree that the rental cost is in the region of £1.1 million per year? Can he agree that?

Hon. Prof. J E Cortes: Mr Speaker, if it is in the public domain, it is in the public domain, but I could not comment because I do not have that figure in my head or in my notes. But if it is in the public domain, there it is.

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Hon. K Azopardi: And then, Mr Speaker, he has mentioned a fitting-out cost, which I assume is over and above the rental cost. So does he have a figure for the fitting-out cost?

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Hon. Prof. J E Cortes: No, Mr Speaker, I do not. The actual fit-out is being finalised now. These are for the loose items and other fixtures and fittings and we do not have that available at the moment.

Hon. K Azopardi: Does the hon. Member know how much the works are costing to refurbish the building?

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Hon. Prof. J E Cortes: No, Mr Speaker, the hon. Member does not know. This is being run by a developer. We are keeping a close eye on the development to ensure that it is being built to our specifications. The schools are very closely involved, and have been, in the design and in keeping an eye on works. It is important for us that it be finished on time. We are confident it will be, but I do not have those figures.

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Hon. K Azopardi: Obviously we need to look at those figures, but assuming that calculation of the rental cost, which is in the public domain, appears to be ... and you then add it to the figures he has given, if the Government were to opt to purchase at year 14 and waits 14 years to do it, and you are paying a rental cost of £1.1 million to £1.2 million per year, I have not done the maths but it looks to me as a figure well in excess of maybe even £45 million. That seems like a very large figure for a relatively small school.

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Hon. Prof. J E Cortes: Mr Speaker, I am not going to speculate on figures that I do not have at hand, so I cannot comment any further on that. We are speculating on a calculation on the back of an envelope without any substantive figures to go on, and I do not think that is correct. Certainly I cannot comment on figures that I do not have available.

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Hon. K Azopardi: With respect to the hon. Member, I am using his figures to a very large extent because he said at year 14 it is going to cost £28.9 million to buy the building. So you have at least to pay £28.9 million and then you have to pay whatever the rent has been for 14 years. Assuming it is at least £1 million, then it is £14 million plus £29 million, so you are looking at £43 million or £44 million, maybe 45 million. It seems like a very high figure. They are not figures that he does not have to hand, they are largely to hand; most of those figures are there.

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Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Gentleman is saying, we do not accept those figures. That is his calculation of what the figures are, but let's just assume that they are right. That is what he is saying. He is saying, 'Assuming that I am right, this is what you would be paying and that would seem like a lot of money for a school.' Well, Mr Speaker, not necessarily, because if the hon. Gentleman thinks of what the costs of developing schools are today ... Let me just give him the figure for the two schools down by Europort, the cost of development of which, on a brownfield site – that is to say on an empty site – is in the region of £15 million for each school. On a heritage site and building in the centre of the city the cost is always going to be higher. The rental which he is adding to the purchase price is in 20 years, so in 20 years ... Let me just see, given the numbers that he has used ... In 20 years, that school for £40 million is probably a steal because you would not be able to build for £40 million in 20 years and obtain that building at that price. You just need to see the argument that we were having with the hon. Gentleman before, when he was telling us that the cost of construction of Hassan Centenary Terraces, he had been

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2090 told, had gone up in the region of £40 million to £50 million in three years. So calculating the increase – which I did not confirm – in the cost of construction, the increase in the cost of money and the value, in that we are going to have a new school as from today, if in 20 years we acquire it for £20 million and we have paid another £20 million in rent, that means a total of £40 million. In 20 years that will seem like the bargain of the century. Inflation just in this period has been 10%, so inflation in 20 years – assuming not 10% inflation, assuming, to go back to Mr Clinton’s first question this afternoon, compound inflation of an average of 2.5% ... Let’s say we go back to the Bank of England target, which is to 2.5%, over 20 years that is 40%, plus this year’s 20%. That is 50% inflation.

2095 If he is Chief Minister in 20 years’ time – I certainly will not be, Mr Speaker – I only ask that on the day he exercises the option to purchase that property for £20 million, having paid a total of
2100 £20 million more, when that property will seem like a steal and dirt cheap, he invites me only for a coffee, a chat, to pat me on the back and say, ‘I said everything you did was wrong, but on reflection this one was not bad.’

Hon. K Azopardi: Mr Speaker, I will tell him one thing – (*Interjection and laughter*) in 20 years’ time ... at least I can say that I will have stood down as GSD leader by then. (*Laughter and interjections*) There may be a leadership election in 20 years’ time.

Mr Speaker, I am not sure I see how the hon. Member is putting it, because I just do not think you can use the example that he has. He is saying this is a really good deal because you could not build a school like this in 20 years’ time, you could not build this school for £45 million in 20 years’
2110 time. Well, of course that is right. You could not build this school in 20 years’ time for £45 million, but nor would this school, built today, be in the same state as it would be brand new in 20 years’ time. So you cannot say the school that I have in 20 years’ time is a bargain because you are comparing a 20-year-old school with a school that is brand new.

2115 **Hon. Chief Minister:** Will the hon. Member give way?

Hon. K Azopardi: Yes, I will give way.

Hon. Chief Minister: I think what he is failing to consider in that context, in the analysis that
2120 he is making, leading to a question, is that that does not consider the acquisition cost of property. There is no title at the moment; there is tenancy. In 20 years’ time, if you exercise the option, you get title to the land. That plot, then, with that building on it is what I am saying would be the bargain. You then also have the school developed and you have had the benefit of it, but you do not have title of it today. What you are acquiring when you exercise the option is title, and what I
2125 am saying is given where we are ... Just look back 20 years to the value of property in Gibraltar, and look at where you are today. I will tell him for nothing I bought my home 20 or 30 years ago, in 1997, from the GSD for a half of a fraction of what it is worth today. If you extrapolate from the property values that we all know, what each of us bought a home for 20 years ago and what you sell it for 20 years later, in the context of property value of course there is going to be a huge
2130 appreciation in capital value of property, and therefore the option will seem like the deal of the century. That is what I am saying to him.

Hon. K Azopardi: Well, I am glad that he can at least thank the GSD for something. (*Interjection by Hon. Chief Minister*) Mr Speaker, what I am saying is this, in essence. You have a rental deal, which seems like a high rental deal, leading to an option to purchase, which is quite significant –
2135 £20 million at year 21, but of course at year 21 you have paid 21 years of that £1 million, so it is £40 million, and at year 14 it is £45 million.

I asked the Minister does he have the costs of the fit-out. Doesn’t it make sense to understand what those costs of fit-out are, so that it might be that the Government wants to accelerate the
2140 option to purchase? And if that is something that the Government thinks is cost expedient for the

taxpayer, is there a mechanism to accelerate the option to purchase? He has given me the year 14 and year 21 ones, but is there something in the agreement that allows the Government to accelerate the option to purchase – to, say, do it in seven or eight years?

2145 **Hon. Chief Minister:** Mr Speaker, every option to purchase gives a landlord and a tenant a defined point at which they have agreed a price, which does not prevent them from agreeing other prices at different times. So you can agree to purchase the property at any other time, as long as you can agree the price – (*Interjection*) as a mutual agreement at any time. What this does is set out the parameters on which we have done deals now. We have done a number of these
2150 deals, as the hon. Gentleman knows, and what you are doing when you negotiate an option is negotiate property prices for the future based around the property prices that you know today. Therein lies the opportunity to make a lot of money for the taxpayer in a way that is going to produce what we believe is a very advantageous situation for the taxpayer in 20 years' time, even though you have paid the rent for 20 years and had the benefit of the building for 20 years –
2155 because, of course, as he knows, in a tenancy you have exclusive possession for a rent for the period and the benefit of that for the children who are going to go to the new St Mary's School, and the opportunity of acquiring the property at what we think will be a dirt-cheap price in 20 years, which will make the whole thing, when you add the rent paid and the option price, a *great* deal, cheap for the people of Gibraltar.

2160 These are large numbers and I fully get it that when you look at these numbers it is very easy to inflame people to think '*que poca verguensa* £40 million', when actually, in the context of the property world – which may not be the world in which most people operate, which may not be the sorts of figures that most people bandy about, but which are the figures the Government has to deal with because Government is in the property market – this will likely be one of the best
2165 deals that the Government of Gibraltar has done for Gibraltar taxpayers.

Adjournment

Mr Speaker: The Hon. the Chief Minister.

Chief Minister Hon. F R Picardo: Mr Speaker, I now have the honour to move that the House should recess to tomorrow at 4.30 in the afternoon.

2170 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 25th November at 4.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 25th November at 4.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed. This House will now adjourn
2175 to Friday, 25th November at 4.30 p.m.

The House adjourned at 6.25 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.33 p.m. – 8.22 p.m.

Gibraltar, Friday, 25th November 2022

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<i>The House adjourned at 8.22 p.m.</i>	<i>51</i>

The Gibraltar Parliament

The Parliament met at 4.33 p.m.

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

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

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with Government Statement

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to
5 suspend Standing Order 7(1) in order to proceed with a Government Statement.

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

Remarks of Spanish Foreign Minister, Jose Manuel Albares – Statement by the Chief Minister

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful to the House for agreeing to a
10 Government Statement which comes in the middle of Questions. I informed you only a few
minutes ago that I would need to make this Statement.

His Majesty's Government of Gibraltar has noted statements made this afternoon by the
Foreign Minister of Spain, Jose Manuel Albares, in the context of a meeting with mayors of the
neighbouring municipalities that make up the Mancomunidad de Municipios of the Campo de
Gibraltar. The thrust of those remarks is to set out Spain's view of an overview of the current
15 proposals put by the EU and Spain in the ongoing negotiations.

The United Kingdom and Gibraltar also have proposals on the table which are designed to
deliver benefits for the people of the whole region. Our proposals provide for the removal of trade
barriers and the protection of the integrity of the single market in a manner that would not
compromise our fiscal or wider sovereignty concerns. Our proposals also address the issue of
20 personal rights of fluidity across the Frontier. These are achieved in keeping with the provisions
already agreed between us in 2020 and in keeping, of course, also with considerations which
concern the European Union in respect of the protection of the integrity of the Schengen Area.
We have also identified areas for enhanced co-operation for mutual benefit. All of these are
clearly drivers for potentially huge economic growth for the whole region, driven principally by
25 Gibraltar and its people as well as by the municipalities around us and the people who live around
Gibraltar. Our proposals, therefore, also provide for cross-Frontier workers to continue to enjoy
equal treatment with resident workers in respect of in-work benefits. Additionally, the thrust of
this growth is delivered through the engine of these new arrangements and the support of the
European Union and the United Kingdom through this potential treaty.

30 I am, therefore, very pleased to welcome the statements from Jose Manuel Albares saying that
Pedro Sanchez's government is also working to achieve a positive outcome to treaty negotiations.

We are all on the same page in this objective. There are ways to achieve that objective now by concluding the negotiation successfully and with all sides' relevant longstanding positions being preserved. These options are on the table and can be pursued to a successful conclusion for all parties. I am, therefore, confident that we will be able to find the route now to fashion our respective positions around agreement. In the unlikely but possible eventuality that we are unable to do so, with a heavy heart we continue to diligently plan for a no-negotiated-outcome situation. Happily, however, we are already working towards agreement and have a further UK-EU negotiating round fixed for London next week, on 28th and 29th November. We all want agreement this year and continue to work towards that.

My key objective and the key objective of the Government is to achieve a safe and secure agreement for our people which benefits us and benefits the people around us also. We are committed to a win-win outcome in which no one loses and no one has to concede on the issues we consider fundamental, though compromise in areas we each consider we can compromise on would be acceptable, and that works also, of course, for the UK and the EU, who are the high contracting parties to any such treaty. I am convinced we can achieve this.

The United Kingdom has provided massive Whitehall resources to help us achieve our objective. Prime Ministers Johnson, Truss and Sunak have demonstrated their commitment to this process in that way, as have Foreign Secretaries Truss and Cleverly, all of whom I thank, as well as their respective teams officials who are with us at the coalface of this negotiation. The same is true of the European Union and Spain. Both have deployed considerable resources and expended as much negotiating time as we have to achieve this. I want to thank President von Der Leyen and Vice-President Sefcovic for that investment of resources. I thank the EU negotiators also for seeking to understand our positions and the logic of them and how we propose to interface with EU law in a manner designed to assure them of the integrity of their own legal order. I also want to thank President Sanchez and Foreign Secretaries Laya and Albares of Spain for their commitment to the success of this process, together with their teams officials.

This has not been easy and what is left is not easy either, but we remain committed to a positive outcome. A positive outcome can now be achieved. A positive outcome must now be the result.

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

Hon. K Azopardi: Mr Speaker, we too have seen the statements and we welcome the Chief Minister making a Statement on the issue. I think it is important for there to be a Statement because clearly ... The communiques that have been issued by the Spanish government had reached me already – before the Chief Minister gave the Statement – several times from different people. Clearly they are circulating in Gibraltar and it is important for the Government to therefore make clear what is its position and its view of the statement and indeed of the negotiations as they are happening. Therefore, we welcome the fact that the Chief Minister has made a Statement.

Before I ask perhaps some questions of clarification on the Statement, I would preface my remarks by stepping back from the more incendiary or slightly more provocative statements in the Madrid statement. Clearly there are aspects of that statement that are provocative in nature, suggestive of far-reaching proposals that can affect us in a way that traditionally might cross lines in Gibraltar, and there would be concerns by anyone who reads the Spanish statement that that is so – for example, the phrase '*las fronteras exteriores de Gibraltar* would pass under control of Spain', so control of our frontiers, suggestive of a new legal framework which suggests that a proposal made by Spain and the EU has an effect to affect our status. Those are significant issues. There is phraseology, once again, of money laundering and things like that in the statement. I say all that because I think it is important that I make those comments, but of course I recognise that this is a political communique, it has no legal effect and it is important to measure our words, therefore, in that context. There are ongoing negotiations and those of us who have been involved in politics for a long time, and indeed the population generally, will have become accustomed to

85 the fact that in an ongoing discussion between Madrid, London, Gibraltar or indeed Brussels, there have been often many communiques that we have found objectionable in Gibraltar.

The Chief Minister has our support, the Government has our support in seeking a safe and beneficial agreement for Gibraltar. We have said that that is our position. He has our support and indeed he would have our support if he gets a safe and beneficial agreement and we judge it to be safe and beneficial, and indeed in the context of a no-deal scenario he would, of course, have our support because it would produce a significant challenge for our community. I have said often that on matters of public interest we would stand side by side with the Government and he knows he has our support on our sovereignty, jurisdiction and control red lines. He has all that.

90 Can I ask him to comment, though, and clarify a number of things? First of all, the statement issued by Madrid talks about the submission by Spain and the European Commission to the United Kingdom of a proposal. Is this a new proposal in writing? Does he have notice of that proposal? Has he seen it? Or is this something that, to his knowledge, is not a new proposal? Is it a proposal in writing? Is there a text? This comes relatively shortly after comments made to the media by the Spanish Foreign Minister last week suggestive that there was a text, followed by a clarification by the Gibraltar Government that said there was no text yet, although, as I understood the press release, there was text around the more problematic clauses, but not a consolidated text. Is the position different, or is the fact that they have issued this statement today some kind of upping of the ante on the basis that there are difficulties in the negotiations? He may he may or may not wish to answer that question.

100 It is slightly peculiar timing, I would say, to emerge after almost a year of intense rounds of discussion for there to be an official Spanish press release from the central government to say this a week after the Foreign Minister was suggesting that they were crossing the t's and dotting the i's, and then suddenly you emerge from this forest of negotiation to up the ante in this way. I found it slightly peculiar. Also, I found a bit of the language provocative and suggestive of bilateralism, which is undesirable, of course, to us on both sides of the House and is something that we have traditionally disagreed with.

105 Can I ask him to comment on all those things to the extent that he can in the context of the Statement that he has made, which sets out the objectives of the Government in respect of the negotiations generally? I know that in his Statement he has not been drawn into a detailed commentary on the Spanish statement, but the people of Gibraltar are listening to this, to whom this will be reported later, and will no doubt wish assurances to be made as to the position not only in relation to these questions but the talks generally. So we would be grateful for there to be general clarifications on all those issues.

110 Can I ask him, finally, to comment on the next round of discussions that he says he will have on 28th and 29th November? That is only next week. Is that a round at which this proposal that Spain has put will be discussed? Is he expecting a specific discussion on these new proposals, if they are new, or is it a normal round at which there is a continuation of the process that has been started and has been discussed in this House before?

Hon. Chief Minister: Mr Speaker, can I start by thanking the Hon. the Leader of the Opposition for indicating his support for the Government's position, which I appreciate, in particular in the context of our seeking a safe and secure agreement for Gibraltar.

125 It is no secret that we have been negotiating now for over a year. It is no secret that both sides want to bring that negotiating process to a conclusion. It is no secret that the two sides are the United Kingdom and the European Union. And as we come towards the end game of that negotiation, it is perhaps unremarkable that the parties that are commenting are neither the United Kingdom nor the European Union, but Spain and Gibraltar.

130 In terms of the timing, I do think that one of the key factors to keep in mind in the context of the communique that is issued today is that the Spanish Foreign Minister had some weeks ago convened a meeting between him and the mayors of the region around Gibraltar in Madrid, and the statement today is as a result of his briefing of the mayors as we are coming towards the end

of the year also. When we sometimes reflect on the concerns there are in Gibraltar about the absence yet of a treaty between the United Kingdom and the European Union in relation to Gibraltar, we must not ignore that there is also deep concern in the area around us that there is an absence of such a treaty, and Mayor Juan Franco of La Linea has expressed that on a number
140 of occasions, in the same way as we have expressed that concern on a number of occasions.

I think one of the things we need to keep in mind is that as we come towards the end game of the negotiation, the parties are obviously going to start to up the ante a little for the purposes of finalising the negotiation in a way that they might consider more or less advantageous to them and the other side respectively, and the public process of engagement is obviously going to be
145 more relevant in the end game.

What I wanted to do in the Statement I have made today is not delve into the detail, as the Leader of the Opposition has recognised. For the reasons I have indicated previously, I think it is important that for the negotiation to be successful – and in particular my job, to ensure it is more successful for Gibraltar – we need to ensure that the detail remains in the negotiating room until
150 we are able to say that there is an agreement, or until we are able to say that there is not an agreement and then explain what the detail of that inability to reach agreement has been and why we have felt that it is not possible to reach agreement.

Mr Speaker, I would say this: the position of Gibraltar – and I am only empowered to talk for Gibraltar – in respect of the role that we play in this negotiation with the United Kingdom across
155 the table from the European Union is that the positions that are being put by the United Kingdom and Gibraltar are reasonable, they are positive and they are agreeable, and they would lead to being able to finalise this process in a way that is safe and secure for Gibraltar, that is beneficial for Gibraltar, and of course, for the reasons I have already indicated in my Statement, would not require any of the parties to lose or concede on the issues that each of the parties consider to be
160 sacrosanct. Those are not just the positions of Gibraltar and Spain on issues related to sovereignty, jurisdiction and control. The European Union here has an important stake. They are the high contracting party and they see issues which relate to the integrity of the single market, the integrity of the Schengen Area. The United Kingdom has political issues also in play. And so we need to ensure that all parties are satisfied that they have not been required to concede on issues
165 that they consider fundamental. The issues that we consider fundamental, of course, are sovereignty, jurisdiction and control and then the other issues which relate to the prosperity and the levers of prosperity. Nobody should want us to compromise in respect of the levers of prosperity because, of course, Gibraltar will be creating prosperity if there is a successful treaty that emerges, and therefore we must have those levers of prosperity to continue to produce
170 prosperity for all parties.

The statement that is issued from the Spanish Foreign Ministry is a matter for the Spanish Foreign Ministry. As the Hon. the Leader of the Opposition has himself identified, that is a political statement in the context of it being the statement of a Ministry in Spain. It is not a text of anything that will potentially bind Gibraltar. It is a statement of what Spain says is its position in respect of
175 matters that the European Union is the high contracting party for with the United Kingdom. There is no question of anybody controlling Gibraltar's frontiers other than Gibraltar. There is absolutely nothing to indicate that the United Kingdom or Gibraltar would be prepared to concede that anybody should control Gibraltar's frontiers other than Gibraltar. We will never concede that. There is nothing to suggest that Gibraltar seeks to control the Schengen frontier. The Schengen
180 parties would not concede that anybody should have control over the Schengen frontier other than a Schengen high contracting party or an emanation of the European Union. That led us to the New Year's Eve Agreement and the careful balancing act that was provided for in that framework.

The positions of the Government of Gibraltar have not changed. The positions of the Government of the United Kingdom have not changed. The position of Gibraltar and the position
185 of the Government of the United Kingdom are entirely *ad idem*. There is nothing between us. We do think it is possible to accommodate the concerns of the European Union in this respect and we

do think that our proposals do that, without getting into any of the detail of them. There is, therefore, even less of a question of any change to the status of Gibraltar being in play, let alone agreed or agreeable. The status of Gibraltar will not change as a result of a commercial agreement that deals with matters relating to immigration and the movement of goods. There is no question of a Government that I lead or that is made of by any of the Members of the Cabinet that are represented by the GSLP Liberals, or indeed, I am sure, by any Member of this House, that would lead to the status of Gibraltar being 100% British in all of its territorial extent coming into play, let alone being agreeable. And, indeed, the provisions of the double lock that the United Kingdom has advanced as its political and legal position since 2006 under the new Constitution, if not earlier, provide that the United Kingdom itself would not engage in any such negotiation or discussion without the consent of the people of Gibraltar, which could only be provided either by its Government or this Parliament advancing any such consent, and neither its Government nor its Parliament has advanced or will advance any such consent.

So if the Hon. the Leader of the Opposition has detected any aspect of the statements made today as indicating that the status of Gibraltar, as he has said, is somehow in play, I can assure him, and anyone who has read any such implication into anything said, that not only is it not going to form part of the negotiation or an agreement, it is not even in play because, as the former Secretary of State of Spain for Europe, Marco Aguiriano, said, they know that if they raise the issue of sovereignty – that is to say status – of Gibraltar, ‘the Gibraltarians, and, indeed,’ he rightly said, ‘the British’, which includes the Gibraltarians, of course, ‘close their files and go.’ This is not a negotiation with Spain, this is a negotiation between the United Kingdom and the European Union and I can give the hon. Gentleman the confidence that in all of the discussions we have had and have attended the issue of sovereignty has not been raised by the European Union, the issue of status has not been raised by the European Union and I will never sit down with anyone to negotiate the sovereignty of Gibraltar. The sovereignty of Gibraltar is of the people of Gibraltar only. It is not negotiable. If anything, it is something we discuss with our sovereign, His Majesty the King.

That is not to say that there are not potentially wide areas of agreement in areas which do not relate to status, which do not relate to sovereignty, jurisdiction or control. If you are doing an agreement that relates to immigration, that relates to movement of goods in a particular manner, you are not engaged in a negotiation on sovereignty or status and you have to be careful to ensure that none of the ingredients of sovereignty, jurisdiction or control percolate into the aspects of how you deal with immigration or trade in a way that could somehow affect fiscal sovereignty etc. We will be very careful to guard against that and we will only present an agreement if we are satisfied that it is safe and secure in those respects, and, of course, beneficial also.

Mr Speaker, the hon. Gentleman says that there are references to money laundering etc. in the statement. I want to be very clear about this. We will only do a deal if we are satisfied that the entity we are dealing with is also an entity where there are no risks of endemic or systemic money laundering. The European Union has its system to prevent money laundering and we are therefore happy to enter into an agreement with the European Union – and Spain is a member state of the European Union – with the anti-money laundering structure that they have. We have the same anti-money laundering structure because we were the first of the territories of the European Union, when were part of the European Union, to have a lot of the provisions of the Anti-Money Laundering Directive in place and operating. Indeed, the European Court of Justice has recently struck down one of the limbs of the anti-money laundering provisions of one of the directives of the European Union on an open register of beneficial ownership. Gibraltar still has it because we were the first to implement it, and we need to ensure that we consider very carefully the jurisprudence of the Court of Justice, which may affect not just member states of the European Union, because it may be *obiter* but relevant consideration for all entities that have open registers of beneficial ownership if the issue in play is human rights. We need to look and consider that very carefully. But anybody who looks at Gibraltar’s *corpus juris* and analyses it in respect of anti-money laundering will reach the same conclusion that Michel Barnier reached when he was the

240 commissioner with responsibility for the internal market, in particular for banking and financial
services. He said there were absolutely no concerns with Gibraltar's anti-money laundering legal
structure, and Gibraltar's anti-money laundering legal structure has just got stronger since then –
245 *avant garde* when were in the European Union and unchanged since then. When it comes to any
issues that might arise in respect of money laundering, the other thing I would say is that I think
Gibraltar has a great story to tell there, and if anybody's narrative passes through pretending
otherwise I would remind them that 'narrative' is also another word for a story.

On the issue of proposals, the hon. Gentleman has rightly picked up that there is a reference
to a global proposal being put and that recently the Spanish Secretary of State for Europe, Pascual
Navarro, said that there was a global proposal pending dotting i's and crossing t's. The hon.
250 Gentleman has rightly picked up that we countered that suggestion. It is important that people
who agree on things do not disagree simply because they express things in a different way, and
we must not be keen to snatch disagreement from the jaws of agreement. If somebody says, 'We
have made proposals to you on all of the issues on which we are talking,' I would say yes, that is
true, and so have we. That is not to say that there is a global proposal. That is not to say that there
255 is a text of a treaty on the table. Far from it, there is not. There are different ways of resolving
areas of disagreement and there are many ways on the table of resolving different areas of
disagreement, and there is not an agreed way of resolving those areas of disagreement in some
areas, but we are pursuing having an agreed way of resolving those areas of disagreement.

There is not a Spanish text proposal. There was not a UK text proposal. There are many
260 different proposals to resolve the issues. Could somebody express that as 'Because we have talked
about everything that we disagree on, we have given you our mind on everything that we disagree
on, and we have therefore put on the table the way that we think we can resolve these, and that
is our proposal'? Could somebody express it that way? I am not the guardian of how people
express things, I am the guardian of how my Government expresses things and we are trying to
265 be very careful in how we express things. We are trying to be very precise in how we express
something. We are trying to be very Anglo-Saxon in the way that we express things, which is to be
precise in how we represent what is actually happening, and we believe that we are being so
precise. There is not, therefore, by any stretch of the imagination, a text to dot i's on or cross t's
on. And it was not, Mr Speaker, if I may say so to the hon. Gentleman, the Spanish Foreign Minister
270 who said that; it was the Spanish Secretary of State for Europe, who was door-stepped on the way
into the Foreign Affairs Council last week. I think it is important to put that in context.

Mr Speaker, the hon. Gentleman has said that there are elements of bilateralism in the way
that the Spanish text is expressed. Well, I think he is right. There are always elements of the
Spanish pen that tend towards bilateralism, unfortunately. It is really quite remarkable that that
275 is still the case. As he knows, that is not the reality of what is manifesting itself on the ground, and
I do hope that, soon, reality will be reflected in text, too. But we have to understand that the
United Kingdom and the European Union are the negotiating parties here for the treaty. What
matters here is the treaty and it will have to high contracting parties, not because there will be
lower contracting parties, but because in public international law the entities that sign agreements
280 are called high contracting parties, and there are two: the United Kingdom and the European
Union. That is the relevant bilateralism here. There may be ancillary documentation and there
may be other things that we can do in the context of things that cannot be covered by a treaty
and we decide that we want to also achieve, but that will not be bilateral as far as we are
concerned, although we also recognise – and this is an issue of common ground between the
285 parties because it was also expressed in this way by them when they were in government – that
the Government of Gibraltar is not able to enter into international legal instruments because we
do not presently have international legal capacity, and that is a legal fact.

Next week there will be a round between the United Kingdom and the European Union, which
will continue to explore the areas of negotiation for the treaty. The work is around different
290 proposals – it is not around a global text, it is not around a text, it is around different proposals
and different positions – trying to still agree issues of principle to then move to the sort of text

that the parties might agree once the principles have been bottomed out. Having seen how these matters moved in the context of the Trade and Co-operation Agreement, I think if we are able to bottom out the principles, text can follow quite quickly because there are not many ways to express in international law the things that would potentially be agreed, and so we could get to a text quite quickly and then, given the sensitivity of the issues that we are dealing with, in the context of Gibraltar, dotting i's and crossing t's and putting in the right Oxford commas and apostrophes could be very important, but we are not at that stage yet. I do welcome our friend Pascal Navarro's optimism in respect of dotting i's and crossing t's and I sincerely do hope and believe that we can get ourselves to a stage where we have a text, where we are looking at dotting i's and crossing t's very soon, but we are not there yet and we are not any closer this week than we were last week when we said that we were not there yet. But then again, I am not the guardian of the *Ministerio de Asuntos Exteriores'* pen, in the same way as they are not the guardian of my pen, and we express where we think we are in the way that we each consider is appropriate.

I hope that is helpful, Mr Speaker, and I am happy to deal with anything that arises from that answer.

Questions for Oral Answer

SOCIAL SECURITY, ECONOMIC DEVELOPMENT, ENTERPRISE, TELECOMMUNICATIONS AND THE GSB

Q488-89/2022

Construction and Engineering Trades Training Centres – Courses to be offered; vacancies for currently non-Government employees

Clerk: Answers to Oral Questions. Question 488/2022. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government provide details in respect of training courses which it intends to offer at the Gibraltar Construction Training Centre and Engineering Trades Training Centre for future applicants, together with details of starting dates and qualifications to be obtained upon successful completion of said courses?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Question 489.

Clerk: Question 489/2022. The Hon. E J Reyes.

Hon. E J Reyes: Does Government intend to publicly advertise any instructor or management posts for applications by persons not currently Government employees in respect of existing or future vacancies at both the Gibraltar Construction Training Centre and the Engineering Trades Training Centre?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

330 **Hon. Sir J J Bossano:** Mr Speaker, as stated in answer to Q302/2022, the Government is not proposing to introduce any changes in the current range of skills which are being provided by the Construction Training Centre and the Engineering Training Centre which the hon. Member already has been provided with.

335 As regards the qualifications to be obtained on the successful completion of future courses, these will be the same qualifications being obtained for current courses, as there is no intention to introduce a new syllabus.

The starting dates for new entrants in 2023 have not yet been identified.

340 As has been previously stated publicly, the policy of the Government is to seek to fill existing vacancies from candidates already employed in the public sector given the number of employees in the public sector, which is 1,800 more than in October 2011.

Hon. E J Reyes: Mr Speaker, there are two questions there, so I will obviously have to separate my questions.

345 The Minister has said through the answer that he more or less intends to continue with the same courses as are being offered now. Unfortunately, he does not have dates for when the next intake is going to happen. Can I ask the Minister has he considered, or would he consider ...? In his answers he has said that they are offering courses where, instead of being specific to one trade, they train the trainee in several trades, which is a skill that the hon. Member had identified was requested by some of the site construction companies and so on. However, if one takes it from there, when a youngster has obtained that initial qualification and goes out to work on site, as happens a lot in life they take a special liking to one particular trade or another. There is an opportunity to get an accredited qualification under the nomenclature 'accreditation of prior experience and accreditation of prior learning', whereby a youngster who has been out on construction sites for two or three years, as an example, and has shown a particular skill – and therefore the employer uses that youngster mainly to either do carpentry work or plumbing work or whatever – can then pursue a particular accreditation with an NVQ certificate and therefore become a fully fledged craftsman in a particular trade with the advantage of providing us with an expert in a particular area. My question was aiming at has the Minister considered, or would he be willing to consider that as a way forward, as a step in further enhancing the skills and qualifications held by the individual? Let's start with that first question, Mr Speaker.

365 **Hon. Sir J J Bossano:** Mr Speaker, my understanding is that the Training Centre can only provide training for the qualifications which they have contracted to deliver with City and Guilds, and anything that is not contained in that relationship would require a submission from us with evidence of the fact that there are people able to deliver the new skills. My knowledge of what has been happening there is that when we have moved from one type of skill to another, we have had to go through a fairly long process of negotiations with the awarding body in the UK, with them sending inspectors out here, so I do not think that it is possible to initiate something new that will get an NVQ from an awarding body in the UK unless we have been previously certified and accepted and had a negotiating process with them.

370 What we do, which is not contained in my answer, is we are able to certify that people are qualified as craftsmen if they have previous skills and they can be trade tested. That happens quite often with Frontier workers who come here and claim that they have the skills and trades in their own country and the employer here wants an independent confirmation that that is so. They can come to the Trades Centre, and that has always happened, to my knowledge, in the Construction Trades Centre in particular, and continues to happen but is driven by the labour market and the request by either the person coming looking for work or the person willing to engage somebody who has applied for a job in the construction industry but wants to have more than a piece of paper produced from somewhere in Morocco or Spain, where sometimes it is not too difficult to obtain a piece of paper.

Hon. E J Reyes: Mr Speaker, what the Minister is saying is almost three quarters of the way to what I was getting at.

385 First of all, let me say that it is not the introduction of a new course. I know that 20 years ago
it existed, and perhaps because of the demand it was a more common occurrence. It is certainly
not the introduction of a new course. It is that instead of a youngster who has zero experience in
anything starting from the bottom rung of the ladder and making their way up, this individual who
perhaps has been through the Training Centre and has come out with that initial qualification and
then gained onsite experience goes for a topping up, a sort of revision or polishing of skills, a very
390 short instruction period, and then undergoes a test, for which the candidate is pretty well
prepared even before receiving the other. It is just an idea that I think could help the local
indigenous workforce up their qualifications. I know the Minister does take an interest in this.
Perhaps we can have a coffee behind the Speaker's Chair at some stage and continue further, so
as not to bore the other Members on this.

395 Coming more specifically to Question 489, yes, the Minister is right, he has explained to us
before what the Government policy is. However, my understanding is that there were, relatively
recently, advertisements put out for instructor posts and even for Training Centre Manager posts.
Applications were only open to existing Government employees and I do not think there were any
takers. Hence my question is seeing that those posts are vacant and therefore someone is not
400 delivering, because there is no instructor in the particular topic – or someone is not managing the
centre because, I think there is no replacement for the Training Centre Manager who recently
retired ... My question asked: given that you have tried in house and there are no takers, is the
Government now considering extending that to non-existing Government employees? I do not
know what the Minister's thoughts are on that.

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Hon. Sir J J Bossano: As regards the first part, I am certainly prepared to investigate the
possibility of what he is saying if it means that people who have previously acquired but not
finished their training could finish their training without having to start at the beginning. It makes
sense to me. If he gives me information that I can investigate and it is possible to do it, then I will
410 certainly introduce it and I am grateful for the information. The policy of the Government is to
train for employment, not to train for unemployment. If somebody is unemployed because they
are three-quarters of the way, then it makes more sense and it is more economical to provide the
quarter that is missing than to start from scratch, so I welcome that, and if it is possible to do it I
will certainly discuss it with the professionals in the Training Centre and try to persuade them to
415 introduce it as an addition to what we are already doing.

There have been a number of interviews and I have not had feedback yet on the selection
process. Our preference is not to increase the size of the public sector given the problems we
have, as the hon. Member is well aware, of paying every month. If there was no other way of
doing it, we would have to go out and seek candidates from the private sector, but if we can avoid
420 it, it will not happen.

Hon. E J Reyes: I thank the Minister for his answer to that. The Minister can only talk based on
the feedback he has had. In some respects it is slightly different to what I have had. What I have
had is that there was actually no applicant for a post, but it is up to the Minister to seek the
425 information. However, understanding what he is saying and having to accept that he would rather
advertise the post internally because of the number of employees in the public service and so on,
what I am told is happening in the meantime is that they seem to be employing, on a short-term
contract, someone to cover, on a part-time basis, the manager's post. So it does not quite fulfil
100% the aim of the Minister because he has had to employ, albeit on a short-term contract and
430 not on a substantial long-term placement, someone from outside. He may have been a
Government employee once upon a time, but he certainly retired, receiving his occupational
pension, receiving his old-age pension, from what I can gather, and on top of that having to be

employed, whereas there are people outside who, unfortunately for them, not being Government employees, cannot aspire to be an applicant for this post.

435 Really, I think this House should support the best candidate for the position that is vacant. If it
is already an existing Government employee it fulfils the Minister's wish, but if it is not, are we
going to sacrifice what is best for the trainee because an individual has not quite, somehow or
other, managed to get a job within a Government-owned company because it is only open to
those who are employees of Government-owned companies? I was going to extend myself by
440 saying it does not even fit with the philosophy that we give scholarships to young men and young
women who are able to obtain a place at an accredited place of further and higher education in
the United Kingdom, and yet here we have individuals who wish to obtain further qualifications
from what they did up to GCSE level in schools, and some cannot follow the courses because, for
example – I believe it is painting and decorating – there is no instructor in place. There is the labour
445 market in Gibraltar, people with qualifications who could become very good instructors, but their
applications were rejected and sent back to them saying, 'No, sorry, the criteria is we can only
accept this if you are already a Government employee, a public servant or an employee of a public-
owned company,' a discrimination against certain people within the global Gibraltar labour
market.

450 **Hon. Sir J J Bossano:** Everybody in the private sector feels discriminated against when they
compare themselves with the pay and conditions in the public sector, and everybody in the private
sector I know of our age wants either his son or his grandson employed in the public sector. I give
them the same answer. The answer is it is irresponsible to keep employing more people when we
455 have difficulty every month in finding the money to pay the people we already have. That is the
reality. In addition to my responsibility for delivering training and my responsibility for trying to
get more economic activity going, even though people seem to be displeased by my efforts I am
also charged with trying to restore financial stability, and therefore I am trying to square all my
different responsibilities to produce the best result, so the answer is that ...

460 I think the skills of the teacher are important, but the most important thing is the commitment
of the people who go into the Training Centre to achieve a result. Those people who do not make
it do not make it not because of the quality of the teachers we have – and some may be very good
and some may be normal. The ones who fail all fail because they have been given innumerable
chances after not turning up and missing ... When people come in two days a week, clearly they
465 cannot come in regularly two days a week and expect to acquire the level of knowledge that is
supposed to be provided in five days a week. So when people do not make it to grade 2, in 90% of
the cases it is because they have shown no real interest and they are there because ... it is not
really what they want to do, it is not really what they want to finish up doing, it is rather that since
we pay them the Minimum Wage to be apprentices, which is higher than the UK does, they might
470 as well get the Minimum Wage while they are there and then finish up maybe doing a different
job. That is what is actually happening. That is the truth of where the failures come. The failures
do not come because ...

In Gibraltar we have a much lower ratio of trainer to trainees and the trainers take a personal
interest in each individual. It is not a rigid system where somebody can go very fast and then the
475 people who do not go fast enough fall out. They do not. They get all the help they need and each
one is given individual attention. The ratio is one teacher to eight in an intake. But there are people
who fail, and invariably it is with a heavy heart that the instructor comes to me and says, 'Look,
Joe, I think we are not going to be able to make it with this guy because we have given him lectures,
we treat him like part of the family, we tell him ... He says he is going to change, but he does not
480 change.' I think you need to understand that we have good people and they are doing a good job,
and they cannot get 100% results, much as they would want to.

Hon. E J Reyes: Mr Speaker, I am grateful for that answer. I know that the Minister has even
added new material. I do not think I was talking about failures, successes or otherwise of trainees

485 per se. What I am saying is I find I cannot balance that equation. We do not want to employ, one
takes it, wherever possible, new people in the public sector, so a vacancy is advertised only
internally for those who are fortunate enough to already be working in the public sector or a
public-owned company. We can agree to disagree on how many people from the private sector
would love to get a stable job within the public service, but I do not know if the Minister
490 understood me when I said it does not tally with the equation. He is currently employing a retired
person to cover a vacant position there, so you are paying someone already in receipt of an
occupational pension, someone already in receipt of an old-age pension to cover a post which you
could, because you had no internal applicants, advertise and allow someone else to pursue a
career as manager of the Training Centre. Perhaps the Minister has not been briefed on that
495 particular aspect.

Hon. Sir J J Bossano: The only person who was being retained on a part-time basis after he
retired, or was due for retirement, was somebody who was needed for the completion of some
courses that had been studied under him that are not the same as the ones we are doing now. I
500 think he was coming in two days a week to finish those. In fact, he is not shown on the complement
of the Training Centre. I think he is shown in the complement, in the Book, of Human Resources,
as somebody who is surplus, is only covering. He is not doing the job of a full-time person. What
he is doing is a job that will terminate when the people who are doing that particular course
terminate, because he is the only one who can certify them.

505
Hon. E J Reyes: Mr Speaker, the Minister is correct. Particular trainees following a course ... if
the instructor who was well acquainted with the course has retired, you then take him back, but
that is a completely different person to the one covering for the post of manager. The manager of
the Training Centre retired, the post was advertised only internally and there were not any
510 applicants. I do not know whether the Minister has been briefed or not. Is he aware of who is the
manager today? The information certainly that I have on this side of the House is that a retired
person who was not working within the Training Centre, was working within a wider, more
specialist educational field and is employed despite his having an occupational pension, old-age
pension and so on. So we are not saving the money, we are actually bringing in a non-Government
515 employee to do a job, and I said why not advertise that to all non-Government employees? Let's
make it fair in the Gibraltar labour market.

Hon. Sir J J Bossano: *[Inaudible]* the correct thing to be doing, to discuss one individual ... I do
not know who he is talking about. Obviously, he knows more about who is employed and not
520 employed than I do. All I can tell him is that if it is a manager who is covering a job which has
become vacant, then probably he is covering a job that has become vacant because the job is in
the process of being filled, has been advertised and people are being interviewed. I do not think
the function of this Parliament is to discuss one individual who may be retired. There are more
than one of those in the service, I can tell him.

525
Hon. E J Reyes: Mr Speaker –

Mr Speaker: Let's make this the final supplementary.

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Hon. E J Reyes: I just wish to clarify to you, Mr Speaker, I am not talking about any individual, I
am talking about a particular post. I have not named the individual. I can talk about a post that is
vacant.

I do not blame the Minister, because he only has the feedback that he is getting, but my logical
conclusion today – and I hope he can prove me wrong – is he is not being kept fully up to press.
535 There were no applicants for the vacancy that was advertised for the post at the Training Centre,
so what do we do now? Do we just leave it vacant and let's employ a retired person? There is

nothing wrong with the individual. For all I know, he could be a good friend of mine, maybe someone I have coffee with. I do not know the name of the person, I just know the feedback I get. None of the existing instructors have been told 'Because there is no manager, go and act as manager,' so they are there, they turn up and they have no immediate boss. This person comes probably on a part-time basis, because they are not there from eight to three thirty, or whatever time they are working, and whatever heading he may come under it certainly comes out of the Government and taxpayers' pocket to pay his salary at the end of the day. If there were no applicants, then the next logical step is ... The Minister has tried to achieve what he wanted, not increase the public sector, but there was no one interested, so let's go ...

There are other areas, and I know I am pushing it, Mr Speaker, but there are some cases where, in order to be able to deliver the product in the best interests of the trainee ... We have had JBS employees who have been told at eight o'clock in the morning, 'Don't come to JBS, go to the Training Centre and help them out there, and when you finish at 3.30 then report for duty to JBS,' and JBS pays them overtime. At the end of the day, the trainee is receiving his training and that fits into the model that the Minister has – he is already an employee of a Government-owned company, he is not increasing the workforce and so on – but to employ someone not currently on the register as an employee of a Government company is unfair on those who are not Government employees and could well do a very good job, at least equal to, if not better than the person who is retired and has been taken on.

I will give the Minister an opportunity perhaps to get himself up to date with the information and we can then meet up again and share this further.

Hon. Sir J J Bossano: [*Inaudible*] entirely on one point. We have enough of the entitlement culture without saying it is unfair if we do not employ people from the private sector. If that is unfair, then we are 1,800 less unfair than they were up to 2011.

Mr Speaker: Next question.

Q490-91/2022

Public finances –

Public debt and General Sinking Fund figures as at 1st October 2022

Clerk: Question number 490/2022. The Hon. R M Clinton.

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

Can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st October 2022.

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Question 491.

Clerk: Question 491/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the balance on the General Sinking Fund on the following date, being 1st October 2022?

580 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Hon. Sir J J Bossano: The gross debt and aggregate debt after the application of the Sinking Fund to gross debt, cash reserves and net debt figures on 1st October were as follows: gross debt, 585 £872.7 million; aggregate, £846.3 million; cash reserves, £87.7 million; and net debt, £758.6 million.

The balance on the General Sinking Fund on 1st October stood at £26.4 million.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his updated numbers for the 590 gross debt, but if my calculations are correct – and I am happy, of course, to be corrected – the last number I had for gross debt, at 1st September, was £847.7 million, and the number he has just given me is £872.7 million, which would imply a £25 million increase from the last number he gave me. Is that correct?

595 **Hon. Sir J J Bossano:** Mr Speaker, there has been a further drawdown, but as the hon. Member we will see at the end of the equation where the net debt is, it has not gone up by £25 million.

Hon. R M Clinton: Mr Speaker, I am grateful. If the Minister could confirm that this extra 600 £25 million borrowing has been drawn down from the guaranteed facility from NatWest, and would the Minister confirm that, in effect, that would mean that the budget for borrowing for financial year 2022-23 has been exceeded by £25 million?

Hon. Sir J J Bossano: As far as we are concerned, Mr Speaker, the important thing is not 605 whether we exceed what we borrow, it is whether we exceed what we spend, and if we are able to borrow at favourable rates, then the logic is that we borrow at favourable rates, not because we would need to have borrowed at this particular point the £25 million.

Hon. R M Clinton: Yes, but, Mr Speaker, the budget for gross borrowing was £50 million and 610 he has told us that effectively, as at 1st October, is now £75 million. The number he gave me for net debt is obviously, as a result, lower, but nevertheless he has drawn down more than was anticipated. Would the Minister at least recognise that on that basis there is £25 million more borrowing than was envisaged under the Estimates?

Hon. Sir J J Bossano: Twenty five million more borrowing – there is no question about it, we 615 have borrowed it this month, but what I am saying is that we could have gone through the month without borrowing, but we decided to borrow the money because the money is available. We are negotiating the extension of the time. It does not make a lot of sense to be negotiating the extension of the time to repay and not have drawn down the whole of the facility. We want the facility. We want to have the opportunity of having 29 years to repay money which we are able to 620 borrow at below the rates we will be able to borrow at when the facility is no longer there beyond the £500 million.

Hon. R M Clinton: Mr Speaker, that is a very interesting remark from the Minister, but on that 625 logic why has he not, for example, borrowed the remainder of the balance of the facility now, in one go? I think under the Estimates we would have gone up to £400 million. This takes us to £425 million, in which case he has £75 million of headroom left, if my maths is correct.

Hon. Sir J J Bossano: The purpose of the question and answer session is to provide information. 630 People make choices and people take decisions. Of course, if he were employed by us as the Financial Secretary, he might take a different decision than the person who is there now, but I do not think it is for me to go back and cross-examine the people in the Treasury because he wants

635 to know why they chose to draw down a certain amount on a certain date instead of a higher
amount or a lower amount. He is entitled to have information, I gave him the information, but
what I cannot do is search the brain of the person responsible for taking this decision to find out
why he has taken a decision on a date to do something which might not be the decision the hon.
Member would have taken if he had been doing the job, or that I might have taken if I were doing
the job. Officials decide what they do and when they do it on the basis that they are responsible
for doing these things and are perhaps in a better position to make decisions as to what should
happen when than those of us who are policymakers instead of civil servants.

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Hon. R M Clinton: Mr Speaker, the reason I ask that question is not hypothetical, it is because
he himself said that the idea was to draw down on the facility as much as possible, to take
advantage of the best rates, so that we can pay it over 29 years. I must say 29 years is not a
timeframe I have heard before.

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Is the Minister in any way concerned that the officials who have drawn down this £25 million
have done so when the budget approved by his Government was for only £50 million?

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Hon. Sir J J Bossano: What the Budget does, as it did when the GSD was in government, is
project an estimate based on a judgement about what is going to happen in the future over
12 months. During those 12 months, as costs come in at the expected rate and other costs come
in at unexpected rates ... For example, the amount budgeted for fuel in the generating station as
reflected in the Budget may no longer be the amount that is being paid today, so there are
decisions that are being taken by the people whose job it is to run these things.

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I have given the hon. Member information. He does not want to have information, he wants
to have an explanation of motives as to why decisions are being taken by the people who are
employed to take those decisions professionally. I will not go back and say, 'I want to know why
you did this and not do something else, so that I can go back to the Hon. Mr Clinton and tell him
why you did it.' I do not think that is the function of Question Time. Question Time is to obtain
information. I have given him the information. He has asked me why they have done it. I think the
logic is that we want to be able to draw the money between now and the end of the time in which
we have the money, and it is the people who are employed to run the ship for us who recommend
certain decisions or take certain decisions as to when it is best to do one thing or the other, and
that is it. We do not ask them, 'Why did you do it this week and not last week?' or 'Why did not
you wait until next week?' That is not how this Government works. I do not think it was how the
previous Government worked either, but that is what he seems to be asking me to do.

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Hon. K Azopardi: Can I just ask on this, what was the purpose of the extra £25 million
borrowing? Was it to pay recurrent expenditure? Is that what the money will be used for?

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Hon. Sir J J Bossano: I was asked to provide figures as to what is the level of debt on a particular
day, 1st October, and I am now being asked whether the money that we drew was spent or not
spent on a particular something. How does the hon. Member think I should know an answer to a
question like that? He has been in government. *(Interjection)* Well, it is not only ... How does he
think I could possibly know? If something is being paid by the Government, whether it is being
paid out of the £25 million or not depends on whether we have £25 million more in the kitty, or
not.

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Hon. K Azopardi: First of all, I asked because it is a sizeable sum. I am not asking the hon.
Member to say how £1,000 was spent, which obviously he would not know, but given the fact
that – he explained it to me last night, in fact – he has been charged with financial stability and
control and it is £25 million, and it is quite a big sum, I thought he would actually know. That is
why I asked him the question.

Do I take it, then, from his answer, that he does not know how the £25 million has been spent? If so, we will file a more specific question, and then he can give us the answer.

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Hon. Sir J J Bossano: I do not know how it has been spent. I do not know *whether* it has been spent.

Mr Speaker: Next question.

Q492-95/2022

**Community Supplies and Services Ltd –
Whether activities directed by any Minister; Government financial or other interest;
source of finance; civil servant involvement**

Q496, Q500-02 and Q504-05/2022

**Coaling Island temporary housing development –
National Economic Plan; intended residents; alterations, demolitions and urban remodelling
referred to in planning statement; relocation of current occupants;
planning and aesthetic considerations re proximity to Victoria Keys**

Q497/2022

**National Economic Plan –
List of projects sponsored**

Q503/2022

**Module blocks –
Plans for further developments**

690 **Clerk:** Question 492/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if any Minister directs the activities of Community Supplies and Services Ltd?

695 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Questions 493 to 497 and Questions 500 to 505.

700 **Clerk:** Question 493/2022. The Hon. R M Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.
Can the Government advise if it has any financial or other indirect interest in Community Supplies and Services Ltd?

705 **Clerk:** Question 494/2022. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise where Community Supplies and Services obtains its financing from?

710 **Clerk:** Question 495/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if any civil servants have been seconded to or in any other way provide services to Community Supplies and Services Ltd?

715 **Clerk:** Question 496/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the proposed Coaling Island modular unit temporary housing development is sponsored or to be sponsored under the National Economic Plan?

720 **Clerk:** Question 497/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a list of projects sponsored under the National Economic Plan, together with an explanation as to why they have been so sponsored?

725 **Clerk:** Question 500/2022. The Hon. D J Bossino.

Hon. D J Bossino: The good thing about bunching so many questions together, Mr Speaker, is we may get to watch the football at eight o'clock.

730 Please state who it is intended to rehouse in the Coaling Island temporary housing development.

Clerk: Question 501/2022. The Hon. D J Bossino.

735 **Hon. D J Bossino:** Please state which neighbourhoods are subject to alteration and demolition and which urban remodelling is being envisaged, as stated in the planning statement filed in connection with the Coaling Island temporary housing development.

Clerk: Question 502/2022. The Hon. D J Bossino.

740 **Hon. D J Bossino:** Please state what is being built on the neighbourhoods earmarked for alteration and demolition, as scantily outlined in the planning statement filed in connection with the Coaling Island temporary housing development.

745 **Clerk:** Question 503/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state what plans the Government has to build further developments using module blocks.

750 **Clerk:** Question 504/2022. The Hon. D J Bossino.

Hon. D J Bossino: Where are the current occupiers of the Coaling Island site going to be moved to make way for the Coaling Island temporary housing development?

755 **Clerk:** Question 505/2022. The Hon. D J Bossino.

Hon. D J Bossino: What planning and aesthetic considerations have been taken account of in respect of the Coaling Island temporary housing development, which will be very close to a site which the Government has earmarked for high-end residential living, namely Victoria Keys?

760 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Hon. Sir J J Bossano: Mr Speaker, I am the only Minister engaged in the delivery of the National Economic Plan, in which Community Supplies and Services Ltd (CSS) is participating in the projects.

765 The Government has no financial or other interest in CSS.

CSS provides different services, for which it may charge fees, not necessarily to us.

Members of the staff of the Ministry for Economic Development provide support to CSS where the company is involved in the delivery of a sponsored project. This does not entail any additional payment to the members of my Department.

770 The proposed modular housing development is sponsored under the National Economic Plan.

Current projects are the Jewish Home, elderly residentially home, Eastern Beach sheds, Etioca, Studio Housing, the stadium and the Chilton Court project. All the sponsored projects are sponsored because they contain elements that are relevant to the National Economic Plan and/or will create assets that will, in future, provide revenue to the Government and hence contribute to my responsibility for restoring financial stability to the public finances.

775 The current occupiers of the site identified for the construction of studio flats using modular construction methods are Government stores, which will be relocated, and car parking, which will move to the reclaimed area created by the Government.

780 Other than sponsoring the project under the National Economic Plan, at this stage the Government is not involved in any of the areas mentioned in the Hon. Mr Bossano's other questions.

Hon. R M Clinton: Mr Speaker, I thank the Minister for his answer. I beg your indulgence as I unpick his answers.

785 If I understand the Minister correctly, he, as Minister for the National Economic Plan, effectively is involved in CSS. I would ask him was he the mastermind behind the creation of CSS and its parent, Gibraltar Community Initiatives Ltd and its subsequent application for charitable status, and what is the rationale for the creation of this structure?

790 **Hon. Sir J J Bossano:** Mr Speaker, he is not ... *[Inaudible]*

Hon. R M Clinton: I am not suggesting that he was actually the lawyer who incorporated the entity; I am asking was he the brains behind the creation of the structure, i.e. was it his idea?

795 **Hon. Sir J J Bossano:** Creating the structure is something that I cannot answer. I can tell him that the concept of having a charity involved in delivering the parts of the plan which can be delivered in the private sector, which is the majority of it, is that it should prove more efficient in terms of costs to have a charity than to give the activity that we need to use to existing people in the field of property development.

800 **Hon. R M Clinton:** Mr Speaker, I would like the Minister to explain how that could be so, especially as Community Supplies and Services is not itself a charity but a subsidiary owned by a charity, and, as he knows, CSS is the applicant as developer on the Rooke Nursing Home site and the other sites he listed, many of which are in his National Economic Plan. How does that make it more efficient?

805 Also, Mr Speaker, if I may add another question to it, if I understand correctly, Community Supplies and Services, for example in the specific case – just so we understand how this works – of the Rooke Nursing Home, will effectively be the owner and the operator of the Rooke Nursing Home site, I assume. I am happy to be corrected.

810 **Hon. Sir J J Bossano:** Mr Speaker, I cannot stop the hon. Member assuming things. He assumes a lot of things a lot of the time and mostly his assumptions are off the mark.

The home will eventually be privately owned, as will other assets, and privately operated. CSS is involved in the process that has taken place so far in the planning applications and administrative work in relation to doing things connected with the home, but not in terms ... It is not impossible that CSS might decide they want to provide that kind of service, but at the moment there is no indication that I am aware of that they are planning to branch out into running elderly people's homes.

820 **Hon. R M Clinton:** Again, Mr Speaker, I am just trying to understand how this works in the context of his National Economic Plan. If we use the specific example of the Rooke Nursing Home as a template for the structure, CSS applies for the planning permission. I presume it then contracts the builder, in this case GBIC, for the nursing home. But where does the money come from to actually build the structure? Does CSS borrow the money in its own name, or is a third party, of which I am not aware, involved in the structure?

825 **Hon. Sir J J Bossano:** Structures are not being financed by the Government, as he knows. That is to say it is not an I&D project. The National Economic Plan will all be done in partnership with people in the private sector. It can be at the beginning or it can be at the end when we complete. There are people who are interested, in the private sector, in working in partnership with us and we are interested in working in partnership with them. Therefore, at the end of the process there may be some things that are retained by some of the partners we have now. There may be things that will be completely outsourced in their entirety and the Government will only be involved in the use of that facility, in the case of the residential home, to the extent that some of the people for whom the Government has responsibility finish up taking up accommodation there. So the entity – which has not yet been selected, because the thing has to be finished before you can have people looking at what is there and making proposals as to the costs – would be a private entity running it and a private entity owning it, offering the services to the Government but also offering the services to people who fund themselves and are not funded by the Government.

840 **Hon. R M Clinton:** Mr Speaker, again I beg your indulgence as I try to put this together in my mind.

I can understand, and I think the Minister has alluded ... that it is obviously a lot easier to sell to the private sector something that has been completed and is there for them to see and they can perhaps express an interest in owning it and running it, but from the point of the plan to the construction and finalisation, how is that being financed? Is the financing is coming from the ultimate purchasers, from the private sector, or is there some sort of interim financing in place from, I just say by example, the Savings Bank? How is this working in operation? For example, on the Rooke Nursing Home site we can see the concrete has gone up and you have already told the House that the modular units should be arriving from China in the next few months, but there is obviously cash involved in this. Somebody must be providing money up front in order to pay the contractors, the containers etc. and the assembly. Is that financing coming from a third party in the private sector of which I have no knowledge, or is there some sort of interim financing arrangement with the Savings Bank?

855 **Hon. Sir J J Bossano:** Mr Speaker, in the initial stages some of the funding is provided by some Government companies. That is when it is more difficult to get people to put money in, because there is nothing there, so in those initial stages some of the companies buy loan notes from the developer and provide money, but then, as the building progresses, they are able to access other sources. At the end of the day, when the building is completed, it will be sold and then we will get the money back to the extent that we put in. The only one that is being 100% funded by us at this stage is the proposed stadium.

865 **Hon. R M Clinton:** Mr Speaker, again, your indulgence. I think I am beginning to understand the mechanism, so if the Minister ... Again, I crave his patience. The Minister says the developer will issue loan notes that may be bought by other Government companies. If we again use the example of the Rooke Nursing Home, is it that Community Supplies and Services has issued loan notes to a Government company that is providing the finances? Is that correct? And is there any particular Government company providing this finance?

870 **Hon. Sir J J Bossano:** I do not think I have to produce answers about whether they have issued loan notes or not, because we are talking about something that is not a Government entity. But on the Government side I can tell him that we have bought some loan notes with some of the companies, but they may have issued other loan notes to other people, about which really I do not see why I need to know or tell him.

875 **Hon. R M Clinton:** Mr Speaker, I appreciate the Minister's candour, but he will also appreciate that I am trying to understand what is a fairly unusual structure for Gibraltar and for this House. I asked him is there any specific Government company buying these loan notes that he can identify to assist us?

880 **Hon. Sir J J Bossano:** Mr Speaker, the Government companies, as the hon. Member well knows, have a collective pool where the companies transfer money to each other as they need. They all come under the heading of Gibraltar Investment Holdings or the GDC and the money is treated as one pool, but it may come from one particular company that has a surplus. It would come from one that has a surplus. I can find which one it is and let him know.

885 **Hon. R M Clinton:** Mr Speaker, I understand what the Minister is saying, but again I am not talking about the physical movement of cash, I am really after who is the counterparty to the loan note with Community Supplies and Services. If he can just give me an indication, I would be grateful.

890 Again, if the Minister does not have the information I fully accept that, but does he have an idea of how many loan notes have been bought by Government companies so far, in terms of the value?

895 **Hon. Sir J J Bossano:** No, Mr Speaker, not with me.

900 **Hon. R M Clinton:** Mr Speaker, given the structure is, as the Minister said, part of the National Economic Plan, and given that under certainly the objects ... I am probably showing my age now, since it appears there are no longer objects clauses, but under the articles of Gibraltar Community Initiatives Ltd, on the income and distributions they are restricted in terms of donating or applying income to advance programmes which benefit Gibraltar and the Gibraltarian community on human, social, economic, education and medical matters, reinvest income and investments as carried out by the company's wholly owned subsidiaries, provide funds or other benefits, make any contribution to sports, endow funds, other charities, each of which would require the permission of the Charity Commissioners. For how long does the Minister envisage the structure will exist? Is this structure meant to exist in perpetuity, indefinitely, or does he see an end to the need for the structure?

910 **Hon. Sir J J Bossano:** He is not only asking me, now, to speculate about things, he is asking me to see the future. How long will it take for Russia to move out of Ukraine? To my knowledge, most lawyers, when they incorporate companies, put an entire list of everything on the planet. All the companies I have ever seen in Gibraltar, even if they were only £10 companies, included everything from running airlines to running railways, even though they do not exist. This is standard procedure, as far as I can tell. I think the system will continue as long as there is an

915 activity in which it can participate, but as I have said, at this stage it does not mean that we are the only ones who can co-operate. There is nothing to stop CSS having engagements with people other than us, either because they want to or because some other party may want to have a relationship with them on a particular project. If the hon. Member is asking do they cease to exist when the National Economic Plan is exhausted, the answer is not necessarily.

920 **Hon. R M Clinton:** Mr Speaker, I really appreciate the answers the Minister is giving. I just have one final question. The loan notes that Government companies are buying – what sort of security are they receiving in exchange for the loan notes? These are presumably building sites that CSS is involved in. From the search and the information I have, and these entities have only been set up in the last two years, but Community Supplies and Services only has a share capital of £100 and
925 the last accounts were filed for its parent. I do not think I have accounts yet for CSS; there are no accounts filed yet. How is the Government ensuring that it has good security for the loan notes? What sort of security has it obtained, if any? Certainly from a cursory search of CSS I did not see any charges registered against it, as I would expect to see if it has issued loan notes.

930 **Hon. Sir J J Bossano:** Mr Speaker, the hon. Member needs to understand that many of the questions he raises are about things that are announced and five minutes after they are announced the hon. Member wants to have lots of answers about things that have not yet happened and are not yet happening.

He needs to understand that we are talking about a process that has been in existence with a
935 number of very small projects for the last few months, and that the one big project, which is the stadium, is not being done with CSS but directly with the National Stadium Company. The National Stadium Company, as I said yesterday, will be transferred to the Savings Bank. When I give him the list – as I also said, he is the only who has ever asked for it and I am the only one who has ever given it, and I will continue to give it to him even though he thinks I am fiddling the books – he will
940 see that it will appear there now and that there will be issues of purchase by the Savings Bank of loan notes which will appear in the list that I will give him, just like it happens with Credit Finance. When Credit Finance needs more money for some of what it is doing, it gets the money from the Savings Bank but it appears in the Book. In this case, the ownership will appear because it will be transferred to the ownership of the Savings Bank until we have been repaid whatever the closing
945 amount eventually is. When we get all our money back and we get the profits back in the Savings Bank, the agreement we are discussing with the Football Association is that the GFA will get its company back on the basis that the agreement is that they relinquish ownership to the Savings Bank for the period. So every penny that the Savings Bank invests will be in a company that it temporarily owns. That is to say at the start of the business when they have not put in a penny,
950 they will be getting a company that owns a plot of land which has a value, and then, as they advance money for the project, the creation of assets with that money will belong to the company, which technically is temporarily owned by them, and the money that is being provided will appear monthly. As I gave the hon. Member the list, I think if he wants to keep track of that he will find it easy to do.

955 **Hon. R M Clinton:** Thank you, Mr Speaker, I am grateful to the Minister for his explanations, but there are two different things coming out of this and I really do beg your indulgence. One is about the stadium structure and the other one is the CCS structure, and they seem to be two different financing methods, if I am correct.

960 On the CSS one, the Minister said, if I deal with that one first, I want to know about stuff that has just happened, but with respect to the Minister, he will appreciate that the Rooke site has been ongoing for quite a while, and as I said, I am using it as a generic example for how this will work. I was asking, in respect of the Rooke site, whether loan notes had been issued by CSS. I just find it strange that CSS had no charge against it as a general mortgage against the company. That
965 is just one question on that side, which we can park.

970 The other one is, coming to the stadium, if I understood the Minister correctly, they will effectively take control of GFA National Stadium Ltd. I do not know whether there will be a legal transfer of ownership to the Savings Bank, so that effectively it will become a company owned by the Savings Bank, which in turn ... I have not checked the register. I presume the land is registered in the name of GFA National Stadium, which would be logical. As time progresses, it will, as I think he described, require money to build the stadium, and if I understand the Minister correctly, it will then issue loan notes which the Savings Bank will reflect in its list of assets as a loan note issued by the Gibraltar National Stadium Ltd. Is that correct? Perhaps if he answers the second question first it will be easier, then address the first.

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Hon. Sir J J Bossano: Mr Speaker, I am explaining to the hon. Member what is proposed will happen. The problem I have is that he is asking me questions on something that currently has not yet happened. This is what we are talking to people about. I do not want him to come back later and say, 'You said on such and such a date this was ...' so he needs to understand that I am trying to give him an indication of the direction that I see the process developing, which gives us, in effect, as he says, control of it, and of course we will also have involvement because GBIC will be involved with the specialist companies that are involved in the project. It is not as if we were giving money away to somebody and then we did not know what he was doing with it. That is to say there is an involvement with every aspect of the project to make sure that the money is going where it is intended to be, and in some cases it means that some of the money is being paid back to a company which is a joint venture, where we have people who are there as directors who are in my Department.

980 It is an approach of trying to maximise the fact ... When the previous Government announced the £1½ billion development plan they told us that they were going to engage Mr Nigel Pardo to run the £1½ billion plan because he would be able, as somebody who has been in the industry in the private sector, to get better prices for the Government than if the Government tried to do it for itself, and that his services, in effect, came free because what he would be paid was less than what he would be saving for the Government compared to the prices that the Government would be charged. That was the rationale. I believe that an important element of engaging activity in the private sector with private sector players is more in terms of the speed of decision making, which costs money and causes delays, and therefore I believe that one of the advantages which will make the generation of wealth and the creation of assets proceed at a faster speed with the way we are doing it and make the thing self-financing ... In almost all the projects there is an element of a benefit to the community which is part of the package, which is something the Government might have had to do out of public funds, had it had the public funds to do it, which it has not.

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995 In effect, so that the hon. Member can understand what I am trying to achieve, I am trying to achieve the results of what the programme envisaged in 2019, which did not get off the ground because of what happened in 2020. We were supposed to be starting all this in January 2020, and then in February 2020 we closed down. So I am trying to achieve as much of that ... but without the resources we had in 2018 and 2019. Those resources do not exist anymore. The hon. Member knows the gap there is between the annual revenue there was in those years and the annual revenue there is now. So to be able to get to where we were and to be able to deliver what we promised to deliver we need to have a new model which involves substantial involvement of private sector initiative and speed of delivery, and therefore some of the things in the package we will finish getting at cost or less than cost, as part of the way we spread the cost to the things that eventually are sold privately, managed privately and run privately.

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1005 The rationale then is that there will be an element of contribution to Government coffers from the activity that will help us in trying to restore financial stability, and thus it will be an attempt to do as much as we would have done had we not had the misfortune to have Brexit and then COVID, at a cost that will be self-financing, because everything that is included in the package has to have with it things that will be producing a profit and a surplus to compensate for the things that will not. If we are doing, for example in Laguna estate, a club, the club alone would cost money, for

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1020 which there is no resource in the I&D Fund, from which we might have borrowed money had we not borrowed the money already for COVID. So what do we do? We try to do a package which involves that we get the playground done and that in the process other things are done which pay for all or part of the playground. So we get the playground done and the private initiatives that are involved in partnership with us make their money and we get payment in kind as well as payment for the land on which it is.

1025 It is new, I accept that. The way we are trying to put this thing together is new, just like what they tried to do before, when the £1½ billion was announced in 2010 was new. Unfortunately, some of the things that they tried to do did not have the results that were expected. People were expecting that the Airport would be overflowing with planes and customers and it was not, because the Spaniards did not keep their side of the bargain. The tunnel is still not finished, even though it was supposed to be finished a decade ago.

1030 All I am telling him is I am very confident that this will work and produce results, and the results will be good for Gibraltar and good for the public finances. But we are at the beginning of a process and I can only give him an indication of the rationale and the direction. No doubt he will be monitoring it by asking me questions every step of the way, and I hope that I will be able to produce answers that show that it is working, but at this stage we are only at the beginning and there are things that we are learning as we go along.

1035 The relationship with CSS and the charity is so that there is no question of people being given privileged treatment by working alongside us in the National Economic Plan and making a fortune for themselves. To make sure that that is not a possibility and that nobody can accuse us of doing that, the situation is that it is a charity that owns CSS and any money that CSS makes with a profit will go to the owner, which is a charity. I hope that at least gives him an idea of what it is that I am doing.

Hon. R M Clinton: Mr Speaker, yes, that was extremely helpful.

1045 Back to my original question, which, although he gave us a very long explanation as to what the thinking is, he did not quite answer. My simple question is having taken ownership – or control, shall we say – of Gibraltar National Football Stadium Ltd – (*Interjection*) No, when and if he does, or the Savings Bank does, and it requires money, the mechanism would be, I assume – and the Minister can correct me if I am wrong – the same as he did, for example, with the National Mint; it will issue a loan note, which the Savings Bank will buy, which will be in the name of Gibraltar National Football. I can see he is nodding. That is fantastic.

1050 The second question I have is in terms of how the Minister will envisage this growing from now – not from the CSS point of view of issuing loan notes, but from the Savings Bank point of view of its appetite and capacity for funding projects under the National Economic Plan. Does he have a limit in mind in terms that Savings Bank will participate in £x million value of projects, or is it an open question and may be too early to answer at this stage?

1060 **Hon. Sir J J Bossano:** When dealing with the Savings Bank, the appetite depends on the profitability. We have over £400 million in cash in local banks which is giving us minimal returns. The £200-odd million we have in the Stock Exchange every year ... When the hon. Member sees the results, they always have capital losses, partly because they buy above par and then the market changes. This is strictly business. We are not a charity. We are there to make money for the Savings Bank and the Savings Bank is there to have enough money to continue to give a good return to the depositors and to be able to continue delivering the purchase of pensions from civil servants who want to commute 100% or whatever percentage they want. Therefore, the flow of cash ... At the moment – I think he heard me saying this on GBC when I was off air – on the basis that we have £1.5 billion and that we make £5 million of profit ... That is to say roughly, in broad terms, we pay depositors £50 million and we receive from our investment £55 million. That £5 million net profit is one third of 1% of the amount of cash that we are handling. Clearly, I would want to see a better return than that. That may not mean there is an unlimited movement of

1070 money going in, because we are going to be predominantly in the constructions stage and not
retaining assets, so that we are not ... I would possibly be tempted to retain some assets if they
were assets that were producing a very good return and it would make more sense to keep them
than let somebody else make the money. We are putting the money in the creation of assets, so
1075 there will be a point when in fact there will be a flow of money coming back, which we will be
reinvesting if there are opportunities, or we might not be reinvesting. So we might get to a point
where we actually put up a couple of hundred million and then start declining, for example,
because projects are finishing and they are being sold off. It really will depend on maximising the
potential in the market for increasing the returns on the money that we have, a big chunk of which
is yielding very little at the moment.

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Hon. R M Clinton: Sorry, Mr Speaker, I will try and wrap up now. Just two more questions. One
is obviously I understand what he is saying and he will understand, of course, that any project,
especially involving building construction, is always prone to delays and overspends etc. To what
extent is he developing a specialist team to assess and stress test any proposals that may come
1085 forward for him to consider for funding? These are necessarily complex arrangements and unless
he has an in-house team of property developers – I do not know if he has – that has the expertise
to be able to analyse the projections and estimates, there could be a gap in expertise. I do not
know whether he is addressing that point or it is too early to say, or if he is just looking at concepts
at the moment, but has he got a team in place that has the necessary expertise to assess the
1090 viability of these projects?

My last and second question is he mentioned GBIC for the stadium. Is that in any way going to
be modular, or is it just to be a mix of construction methods?

Hon. Sir J J Bossano: It was contracted with Portuguese architects who had done the national
1095 stadium in Portugal, and of course GBIC has a parent that has done the biggest stadium on the
planet in Beijing, so we have access to people in the partnerships that we have. For example, we
used UK architects for our modular building and, as I think I have mentioned previously, when the
buildings need to be erected in Gibraltar we will be bringing people from the UK who happen to
have been trained by the Chinese to do modular buildings in the UK. We are making sure not just
1100 that we are doing it to British standards, but that in fact we have UK workmen who will understand
the rules here because they are the same as in the UK. In any event, it so happens that with the
lockdowns in China it is almost impossible to bring the expertise from China anymore because
until very recently, if somebody came from China he could be here for three or four days, there is
a huge cost in bringing him here and then, when he goes back, they make him stay in a hotel for
1105 two weeks before he can come out of the room, all of which would have to be paid for. So today
it is more cost effective to bring somebody from the UK than it is to bring somebody from China,
and that is what we will be doing, hopefully in February when the stuff starts being unloaded and
erected.

In the other areas we are talking to many people – but not always the same people – in
1110 different projects and therefore where we can get advice from people with expertise without
having to pay for it, we do, and when have to pay, we pay, but each project ... The stadium is in a
field of its own, but when we are building something in Laguna, which is some flats and a club,
and we are talking about producing flats for pensioners where there is a demand that has been
brought to our notice that there are people who bought in the 1980s when we introduced the
1115 first co-ownership scheme – people who bought homes then for £38,000 and now have an asset
that is worth £350,000 and have now got grandchildren and their children are now grownups and
are living in other 50-50 homes ... They are not able to access pensioner flats that are rented
because the rule is that you cannot be a homeowner, sell your home and then rent. So what we
have devised is that the charity will be, in this case, selling the homes, which will be less costly
1120 than if they were to try to do it in the private sector. I can tell you that there are quite a number
of people who have made representations to me that it is unfair that they are being prevented

from applying for the pensioner flats that we rent because of the rule that you cannot be a homeowner and then apply for subsidised rented accommodation because otherwise you could sell your home for half a million and then say, 'Rent me something for £50 a month.'

1125 What we have tried to do with the new conditions, that the charity will do and not the Government, is that they will buy this home, they will sell it to somebody who is selling his property which he bought before, for more than he is buying the new one. He may be selling a two or three bedroom and he only needs a one or two-bedroom now. So he will be paid less because the size is less, but he will be paying an unsubsidised price and he will be paying cash –
1130 because they are not of an age that they can get a mortgage, and in any case they will be selling an asset that is producing more cash than they deploy. But in addition, because this is something we do not want to see finishing up where it was intended at first for people who could not afford anything higher and it has finished up, in many instances after a number of years, in the open market being sold to outsiders ... We do not want the same thing to happen to this, and I think it
1135 will be more difficult for the Government to do more restrictive conditions, but the charity will be offering to people who qualify, which will be people who are homeowners who are now past retirement age and want to downsize ... They will be able to buy, but they can only sell back to the charity, they cannot sell it to a third party, and it will be guaranteed that when they sell eventually, or when their descendants sell eventually – because it will only be for pensioners – they will be
1140 paid the lower of the market value or inflation. So they are guaranteed that the money they put into the property will not lose its value, but they will not be using the property to make capital gains, and then the property will only return to the pool.

That, for example, would be an activity that the charity would expect to continue for many years into the future as more or more of these flats are built. It is an experiment. The first ones
1145 are going to be in Laguna. I can tell the hon. Member that from the number of enquiries I have got, it looks as if they are all going to be sold before they are even finished. (*Interjection*) I have not got the details of the thing, but I think it is in the planning thing that was submitted, yes.

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

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Hon. K Azopardi: Mr Speaker, let me see if I can get something clear. In relation to Community Supplies and Services Ltd, who is directing the decisions of CSS? It is him?

Hon. Sir J J Bossano: The people who work for me provide support to CSS. They are not employed by CSS and they are not paid by CSS. So my employees – most of them are civil servants, some are GDC employees – provide the work that needs to be done, free of charge, for them in my working hours, so there is no extra payment. The decision making – they have people they employ themselves. Sometimes they come for help or advice on things and they get the advice they need. Sometimes they come to discuss things with some of my people, to see whether they
1155 think it is a good idea to do it one way or the other, but then they decide what to proceed with. They may say, 'Can you submit it for me?' or 'Can you prepare it for me?' and we do the paperwork for them. They do not have a sufficient number of resources of their own, but with the passage of time presumably they will be getting bigger and better equipped themselves and may need less help. At the moment, we are available to give them a hand on anything they need because the
1160 whole thing is something that we very much want to be a success because it is an integral part of what we put together.

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Hon. K Azopardi: Mr Speaker, CSS, we have heard, is now involved in a number of projects. I will not rattle them off, we have heard it: Eastern Beach and Coaling Island, which my hon. colleague will have questions about, Laguna and others. CSS ... a lot of the applications it is filing before the Planning Commission are signed by civil servants. Someone must be giving instructions to those civil servants to go ahead and file those applications, presumably, as civil servants would

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not sign documents unless they had instructions. Is the hon. Member saying he is giving instructions to those particular civil servants to do so?

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Hon. Sir J J Bossano: Mr Speaker, I run a rather more informal system than the one the hon. Member is describing. Sometimes my typists give me instructions. Sometimes the guy who is the messenger tells me to get him things. In my outfit, which is in a separate building from the rest of the empire, we are more of a happy family and we do not have the kind of hierarchy the hon. Member is talking about. Anybody can be asked to do anything. From the Minister to the cleaning lady, a civil servant or the head of Department, we are all one big, happy family.

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Hon. K Azopardi: I am delighted that it is such a great and happy family, but presumably the civil servants ... Civil servants are employed and paid as Government employees, and normally they would act in accordance with duties, powers and requests made by the Government in accordance with Government policy, directed by Ministers or directed by senior officials and so on. A civil servant is not going to decide to sign a private company's planning application unless there has been some kind of direction by the Government that they should do so.

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Really what I am getting to – it is not a difficult question and I am not trying to catch the hon. Member out – is someone must have given ... asked ... if the objection is to the word 'instructions', asked the member of the happy family to sign the planning application, and I just wondered who is doing that. Who is telling these civil servants yes, go ahead and sign these planning applications?

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Hon. Sir J J Bossano: Mr Speaker, the staff of my Department work to provide assistance to the people who are engaged in the delivery of the sponsored project of the National Economic Plan. They provide the assistance that is requested without having to go through a hierarchy of decision-making processes, which means the structure goes up a long ladder and then it comes down, by which time probably the issue is over and done with and should have been resolved. We do not work like that. If somebody asks one of my civil servants for something, unless a civil servant has a doubt about its ... that it might have some negative repercussions, he is free to do it and he does not have to clear it with anybody.

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Hon. K Azopardi: Well, let me ask the question in another way. Is he saying that he did not ask the civil servants who signed those applications to do so?

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Hon. Sir J J Bossano: I am saying that I did not ask them to do it, and if they had come to say to me, 'Can I do it?' I would have asked them, 'Why are you asking? You've been long enough in this Department to know that you do not need to ask.' The people who work in the Ministry for Economic Development know what we are supposed to be doing and have the freedom to make decisions on their own initiative and get things done. They only need to come back when they have doubts about something and they feel uneasy or worried. Then they come back to me, to make sure that it is what should be happening, because they might think maybe somebody has given them one version that is not 100% accurate, but other than that ...

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The system that he describes is a system that I think accounts for many of the problems of delivery of decision-making processes, where everybody in the system is risk averse for a very simple reason, because if you are in the private sector and you take decisions and the decisions are very successful then you get rewarded, and if they are not successful you might lose your job. In the public sector, if they are not successful you do not lose your job, and if they are very successful usually somebody else higher than you takes credit for it, so it is a system that ...

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I have always worked on the basis that we are all equal and we all can do anybody else's job. That includes me. I am no different from anybody else – I make tea for other people, the same as other people make tea for me – and they only come to me when they need my advice because they are uncertain about something and they do not want to do something that might be bad for me. When they come to me, more than anything else it is because they are not too happy about

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1225 something that somebody has asked of them and they think it might be bad for me. They care about me and they come and ask me. They say, 'Joe, this is what they are saying. Are you sure it is okay to do it, that you will not find somebody from the Opposition attacking you?' and I say, 'No, you do it.' That is how it works – really; I am not making it up.

1230 **Hon. K Azopardi:** As I understand what he is saying – because he is getting a bit caught up, I think, with all due respect, as to whether there was an instruction or whether he had specifically asked them or asked them not to sign it – I think what he is describing is that there was an understanding in the Department that because they are involved in these transactions, he is expecting people to take decisions and get involved, get on with it and sign these things.

1235 Can I ask him about CSS, though? Did he or the Government give instructions for the creation of CSS?

1240 **Hon. Sir J J Bossano:** The creation of CSS? CSS has been created by the charity Gibraltar Community Initiatives. How could we, as a Government, give instruction to a private charity to create a subsidiary? I have talked to the people who are with me in the Government and with the people outside the Government about how we would develop a mechanism to deliver the things that we want to deliver, and the mechanism that has emerged is the one that the people in brainstorming have thought was the best thing to do.

1245 The hon. Member, although he is in the private sector, seems to have an instinctive view that things have to work with somebody giving an order at the top of the chain and the thing going all the way down. It does not work like that. You discuss what it is you want to achieve and then somebody might come back and say, 'I think it would be a good idea to do it like this,' and you might say, 'No, I think it is a better idea to do it like this.' That is the way we work with the people in the team, some of whom are employed in the Government, some of whom are not employed in the Government.

1250 The structure was created by the people who are there now. The people who contributed the guarantee are the people who created the entity. Their names have been published in that thing that has been floating around.

1255 **Hon. K Azopardi:** So the hon. Member is saying that – I am not going to mention names, but it is the names of the individuals that are on the profiles of these companies; those are the individuals who are actually behind these entities, and it is not the Government in any way behind these entities?

1260 At the end of it, we have spoken about high-profile projects where the Government has very clearly taken an initiative in all these areas, whether it is at Laguna or whether it is at Rooke or whether it is at Coaling Island or whether it is the stadium project. Indeed, the hon. Member made the announcement himself, and so you have clearly got involved in all of that, and yet I think you are saying, although it is hard to believe, that this creation has nothing to do with the Government and the Government is not in any way influencing the structure. Is that what the hon. Member is saying, that you are not behind it?

1265 **Hon. Sir J J Bossano:** By telling the hon. Member in the first question that the only one involved was me. There is nobody else involved. Okay?

1270 **Hon. K Azopardi:** The reason for my question was because I had understood – maybe I have not heard it right, so I am giving him the opportunity – that what he had said is that he was the only one involved in the National Economic Plan. What I am asking very specifically is about CSSL.

1275 **Hon. Sir J J Bossano:** CSSL would not exist if there was no National Economic Plan and if I was not the one doing it. It is as simple as that.

Mr Speaker: The Hon. Damon Bossino.

1280 **Hon. D J Bossino:** That was a jaw-dropping moment on this side of the House, and a lot of head scratching because I must say that it is all rather odd and weird. This is almost like extra-institutional things that he is talking about. I took a note – Yes, sir, the question will come. He runs a less informal system, a separate building from the rest of the empire, but at the same time there is –

1285 **Mr Speaker:** May I ask the hon. Member to commence his supplementary question? I do not want to hear any more preambles. Why don't you take the lesson of the Hon. Roy Clinton, who very respectfully asks supplementary questions straight to the point? Can I ask you to do the same?

1290 **Hon. D J Bossino:** Mr Speaker, I do not need to take lessons from anybody, but I will ask the question.

I did not quite catch the last comment he made in answer to all the questions that we posed. As far as all my questions are concerned – I think that is the position and I ask him to confirm the position – he is not answering any of them because he said something about ... This is the note
1295 that I took – something about all the other areas and the Government is not involved. It was literally the last sentence that he read out in his prepared answer. I just want to understand whether I have understood the position correctly and that he, in fact, has not answered any of my questions.

1300 **Hon. Sir J J Bossano:** He understood correctly, Mr Speaker.

Hon. D J Bossino: But in what way is the Government not involved? The planning application submitted to the DPC on behalf of Community Supplies and Services Ltd – the notice of which was signed by one of the civil servants who, I assume Mr Caine Sanchez, works in his Department; I am
1305 assuming he is one of the individuals he has been referring to – says:

The purpose of the current intervention is to temporarily

– it is a misspelling; 'rehouse' I think it is meant to say –

[rehouse] the populations from neighbourhoods subject to alteration and demolition foreseen in urban remodelling to be carried out and which will result in the need for housing units.

Many of my questions were predicated on that, and we have issued press statements asking for clarification on this. But is he saying that this is completely distant from the Government, that he does not know what the applicant is saying when it says this? If that is his answer, it is very odd
1310 and weird that that should be the case when clearly this is something in respect of which there is a public and Government interest, surely, when it is talking about rehousing neighbourhoods and urban remodelling. Can he provide some further information in relation to that?

Hon. Sir J J Bossano: I cannot tell you more than I have told you already. Mr Speaker, I have
1315 told the hon. Member we have not been involved in the drafting or in committing ourselves or intending to do any of the things that he put in his ... The hon. Member asks how many modular buildings. We are not doing a modular building. This is being done by the private sector as part of the delivery of the National Economic Plan. Whether this gets through the DPC and whether it gets built, and whether when it gets built it finds customers on the basis of rehousing or not, is all
1320 speculative. What I am telling him is that it is not as a result of an input from me, in that I have said I want somebody to build this thing in order to decant people from anywhere in Gibraltar.

That has not happened, and that is why I am telling him that the involvement is the involvement only of assisting the people. I do not know whether there is a market for doing any of those things or not. I have got, clearly, an interest, in that it should be approved because it is going to be a modular building.

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We have already been contacted – that is the joint venture company has already been in contact with a potential supplier in China. The nature of the building is one that is available at a very favourable price because it is based on the designs that were produced for student accommodation in Glasgow in 2016. If he goes to the internet and looks at the student accommodation of Glasgow in 2016, those are the building units that are still available, which would be a modular building that can actually be transferred and re-erected somewhere else at a later stage.

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If it goes ahead, it means that the joint venture company will be doing that work. The actual potential usage of it ... well, I think it is too early to say where the market for that is going to be, but clearly there are many possibilities because we do not know, in a year's time, where our labour may be coming from or not coming from and to what extent we may need a place for labour or to what extent there are people living in very bad conditions who would be able to go there, or to what extent there are people living now in hostels who would be better off living in studio flats.

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The hon. Member needs to understand something that I have been trying to get them to understand from the beginning. This is the beginning of a process. People put things about what it is possible they may do. As far as I am concerned, some of the things that are there I do not think are very likely, but there has been no input from me in any of those. That is why I am telling him the only Government involvement is the one I have said, and all the other things he has mentioned which he has picked from this have not been put there by the Government saying we want to be using the building for any of these things. That is what I am telling him.

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Hon. D J Bossino: I must admit I am trying to be as objective as I possibly can about this. I am not taking a partisan view on this, (*Laughter*) but I still find it very difficult to follow.

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Hon. Sir J J Bossano: I take it he believes me when I tell him.

Hon. D J Bossino: I am taking everything he says at face value. Belief or not is a different matter. (*Interjections*) It is everything at face value, but I just find it very odd and very strange that there is this conflation. This is not a distant arrangement when you have public servants signing off applications on behalf of these companies that are wanting to do things on land in Gibraltar that, as part of that process, states that certain other things are going to happen in relation to other neighbourhoods and land in Gibraltar, due to urban renewal, and that the Minister, in his mind, distances himself from that to the extent that he cannot provide any information to the House in relation to that.

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His initial answer was no, and then he has given an explanation as to the thinking process, but here there is a very specific application for a specific project for a very specific type of apartment. I think there are 300 fifty-square-metre apartments. He has talked about the Glasgow student accommodation. Surely, as the Government Minister who is pulling the strings, he is telling us from the National Economic Plan perspective ... Presumably he is just looking at the profit element of it and not thinking about whether there is indeed ... For example, I think anybody down the street would say, 'Well, wait a minute, is there a social need for this? Is there a public policy need for Gibraltar to have 300 fifty-square-metre apartments in that location?' Let's forget the location – irrespective of where the location is. And when you have – supposedly, from what he is saying, and if one believes what he is saying – an independent entity, owned ultimately by a charity, saying 'I think this is a good idea,' and he does not even ask them why that is the case, but in his very friendly environment a civil servant who is under him in the Department signs off the application form ... The whole thing, even when I am setting it out, just does not sound right, I must say, Mr Speaker.

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1375 Furthermore, as part of the DPC application – and maybe this assists him, or maybe he has not
 read it; I do not know ... As part of the design statement it says ... some of which gives us a bit of
 information, which I think he may have been alluding to in his reply, where it talks about ‘providing
 adaptable accommodation’, which is what I think he was talking about, ‘for key workers within
 the located site’. That design statement cites the client as CIMC, which I think is the Chinese entity
 1380 which is providing the modular blocks in respect of the old people’s home, and GBIC Ltd, which is
 the joint-venture company in which the Government is involved. It is a joint venture with the
 company, so the Government is directly involved in that one. So is he really expecting us to accept
 that what he is telling us is that he has no involvement or understanding of the wider thinking
 behind this particular project, in terms of the social needs, etc?

1385 **Hon. Sir J J Bossano:** If the question is am I asking him to accept that I am telling the truth, he
 should have known me well enough and long enough to know that I do tell the truth. If I have told
 him what I have told him, then that is the truth. If he does not understand it, if he finds it surprising
 and all the rest of it ... He is supposed to be asking about information. The information I have given
 him is that the only involvement ... and that is in the original answer, and that there has been no
 1390 involvement in the rest, and everything else since is his emotions about the surprise of the answer
 that has been given. It is still the same answer. If you want to believe it, you believe it; if you do
 not want to believe it, you do not believe it. It is a free world.

Hon. D J Bossino: It is a specific question: is there a need, in his view – given our interpretation
 1395 of what must be clearly a governmental involvement through him in these projects – for 300 fifty-
 square-metre apartments? Is there a social need for it? I am asking him for that information. And,
 if so, why? But he is expecting us to accept that the answer is not even no – it is blank, it is nothing:
 ‘Nothing to do with me.’ That is what is bizarre.

1400 **Hon. Sir J J Bossano:** Mr Speaker, I do not expect anything from the hon. Member. He has
 asked a question, I have given an answer, and then his supplementary is do I expect him to believe
 the answer I have given him. Well, look, he can either believe it or he can lump it, I do not really
 care. He wants information and I have given him the information. If he does not want to believe
 it, I am quite happy that he should not believe it. (*Interjection*)

1405 **Hon. D J Bossino:** Mr Speaker, a point of order. I think the way that the hon. Gentleman ... I say
 this with the utmost respect – I have known him for many years, he is of a certain age; he is my
 mother’s age and indeed there is a family connection – but I think the expression ‘Well, he can
 lump it’ is unparliamentary and he needs to be called to order, in my view, in my respectful
 1410 submission. The Speaker can decide as he as wishes, but that is the point of order I am raising.

Chief Minister (Hon. F R Picardo): Mr Speaker, addressing that point of order, the Hon. Mr
 Bossano has more parliamentary experience, dare I say it, even than you, although you have
 much, and he certainly has more than anybody else on this side or that side of the House.

1415 He has summarised accurately the position, which is that when the Government gives an
 answer, it is given in keeping with the rules of moderation and in keeping with the words that
Erskine May considers are parliamentary and not parliamentary. He has said, ‘I am here to give
 information. I give the information. Issues relating to the hon. Gentleman’s emotions as to
 whether he believes or does not believe the answers given are really a matter entirely for him’ –
 1420 which can be accurately summarised as lumping it, (*Laughter*) and as long as the hon. Gentleman
 does not get up and say that he does not believe what another Member has said because he
 believes that that hon. Member is misleading the House, then there is not really an engagement
 of the Rules in that respect.

1425 Mr Speaker, in this House one has sometimes to accept things that are said by other Members,
 whether hon. Members like it or not. I have to accept the questions that hon. Members ask,

whether I like them or not, and they have to accept the answers, whether they like them or not. To a very great extent, we are very often dancing on a pinhead. We are in agreement on 99% of issues and it is just a question of how we speak about issues, how we represent issues and how we address them.

1430 The Hon. the Father of the House is doing something that he enjoys the full confidence of the Government in doing and the full confidence, in my view, of the community, although some people sometimes take more time to understand what he is saying and why he is saying it, and in particular why he is saying it in a particular way. I leave that there and say that there is nothing unparliamentary in the way he has expressed himself and that I do not think the Rules prevent
1435 him from telling hon. Members that if they do not like it, they should lump it.

Mr Speaker: Certainly, if I had been answering the question I would not have used that word. Having said that, I think you have been pushing the Hon. Minister to a degree which has resulted in the Hon. the Father of the House reacting in that manner. I am sure he does not really mean it
1440 and that it was just a reaction to your pushing him and the preamble that you used to get to the point of asking the question, which may at times ... not infuriate the Member, but you have to take into account that this gentleman has been working here, has been a parliamentarian, for many years and he really thinks Gibraltar and – Sorry?

1445 **Hon. R M Clinton:** Sorry, Mr Speaker, you are meant to be completely impartial, I would point out, as a point of order.

Hon. Chief Minister: I do not think that Mr Speaker, for one moment, is lacking impartiality by saying that the Hon. the Father of the House thinks Gibraltar. All of us stand up in this place and
1450 address each other as 'honourable' because the Rules actually set out that we are all honourable. And so, saying that the Father of the House thinks Gibraltar ... I might disagree often with the hon. Gentleman, but I was pleased to see him back here yesterday and I think he thinks Gibraltar, even though he does not think Gibraltar like me. We are all here to think Gibraltar, Mr Speaker, and we have agreed, on issues relating to foreign relations – as I said today in my address – that whoever
1455 from this Parliament was in the negotiations would take the same approach. So it is hardly impartiality to address that. Absolutely, and the Rules say we are all honourable, we all think Gibraltar, and there is no element of partiality in that respect. (*Interjection*)

Mr Speaker: Why doesn't the hon. Member rise and explain why you think I am not being
1460 impartial?

Hon. R M Clinton: Mr Speaker, with the utmost respect, because you are describing the hon. Member ... for whom I too have great affection, but it is one thing for us, on either side of the House, to express a view as to a person's attributes; in my humble submission, it is an entirely
1465 different thing for the Speaker to do so. You should not have a view as to a person's attributes. You should be there to chair the meeting and that is it.

Mr Speaker, I must say I think it is really strange that every time somebody on this side of the House raises a point of order, it seems to be the Chief Minister rising to make a submission. That is not the way points of order are meant to happen. It does not happen in the House of Commons.
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A Member: Yes, it does.

Hon. R M Clinton: It does not.

1475 **A Member:** Yes, it does.

Hon. R M Clinton: Mr Speaker, that is my submission. I will sit down.

1480 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman may only have seen some instances of the House of Commons where a person gets up, makes a point of order and the Speaker rules. Of course it is possible in the House of Commons, as elsewhere, when somebody makes a point of order, for a position in respect of that point of order to be expressed by other individuals. Of course it is.

1485 What the hon. Gentleman is saying is that the Speaker cannot express an opinion as to the 'honourability' of Members. What the Speaker would not be able to do is express an opinion about the 'dishonourability' of Members, unless he was making a ruling in that respect. What I am saying to him, Mr Speaker, is that you regard us all as being honourable and thinking Gibraltar, because that is what the Rules say. What the Speaker is saying is what the Rules say, and that is where the hon. Gentleman is wrong in his point of order.

1490 **Mr Speaker:** My answer to all this is that I cannot force the Minister to give an answer to a question and I do not have any responsibility for the quality of the answer that is given, nor its content. That is my answer to that.

1495 **Hon. D J Bossino:** Mr Speaker, you have ruled. So be it.
I think all the questions I had highlighted ... two questions which I thought he had not ... not that he had not answered, in the sense ... Put it this way: the answer he had given, for me, is a non-answer, but there were two questions which I had identified in respect of which he had not even attempted a non-answer, but it may be that it may be whittled down to one because he may have answered the point in respect of one of the questions raised by way of supplementary by one of my hon. Friends.

1500 I think it is in relation to Question 503, when I asked, 'Please state what plans the Government has to build further developments using module blocks.' I think what he said is that the Government is not making these decisions, these decisions are being made, if I can put it in these terms, on the private sector side, and then the Government considers, presumably – this is what I think should happen – whether it is a good project or not.

1505 But I think the question which has not been answered at all, not even with a non-answer, is Question 505, which is my final question in that list, which talks about planning and aesthetic considerations and the fact that this particular modular block is going to be so close to the Victoria Keys project. I may have missed it, but I do not think so.

1510 **Hon. Sir J J Bossano:** The answer I gave was that we were not involved beyond the one that I said yes to, and I said that in respect of all the others, there is no involvement. So what is it that he says I have not answered? I have answered that there is no involvement in any of the other things he has quoted from the submission.

1515 **Hon. D J Bossino:** Just so I can understand, that final sentence in his prepared reply applies to all of the questions that I filed and applies also to the question about the planning and aesthetic aspects? Have I understood him correctly? If that is the case, that is the case.

1520 **Hon. Sir J J Bossano:** Mr Speaker, I do not know whether the hon. Member has difficulty understanding things unless he is told the same thing 10 times, because he keeps asking the same thing. The first answer to the question was that other than in the specific area that I mentioned ... in respect of all the other questions there was no Government involvement. He has spent I do not know how much time asking me the same thing about all the other areas where I said there is no Government involvement. If, as he says, he finds it difficult to believe, he can not believe it. If he finds it difficult, he should stop struggling with his conscience and accept that he does not believe it, and that is it. I am telling him, he does not believe it. I do not mind him not believing it; what I mind is him asking me 20,000 times to say something different, which I am not going to do.

1530 **Mr Speaker:** We move on. The Leader of the Opposition would like to ask question? Yes.

Hon. K Azopardi: Yes, can I just ask two questions, if I may? I think they are short, so hopefully I will get short answers.

1535 Can I just ask the Minister whether he is saying, really ...? I understand the creation of this is under the National Economic Plan, so is he saying that all the projects that CSSL are involved in or would be involved in must be sponsored under the National Economic Plan? Is that the rationale of this?

1540 **Hon. Sir J J Bossano:** The projects that are in the National Economic Plan up to now are the ones that I have listed – that is at this point in time. I also said that CSS was not obliged to only work on our projects and work with us. That is to say they are free to be involved in other projects and put in submissions for other people, in which we have no involvement.

1545 Our involvement is sometimes initiated by us and sometimes initiated by somebody who comes to us with a proposal asking that we should incorporate it in the National Economic Plan. I can tell him that there have been some proposals made to us by people who have a design, an idea, something they want to develop and they would rather do it in partnership with us than on their own, and I have said no, because I could see that it was of no benefit in what I have described I am trying to do. That is to say it was simply a development to sell on the open market, to make money. We are not in that business and we would not want to be in partnership in that business,
1550 because in everything we are doing there has to be a social element as part of the exercise because we want to be delivering things which are funded as part of a bigger project that contains other things. So where there is simply another building going up in order to be sold, because there seems to be an insatiable appetite for apartments nowadays, then we are unlikely to get involved. We might get involved at some point because it is a very good return now, and then we can use that
1555 money for something else, but it is unlikely.

Hon. K Azopardi: And then, from that and related to it, if I may – let me understand it – if profits are generated by CSL, where do they go? Does the Government get some kind of cut of the profits? At the end of the day, this is a National Economic Plan, projects you have identified –
1560 where there are social and/or economic needs, but always economic needs, as I understand it, because it is part of the National Economic Plan – to generate growth and so on and so forth. But it is also about creating this structure, which will also, as I understood the explanation – I may be wrong – derive not just an indirect benefit to the economy of Gibraltar, but a direct benefit to the Government's coffers. If I am wrong, I am wrong, but the hon. Member will correct me. If it is
1565 about a direct benefit, how does that work? If there is a generation of profits because CSSL are involved in these, is there an understanding and agreement with the Government as to the divvying up of profits? How does it work?

Hon. Sir J J Bossano: Well, that would depend on the ... that is to say in the projects I mentioned
1570 until now the profit element is insignificant when you take into account ... For example, if you take the Laguna project, what is being produced there is that there will be homes in the way I have described. Those homes will be sold. So at the end of the day, the only profit there would have been the profit that the construction company, of which we are 50% owner, might have made. The buildings would be sold at cost, basically, and the money would then go back. If there had
1575 been any funding, it would go back to the funding entity, if it is us or somewhere else, and there would be interest payments coming in, obviously, from that. If it was something more lucrative, which I do not think there is in the ones we have at the moment, then it would probably be because there would be less of an element of something being sold below market prices or something being provided free. So where we have something free or where we have a need that
1580 we have identified but we are not able to satisfy, and this is being satisfied on terms which we

think are favourable and we have feedback from the people looking for it that is favourable, then it ticks enough boxes for us to want to be supportive and get involved with it.

1585 If it came to a point where there was something that made a lot of money, then clearly we would not be saying the charity can keep all the money. There would have to be an agreement, if
1590 we were going to be supporting it, as to what was in it for us for the effort we were making, but so far, in the ones I have mentioned that is not the case. These things are being done on the basis that they cover the costs of everything and there are no losses, and there would only be a relatively small profit for the construction company because the joint-venture construction company is not dealing with this project on the basis of trying to maximise as much profit as it can, because we are controlling that as a shareholder. We do not want the company to lose money, but it gives us an entity in the private sector which we can use to compare what other people are asking for in terms of construction prices. If it came to a point where there was a lucrative contract which was going to produce a lot of money, then at that point, if we decided we were going to be involved, we would not be involved without getting a share of the cake.

1595

Hon. K Azopardi: Just a final question, with your indulgence, Mr Speaker. I understand from that explanation there is no agreement as to the divvying up of profits because of the explanation the hon. Member has given, that certainly on the list of projects envisaged at the moment you are not looking at major profits, but if something were to happen in the future there might be, but at the moment there is no drawn-up understanding or agreement on the divvying up of profits.

1600

Can I ask if he can confirm that, firstly, but secondly, on the CSSL structure itself, is there some kind of board of charity trustees? The charity is Community Initiatives, not CSSL, so is there a board of trustees behind the corporate structure, or are the people, in effect, fulfilling that function, those that are set out in the company profile?

1605

Hon. Sir J J Bossano: There may be and I may not know it, but as far as I know, there is not, and of course the charity has nothing to give to anybody anyway at the moment because it has not been in existence long enough. The charity's income will come from any money that may come from the subsidiary. It has no other source of income at the moment, other than that of the subsidiary. The subsidiary, I have told him, is involved in things with us which are not likely to produce much surplus, if any, when everybody's costs are met, so whatever money is made, if there is any money made, will not be very much, and of course that money would go from CSS to the charity, because CSS cannot do anything else with the money other than give it to the parent. What the future may be will depend on how successful this is and how big it becomes, but at the moment it is not there.

1615

Hon. D J Bossino: Mr Speaker, as part of the structure, from what we have been able to gather, the company at the very bottom of the tree ... In other words, CSSL Ltd is the parent of another company called Wonderworks Media, which was the subject of a question yesterday that I posed in relation to employment within the Town Planning Department. Is he able to tell me whether that is another of CSSL's activity – the provision of labour-hiring services to the Government? As I understand it, Wonderworks Media Ltd is the employer but is providing labour not just to the Town Planning Department but also to other different Government Departments. Can he confirm what the position is in relation to that?

1625

Hon. Sir J J Bossano: We do not hire labour from CSS. We may give them work to do with their labour for us, but we do not hire labour from them as a Government.

Hon. D J Bossino: The 'we' is the Government and 'them' is CSS Ltd, but I am talking about a different company: Wonderworks Media Ltd. Is he aware that Wonderworks Media Ltd ...? Or was that left to CSS as to how they organise themselves and provide labour?

1630

Hon. Sir J J Bossano: *[Inaudible]*

1635 **Hon. D J Bossino:** Okay.

Mr Speaker: Next question.

Q498/2022
Unemployment Benefit –
Number of recipients and nationalities

Q499/2022
Disability Benefit –
Number of recipients and underlying conditions

Clerk: Question 498/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

1640 **Hon. E J Reyes:** Thank you, Mr Speaker.
How many people are in receipt of Unemployment Benefit and what are their nationalities?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

1645 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** I will answer this question with Question 499.

Clerk: Question 499/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

Hon. E J Reyes: How many people are in receipt of Disability Benefit and what are their underlying disability conditions?

1650 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

1655 **Hon. Sir J J Bossano:** Mr Speaker, there are 14 people in receipt of Unemployment Benefit, of whom 13 are British citizens and one is Belgian.

There are currently 457 people in receipt of Disability Benefit compared to 162 in 2011. The benefit is granted following an assessment of the applicant's inability to deal with normal everyday living requirements, so the underlying condition is not a relevant factor.

1660 **Hon. E J Reyes:** Thank you, Mr Speaker.
I know the Minister is trying to say that those who are entitled to Disability Benefit are entitled ... it is not an underlying factor of what it is, but we were trying to gather information. Is it perhaps like ...?

1665 I know it happens when I do the questions on Education – we have a general theme or heading and how many people fit in that column. Could it be that because there are physical disabilities ...? There are many types of disability. I do not know if the Minister has now or perhaps can work on that one for future statistics and we can perhaps have a dozen general headings trying to identify the type of disabilities – especially, as the Minister has highlighted, we have seen the big increase in number in the last decade, when it has more than doubled. It would be interesting and, I think,
1670 beneficial for both sides of the House to have that style of statistics. I hope the Minister can agree

with me that that would be useful information to acquire for the future if he does not have it at this particular stage.

1675 **Hon. Sir J J Bossano:** I do not agree that it would be beneficial. I am informed that there are 164 different conditions. If you have a situation where one person with one particular condition gets Disability, I can tell you that everybody else who has that condition will ask, 'Why is he getting it and I am not?' The answer is it has nothing to do with the disability, it has to do with the consequences that are being suffered by the individual.

1680 From what I can gather of the new system, which was announced here on 24th June 2015 and explained then ... Before 2015, there were certain disabilities, illnesses or conditions that were accepted as being, if sufficiently severe, eligible for an applicant to get Disability Allowance. If I told him how many there are, the hon. Member would understand that if we actually said everybody who has one of these 164 gets it, we will have half the population, not just 457.

1685 **Mr Speaker:** Next question.

Q506-08/2022

Census –

Online and paper questionnaires; publication of report

Clerk: Question 506/2022. The Hon. the Leader of the Opposition.

1690 **Hon. K Azopardi:** Mr Speaker, can the Government confirm how a judgement is being made as to whether to send households a 2022 census form requesting online completion of the questionnaire to some people and paper questionnaires to other people?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): I will answer this question with Questions 507 and 508.

1695 **Clerk:** Question 507/2022. The Hon. the Leader of the Opposition.

1700 **Hon. K Azopardi:** How many households have received 2022 census letters seeking online completion of the questionnaire, and how many paper questionnaires have been sent to households?

Clerk: Question 508/2022. The Hon. the Leader of the Opposition.

1705 **Hon. K Azopardi:** When would it be expected that the report on the 2022 census would be published?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

1710 **Hon. Sir J J Bossano:** Mr Speaker, I am informed that the paper questionnaires were initially sent to senior citizens aged 70 and over and all residents of Bishop Canilla House, Albert Risso House, Charles Bruzon House and Sea Master Lodge, although all these citizens have the option of completing the census questionnaire online. Paper questionnaires are also made available to

1715 any citizen upon request. As a result, 17,722 letters were sent to households seeking online completion of the questionnaire. Of these, 4,164 were also sent a paper questionnaire and 13,558 only received the letter.

It is too soon after the census completion to say when it is likely to be published.

Mr Speaker: Thank you, Mr Speaker.

1720 Indeed, the reason for the question was that when I got my own letter I was struck by the fourth paragraph, which said, 'For the first time, the Gibraltar census will be conducted primarily online, although paper questionnaires will be made available to those who may be unable to complete the census online.' I contacted a family member who is elderly, because I thought he might not be able to do the online bit, and I was told, 'I have had a paper question and I have already done it.' I was wondering how people were doing that, so I am glad to see there was a
1725 rationale behind it and that people who were of a certain age were given this.

I have also heard anecdotally that some people have not received the questionnaire, so can I ask the Minister – because I have seen in the press that enumerators will do physical visits as from now, I think, from the week of 21st November – if there is anyone out there who has not yet completed it, or has not received an online or paper invitation, how can they do that? I am sure
1730 he will agree with me that this is an important exercise in terms of our future planning.

Hon. Sir J J Bossano: I agree entirely that it is important. This is information that gives us a snapshot every 10 years of the changes we are having demographically which affect a lot of other decisions, because it will produce, eventually, an evaluation of how our population is changing in
1735 age and composition and probably will confirm what is happening everywhere else – that there is an ageing population and a shrinking working population in comparison. Every census that everybody else is doing is showing that and Gibraltar is likely to show the same result, but the degree to which we are more or less than others can only be accurate if everybody is included.

I am not able to tell him if there is an automatic method for this to be happening, but what I
1740 will tell him is that I will contact the office on Monday and find out if they are already doing something about it, and if they are not, ask them to do something about it, because we do not want anybody to be deprived of the opportunity of being included. I suppose in a thing like this there is always a handful of people, somehow, who drop out, but I agree entirely that it should not be permitted.

Questions for Written Answer

1745 **Clerk:** Answers to Written Questions.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W64/2022 to W69/2022 inclusive.

Order of the Day

BILLS

FIRST AND SECOND READING

Financial Services (Moneylending) (Amendment) Bill 2022 – First Reading approved

Clerk: Order of the Day. (ix) Bills – First and Second Reading.

1750 A Bill for an Act to amend the Financial Services (Moneylending) Act. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Financial Services (Moneylending) Act be read a first time.

1755

Mr Speaker: There is some confusion, which I need to clarify.

Hon. Chief Minister: Mr Speaker, ever since I was first elected to this House, I had to bring my Bills with me – in the old days, we did not get any notice of which Bills might be dealt with – just in case a Bill was dealt with. Now they are available online and hon. Members can access them, I am surprised that we have a service whereby we are provided with the Bills. I am all in favour of modernisation, it is all very helpful and everything, but I am surprised that we should pause for that purpose.

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Hon. E J Reyes: Mr Speaker –

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Mr Speaker: No, let the Leader of the Opposition speak.

Hon. K Azopardi: Mr Speaker, let me just clarify. When I was elected back into this House in 2019, I used to bring my Bills all the time, but it became clear that the practice was that the clerical staff would come out and give us all the Bills, so I have stopped doing that. It is more environmentally friendly, instead of printing them all off like I used to do. That is the reason. It is not an awkward point. That is all. It is evolved practice, at least in the last three years since I have been here. I am happy if the practice should change – we can bring our Bills – but that is how it has been.

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Hon. Chief Minister: I am very happy, Mr Speaker, that that practice seems to have arisen in the time we have been in government and that hon. Members are extended that facility, with which the Government does not intend to interfere, but we have never been stopped in proceeding with Bills before for that reason.

1780

Hon. E J Reyes: Mr Speaker, I –

Mr Speaker: Resume your seat, please.

1785

I think I would agree with the Leader of the Opposition. Certainly since I have been here, since 2019, the practice has always been to provide Members of the Opposition with the Bills.

Hon. Chief Minister: Mr Speaker, could that be extended to Members of the Government? We bring our own.

1790 **Mr Speaker:** I shall ask Mr Clerk.

Hon. R M Clinton: Mr Speaker, in terms of environmentally friendly, Members will know they are already printed. As long as there is no additional cost in producing them, they are already available, so I do not see why we cannot just have them available to us.

1795 **Mr Speaker:** I can confirm that the Chief Minister has certified that this Bill is urgent. I now put the question, which is that a Bill for an Act to amend the Financial Services (Moneylending) Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1800 **Clerk:** The Financial Services (Moneylending) (Amendment) Act 2022.

**Financial Services (Moneylending) (Amendment) Bill 2022 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Thank you, Mr Speaker, I have the honour to move that the Bill now be read a second time.

1805 The purpose of this short Bill is to amend the Act in order to raise the moneylender's licence duty set out in section 33, and that is in keeping with commitments made in this year's Budget to raise fees across Government in line with inflation. However, instead of inserting the new duty in section 33, a new reference is made to a new Schedule 5, which will house the amount of the duty going forward and subsequently it will not be necessary to bring primary legislation to make this particular Government fee a new one. We will just be able to amend it by notice in the Gazette, which is in fact the way we are able to deal with most of the Government fees and charges. Hon.
1810 Members will have seen that after my announcement in the Gazette a notice was printed with all the increases in charges across the board in keeping with the announcement, but this particular fee required a change to primary legislation.

1815 The reason for the urgency is that the moneylenders' licences all renew in December and therefore the fee would have to be raised in December and we would not have the benefit of the new fee if we do not make the amendment now.

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

1820 **Hon. R M Clinton:** Mr Speaker, it seems, on the face of it, a fairly simple Bill and I do not see that we would have any problem in the Opposition in supporting it in its entirety.

1825 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Financial Services (Moneylending) Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Financial Services (Moneylending) (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Thank you, Mr Speaker. I have the honour to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1830 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Fur Trade (Prohibition) Bill 2022 –
First Reading approved**

1835 **Clerk:** A Bill for an Act to make provision for the prohibition of keeping animals solely or primarily for slaughter for the value of their fur, to prohibit the importation, exportation and trade of animal fur and items containing animal fur, and other connected matters. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

1840 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the prohibition of keeping animals solely or primarily for slaughter for the value of their fur, to prohibit the importation, exportation and trade of animal fur and items containing animal fur, and other connected matters be read a first time.

1845 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the prohibition of keeping animals solely or primarily for slaughter for the value of their fur, to prohibit the importation, exportation and trade of animal fur and items containing animal fur, and other connected matters be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Fur Trade (Prohibition) Act 2022.

**Fur Trade (Prohibition) Bill 2022 –
Second Reading approved**

1850 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

1855 This Bill prohibits the buying, selling and commercial importation and exportation of fur. The only jurisdictions in the world to have taken such a pioneering step to ban the trade of fur are Israel and a number of US states. Gibraltar will once again show that it can lead the world by joining this leading approach in animal welfare law. The aim of the Bill is to help reduce the cruelty to animals and the risk to human communities associated with breeding, farming and production of fur and fur products by significantly limiting the legal market for such items in or through Gibraltar.

1860 Some members of the public may consider that when farming animals, all parts of the animal may be used and fur is a mere by-product of agricultural farming. This is not the case, and the production of fur is quite unlike farming animals for agriculture. Firstly, the types of species farmed for their fur include foxes, mink, chinchillas and rabbits. These are wild species which have not been bred to be kept in captive environments. Secondly, in order to preserve the skin, animals are killed in particularly inhumane ways, such as gassing and electrocution. In addition, the production of fur has potentially catastrophic consequences for human health and the wider environment. The crowded, stressful and unhygienic conditions on fur farms make them a breeding ground for infectious diseases – COVID-19, for example. Fur production is also intensely toxic and energy consuming, with pelts being dipped in toxic chemical soups, and animal waste runoff from fur factories polluting soil and waterways.

1865

1870 Whilst, thankfully, in Gibraltar we do not have any fur farms, the Bill also prohibits the farming of fur in Gibraltar, to ensure that this activity never finds a home here.

Finally, the fur ban will demonstrate that Gibraltar does not consider commercial activities in any fur to be acceptable and sends a message that similar actions should be taken internationally.

1875 The Bill makes it an offence for any person to keep animals or allow another person to keep animals for slaughter for the value of their fur or for breeding progeny for such slaughter. This is the offence which prohibits fur farming.

The Bill also makes it an offence to deal in fur, meaning buying, selling or hiring, offering or arranging to buy, sell or hire, keeping for these purposes, importing for sale or hire, exporting for sale or hire. It does not include possessing, inheriting, gifting or bequeathing.

1880 The Bill provides limited exemptions to the prohibition on dealing in fur. These are for the purposes of scientific research, education and for religious belief or tradition. The latter is a limited exception necessary to preserve the constitutional rights of persons who use items containing fur as part of a religious tradition.

1885 Besides police and customs officers, all authorised persons being persons representing the Department of Environment and any other person appointed by the Minister have certain law enforcement powers under the Bill.

In the event of a conviction under the Bill, the court may make a forfeiture order in respect of any fur or any animals relating to the offence.

Customs officers have all the powers under the Import and Export Act 1986 for the purposes of this Bill.

1890 Mr Speaker, this is a trailblazing animal welfare law that will be an example to others, and I therefore commend the Bill to the House.

1895 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I am glad to see the hon. Member has so much energy emanated in the reading of his speech on this issue at this stage of a Friday evening. I am glad to say that we entirely endorse and support his comments and we will support the Bill.

1900 **Hon. D J Bossino:** He has much vigour.

Mr Speaker: Does the hon. Member, the mover of the Bill, wish to respond?

1905 I now put the question, which is that a Bill for an Act to make provision for the prohibition of keeping animals solely or primarily for slaughter for the value of their fur, to prohibit the importation, exportation and trade of animal fur and items containing animal fur, and other connected matters be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Fur Trade (Prohibition) Act 2022.

**Fur Trade (Prohibition) Act 2022 –
Committee Stage and Third Reading to be taken at this sitting**

1910 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, with equal energy, despite the time, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Traffic (Amendment No. 2) Bill 2022 –
First Reading approved**

1915 **Clerk:** A Bill for an Act to amend the Traffic Act 2005. The Hon. the Minister for Transport.

Minister for Transport (Hon. P J Balban): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Traffic Act 2005 be read a first time.

1920 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Traffic (Amendment No. 2) Act 2022.

**Traffic (Amendment No. 2) Bill 2022 –
Second Reading approved**

1925 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

This Bill amends the Traffic Act 2005. Following representations made by the Commissioner of Police regarding his grave concerns about their ability to deter traffic offenders in a truly meaningful way, a wholesale review of the level of penalties across traffic legislation was conducted. The Commissioner was of the view that the current, then, level of penalties as a result of not having been increased over many years was proving to be insufficient to deter offenders, especially repeat offenders, resulting in a notable decline in road safety.

1930 Our new Highway Code reflects the changes as seen in the UK which create a hierarchy of road users based on their vulnerabilities, pedestrians being at the forefront of these changes as the most vulnerable within the roadscape. We are all pedestrians each and every day, and offences ranging from the inconsiderate to the outright dangerous all have a potential effect on the safety of other road users, regardless of their means of transport, but especially pedestrians and, even more so, children.

1935 The review into the increase in these penalties was conducted paying close attention to the gravity of different offences, as well as the potential serious consequences of such behaviour. This legislation increases the number of penalties contained within the Traffic Act 2005 from level 1 to levels 2 or 3, and in some cases from level 3 to level 4, and disqualification would also be possible.

1940 This is the second phase of the work referred to in presenting the Bill for a Traffic (Amendment) Act earlier this year, setting out to increase the general penalty for offences under the Traffic Act prior to increasing the levels of fixed penalty notices as requested by the RGP in order to ensure that the penalty for the underlying offence is not disproportionately lower when compared to the FPN.

1945 Furthermore, the increase in the penalty for the offence under section 63A of the Traffic Act, of driving or being in charge of a motor vehicle with an alcohol concentration above the prescribed limit, reflects the seriousness of the offence and mirrors the penalties for this offence.

1950 **Mr Speaker,** I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

1955 **Hon. K Azopardi:** Mr Speaker, we, of course, support the principle that there should be penalties and harsh treatment for offenders in respect of traffic matters, but we have not been privy to that consultation or indeed had any discussions with the Commissioner on those issues and we are going to abstain on this Bill.

1960 **Mr Speaker:** Does the hon. mover or the Hon. Chief Minister wish to respond?

1965 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may say so to the hon. Gentleman, it is disappointing that they will not take it from the Minister that the Commissioner of Police has made the representations he has made. To put it this way, the hon. Gentleman feels a little like a legislative doubting Thomas in the sense that he is saying, 'If I am not in the consultation myself, I will not accept it from the Minister that the consultation results in that representation being made by the Commissioner.' I think it is something that has been said publicly by the Commissioner himself in a number of articles in the local press where he has been interviewed and he has given this indication. We want to see the legislation be able to have the deterrent effect that is necessary, and I think this is the point the Commissioner was making and is being 1970 echoed by the Minister, so it is disappointing that we are not going to have hon. Members' support. I do know that there are people around Gibraltar who say the Government has spent so much money on extravagance – not on putting food on the table during COVID but on extravagance – that now it is trying to fill the public finance hole by upping fines. I assume that hon. Members are not going to try to play to that constituency, because this is far too serious for anybody to play to that sort of nonsensical constituency. 1975

What is happening here is the Government is reacting to law enforcement's requests to ensure that fines have the deterrent effect they need to have. I will give the hon. Gentleman an example of something that used to happen in Rome. During a period of great inflation in Rome, the fine for slapping a centurion had remained at something like 10 denarii, and 10 denarii was something that was very affordable. A rich man, to demonstrate the lack of deterrent effect that the fine had, went around slapping centurions and giving each of them 20 denarii so that the prosecution did not happen. We have to ensure that we do not put ourselves in that situation. It is unfortunate that, in light of that, the Opposition is going to abstain from ensuring that the deterrent effect is there on the fines that are provided for, because we have anti-social behaviour not just in our 1980 estates, we have anti-social behaviour on our roads. This is what has to be dealt with, and this is why it has to be dealt with in this way. Having said all that, what the Government would most like to see is no income from fines under the Traffic Act. What we would like to see is no offending under the Traffic Act because that would be the best result and that would demonstrate the deterrent effect that we have. 1985

1990 Mr Speaker, obviously on this side of the House we are disappointed not to enjoy the Opposition's support for this Bill. They say they want to support the deterrent effect of the fines in the Traffic Act but they do not want to support the Bill that is going to deliver that, and it is unfortunate that they are going to take that attitude.

1995 **Mr Speaker:** Does the Hon. Minister wish to make a comment?

Hon. P J Balban: Mr Speaker, yes. I am also disappointed because I thought this was something that would be accepted across the floor of the House.

2000 Over time, fines become inconsequential. This is what we were seeing and what the Police were seeing. We were seeing that people felt, 'Well, it is just £25,' or 'It is just £50 if I pay within two weeks and it does not really matter.' We have seen a lot of people really jeopardising the safety of our roads, especially when we are trying to aim for a child-friendly city and a better

2005 environment for us all. I really thought that this would be accepted across the board because it provides the tools not only for the RGP but also for the courts of law to be able to give fines and make people aware that the consequences can be extremely serious.

2010 For completion, I would like to mention one thing that has happened – just for reasons of transparency. There has been one occasion, and I think not more than five occasions, when there has been an issue because we updated the fixed penalty notice list of offences and at the point of fining, the officer should have moved them to £100 until this Bill went to Parliament. Because during COVID we set up a direct debit system for offenders, there has been one occasion where the person has paid the £300 before time, so when this is passed in Parliament today ... As from next week, this will become £300, but until then the fine will remain at £100. I just wanted to make that clear because that person – I just know of one case – will be contacted and the correct fine level will be applied.

2015 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 be read a second time. Those in favour? (**Members:** Aye.) Those against? The Opposition are abstaining. Carried.

2020 **Clerk:** The Traffic (Amendment No. 2) Act 2022.

**Traffic (Amendment No. 2) Act 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Transport (Hon. P J Balban): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2025 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Act 2022 –
First Reading approved**

Clerk: A Bill for an Act to amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act 2006. The Hon. the Minister for Justice, Equality and Public Standards and Regulation.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): I have the honour to move that a Bill for an Act to amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act be read a first time.

2030 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Act 2022.

**Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Act 2022 –
Second Reading approved**

2035 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill for an Act to amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act be read a second time.

The Act would amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act 2006 to prohibit the sale of vaping products to young persons in the same way as tobacco sales are banned.

2040 The Bill legislates for the first time on vaping products. Vaping products come in two forms, those which deliver nicotine to the user and those which do not. This Bill is based on Public Health advice. Vaping products are still relatively new and the inhalation of chemicals in a vapour, whether or not there is nicotine present, is not risk free, especially for young people or those with certain pre-existing conditions. The negative impacts and risks vaping products present are not fully understood and cannot be quantified. In spite of vaping products possibly being a useful tool for some to stop smoking, the scientific understanding of both the short- and long-term effects of vapour is, so far, inconclusive, and this uncertainty justifies taking a precautionary public health approach to them.

2050 Vaping products are sometimes referred to as electronic nicotine delivery systems (ENDS). A variety of types have alternative names for the whole device or parts of it, such as tanks, e-cigarettes, vapes, or e-shisha. Vaping products normally contain a carrier liquid of propylene glycol and vegetable glycerine. Nicotine is included in the majority of products, but not all, and most products contain flavouring.

2055 Clause 3(4) amends section 2 of the 2006 Act to introduce a definition of ‘vaping product’. The Bill provides that a vaping product is ‘(a) a device which is intended to enable the inhalation of nicotine-containing vapour by an individual; (b) a device which is intended to enable the inhalation of other vapour by an individual but is intended to resemble and be operated in a similar way to a device within paragraph (a); (c) an item which is intended to form part of a device within paragraph (a) or (b); (d) a substance which is intended to be vaporised by a device within paragraph (a) or (b) (and any item containing such a substance)’. The Bill expressly excludes medicinal products or medical devices, as well as tobacco, which is already provided for.

2060 The term ‘vaping product’ is intended to include all devices known as electronic cigarettes, as well as all related products such as refills, liquids, chargers and other components such as e-liquids. The decision to include products which do not contain nicotine is on the basis of a number of factors. One is that it would be impractical for enforcement authorities to take action against individuals and have to test products. This provides a clear and consistent approach. Secondly, the risks of devices and liquids, whether they contain nicotine or not, are not understood. Thirdly, even products which do not contain nicotine are used in a way which resembles smoking and so pose a risk to the renormalisation of smoking. Fourthly, many products have refillable tanks; they could be sold and initially used with a liquid that does not contain nicotine, but could later be used with nicotine-carrying fluids.

2070 Clause 3(6) amends section 9 of the Act to make it an offence to sell a vaping product to a person under the age of 18 years. The new subsection (1B) will also make the licence holder liable, so that it is not only the shop assistant who commits the offence. The defences available to those selling tobacco products also apply to this new offence.

2075 Clause 3(7) creates a new section 9A and prohibits the hire of vaping products to persons under the age of 18. This is to prevent the use, particularly in catering establishments, of vaping devices by persons under the age of 18.

2080 Clause 3(8) amends section 10 so that the confiscation powers of the Police in relation to tobacco are extended to vaping products in the same circumstances – that is where a police officer has reason to believe that any person under the age of 18 is using a vaping product in a public place.

2085 Clause 3(9) amends section 10A of the rules on access to tobacco, to ensure that retailers selling vaping products ensure that any vaping products are stored in the same way as tobacco, behind a counter or in a locked container.

2090 Clause 3(10) amends section 11 to make it an offence for a person aged over 18 to procure a vaping product for a person under the age of 18. The offence mirrors the offence of procuring tobacco for a person under the age of 18. It is a defence for a person charged with such an offence to prove that he believed the person to be over 18 and that relevant evidence had been produced of the age which a reasonable person would have been convinced by.

2095 Clause 3(11) amends section 12 to introduce a requirement for retailers to put up a notice making it clear that it is prohibited to sell vaping products or procure vaping products for anyone under the age of 18. This replicates provisions relating to notices in respect of tobacco.

2095 Clause 3(12) amends section 13 in relation to the offence of not displaying a notice in accordance with the requirements of section 12.

Clause 3(13) amends section 14 to ensure that if any vending machines selling vaping products are in use, it is clear that they are not permitted for those under the age of 18.

2100 Clause 3(14) amends section 16 in relation to the offence of permitting the use of a vending machine in contravention of provisions of the Act.

Clause 3(15) inserts a new regulation-making power after new section 17A, giving the Minister for Justice power to amend the definition of ‘vaping product’ in section 2. This is designed to futureproof the legislation in the event that new technologies create products which cause harm but in some way fall outside the definition.

2105 Clause 3(16) amends section 21A to reflect the provisions made earlier in the Bill on the offences by licensees.

Finally, clause 3(17) amends section 22 to extend the provisions on the suspension of licences to sell alcohol or tobacco to any licence to sell vaping products.

2110 Mr Speaker, I commend this Bill to the House.

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

2115 **Hon. K Azopardi:** Mr Speaker, we will support this Bill for the reasons – and I will not prolong the session, but for the reasons that the hon. Lady has indicated. We think this is a Bill that makes a lot of sense and therefore it has our full support.

Mr Speaker: Does the mover of the Bill wish to respond?

2120 **Hon. Miss S J Sacramento:** Mr Speaker, I thank the hon. Gentleman for agreeing that this Bill makes a lot of sense.

2125 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Act 2022.

**Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Act 2022 –
Committee Stage and Third Reading to be taken at this sitting**

2130 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

COMMITTEE STAGE AND THIRD READING

2135 **Clerk:** Committee Stage and Third Reading.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause, namely the Financial Services (Moneylending) (Amendment) Bill 2022, the Fur Trade (Prohibition) Bill 2022, the Traffic (Amendment No. 2) Bill 2022 and the Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Bill 2022.

In Committee of the whole House

**Financial Services (Moneylending) (Amendment) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Financial Services (Moneylending) Act. Clauses 1 to 3.

2145 **Mr Speaker:** Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

Mr Speaker: The long title stands part of the Bill.

**Fur Trade (Prohibition) Bill 2022 –
Clauses considered and approved**

2150 **Clerk:** A Bill for an Act to make provision for the prohibition of keeping animals solely or primarily for slaughter for the value of their fur, to prohibit the importation, exportation and trade of animal fur and items containing animal fur, and other connected matters.

Part 1, clauses 1 to 3.

Mr Speaker: Part 1, clauses 1 to 3 stand part of the Bill.

2155 **Clerk:** Part 2, clauses 4 to 7.

Mr Speaker: Part 2, clauses 4 to 7 stand part of the Bill.

2160 **Clerk:** Part 3, clauses 8 and 9.

Mr Speaker: Part 3, clauses 8 and 9 stand part of the Bill.

Clerk: Part 4, clauses 10 to 15.

2165 **Mr Speaker:** Part 4, clauses 10 to 15 stand part of the Bill.

Clerk: Part 5, clauses 16 to 18.

Mr Speaker: Part 5, clauses 16 to 18 stand part of the Bill.

2170

Clerk: The long title.

Mr Speaker: The long title stands part of the Bill.

**Traffic (Amendment No. 2) Bill 2022 –
Clauses considered and approved**

2175 **Clerk:** A Bill for an Act to amend the Traffic Act 2005.
Clauses 1 to 3.

Mr Speaker: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

2180

Mr Speaker: The long title stands part of the Bill.

**Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act 2006.
Clauses 1 to 3.

2185

Mr Speaker: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

2190

Mr Speaker: The long title stands part of the Bill.

**Financial Services (Moneylending) (Amendment) Bill 2022 –
Fur Trade (Prohibition) Bill 2022 –
Traffic (Amendment No. 2) Bill 2022 –
Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Bill 2022 –
Third Reading approved: Bills passed**

2195 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Financial Services (Moneylending) (Amendment) Bill 2022, the Fur Trade (Prohibition) Bill 2022, the Traffic (Amendment No. 2) Bill 2022 and the Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Bill 2022 have been considered in Committee and agreed to without amendment. I now move that they be read a third time and passed.

2200 **Mr Speaker:** I now put the question, which is that the Financial Services (Moneylending) (Amendment) Bill 2022, the Fur Trade (Prohibition) Bill 2022, the Traffic (Amendment No. 2) Bill 2022 and the Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Bill 2022 be read a third time and passed.

Those in favour of the Financial Services (Moneylending) (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Fur Trade (Prohibition) Bill 2022? (**Members:** Aye.) Those against? Carried.

2205 Those in favour of the Traffic (Amendment No. 2) Bill 2022? (**Members:** Aye.) Those against? The Members of the Opposition have abstained. The Bill is carried.

Those in favour of the Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Adjournment

2210 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it looks like we have really put a nail in the coffin of the ape fur for business for the National Economic Plan this afternoon, but I hope not for human fur, given that tomorrow I am going to shave off all mine – and I have not given up persuading the Hon. Mr Balban to come and shave himself too – in aid of Prostate Cancer Gibraltar, at Casemates at 11 o'clock tomorrow.

2215 Mr Speaker, I am rising to move the adjournment. In doing so, I am conscious that our next meeting will be due in the third week of December and that by then either England or Wales may have qualified for the World Cup final and maybe will have won it. They will go certainly with the support of this side of the House. Given that the GFA is not playing in this World Cup, I am sure the whole House will join me in wishing England and Wales all the best.

2220 Mr Speaker, before I move the adjournment, I thank you because you have been in the Chair almost for four hours straight to enable us to get through the business.

2225 If I may say so – which he will hate – the hon. Gentleman sitting next to me, who has been described as being of advanced age by the Hon. Mr Bossino, has this week travelled for Gibraltar, then arrived and done *Viewpoint*, and no sooner was he out of that studio, he was with me this morning at 7 a.m. at Father Charlie's soup kitchen and then has come here to field questions from all of the Members of the Opposition who are present. If that is not a *tour de force*, then let me take him to dinner straight after finishing, to the Med Rowing Club, to finish off.

Before I sit down, the hon. Gentleman is asking me to give way.

2230 **Hon. K Azopardi:** Yes, and not for any reason other than simply to record, like I did last time, my agreement with the Minister for Health. We are now convening a meeting between us, so that the motion standing in my name will formally stand over to the next meeting.

Hon. Chief Minister: Mr Speaker, I am very grateful for that being recorded, which is what we had understood, and for that reason the motion was not called.

I now move that the House should adjourn *sine die*.

2235

Mr Speaker: I now propose the question, which is at this House do now adjourn *sine die*.

I now put the question, which is that this House do now adjourn *sine die*. Those in favour?

(Members: Aye.) Those against? Passed.

The House will now adjourn *sine die*.

The House adjourned at 8.22 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.04 p.m. – 8.46 p.m.

Gibraltar, Wednesday, 21st December 2022

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The Gibraltar Parliament

The Parliament met at 3.04 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Wednesday, 21st December 2022.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 23rd, 24th and 25th November 2022.

5

Mr Speaker: May I sign the Minutes as correct?

Members: Aye.

10

Mr Speaker signed the Minutes.

PAPERS TO BE LAID

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Chief Minister.

15

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Ombudsman's Report for the year ended 31st December 2021.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q523/2022

GSLA swimming pools – Timetable allocations

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 523/2022. The Hon. E J Reyes.

20

Hon. E J Reyes: Can Government provide details of the timetable allocations for all the swimming pools falling under the auspices of the Gibraltar Sports and Leisure Authority?

25

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, all information related to allocation for the swimming pools under the GSLA's remit can be found on their website, gsla.gi. If the Hon Member is unable to get the information, I am happy to provide the link via email.

30

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

35

Yes, I would appreciate it if the Minister gave me something because I did look – in fact, I even have it as a Written Question – and try to find on the statistics page the allocation of facilities by the GSLA, and they certainly were not updated on my page because it appeared to be blank, so I had no option but to pose a question. If the Minister does have something, I would appreciate it because I am lacking that information and I cannot pursue further.

40

Hon. S E Linares: Mr Speaker, just as a matter of information, the link is to the answer to the Written Question. It is there, the link, I have put it in the Written Question, but if he has any problems, I am willing to sit with him to see where he can get the information.

45

Hon. E J Reyes: May I, Mr Speaker, ask the Hon. Minister ...? I know we change from winter to summer timetables and so on, but more often than not, from one year to another most activities tend to be more or less at the same times as in the past. I am informed that recently there seems to have been a quasi-major shift in the allocation of the pools, which has changed people's routines considerably, people who had got accustomed to fitting it into their work or other schedules, including some comment made by those with children with special needs that the allocated times do not seem to be as good as they were before to allow them time to collect children from school and then go to the pool. Perhaps there are certain factors that have forced the GSLA to make those adjustments. I do not know if the Minister has any information that could help to enlighten those people as to why those changes have been necessary, rather than keeping to traditional slots as in past years.

50

55

Hon. S E Linares: Mr Speaker, I am not aware of any changes that have been made, but if there have been any changes I will consult with the GSLA to see why and, if those changes have affected any sector, give me a reason why they have changed.

Mr Speaker: Next question.

Q524/2022
Government rented flats –
Publication and contents of promised booklet

Q525/2022
Review of Housing Act –
Reason for delay

Clerk: Question 524/2022. The Hon. D J Bossino.

60

Hon. D J Bossino: When will the Housing Ministry publish the promised booklet setting out the policies regarding Government rented flats, and what will it contain?

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

65

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 525.

Clerk: Question 525/2022. The Hon. D J Bossino.

70

Hon. D J Bossino: What is causing the delay regarding the review of the Housing Act?

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

75

Hon. S E Linares: Mr Speaker, I am currently reviewing the latest updates and will be presenting the Housing Act in Parliament in the early part of next year.

80

Regarding the booklet, this is the work that has not been done for many years – inclusive of the time the GSD was in Government – which I have taken on board during my time as Housing Minister. I am working in tandem to update all documents, which includes housing policies and guidelines for applicants and existing tenants. I would like to make the hon. Member aware that the booklet is not to be published but printed and provided to applicants and existing tenants.

85

Hon. D J Bossino: In relation to the Housing Act, the question is what the cause of the delay was. I think he said he has the latest draft. I am sure he has a valid reason for the delay. I think at one point during the course of his Budget address he said he expected to have the legislation ready for Parliament before the end of this calendar year and I think in the last House he said before the end of the lifetime of the Parliament; now he is saying he expects it to be done in the early part of next year. But putting all of that to one side, can I ask him to answer the specific question, which is what specifically is causing the delay, if anything?

90

Hon. S E Linares: Mr Speaker, I am really proud to be in charge of a whole team that has taken on revising the Housing Act, which has not been done since the time when the old GSLP was in government. It has been my goal, as the Minister for Housing, to review all aspects. There have been small amendments to the Housing Act during that period, but I thought it was time that we reviewed the whole of the Act. At times, I think we are near to a conclusion and when we go back to all the officials sitting round the table they bring up different issues which we have to take on board. On top of that, we have liaised with landlord, we have liaised with tenants' associations and we have liaised with many stakeholders of the Act in order to get it right. I would rather wait that little bit longer. As I have told the hon. Member, I am confident that I will be able to do it in the early part of next year and present all the amendments to the Housing Act which will bring the Housing Department into the 21st century, because the thorough look at the Housing Act that we are doing has not been done for a long time.

100

105 **Hon. DJ Bossino:** He has provided an explanation as to the reason for the delay, which I accept, and he has said he is confident that it will be ready in the early part of this year, which obviously I accept. In the early part of next year I will keep tabs on those timings because it is an issue which is raising concern. He is right and I am sure there is a lot of backlog and a lot of issues that need to be covered.

110 In relation to the booklet setting out the policies, he mentioned certain items which will be included in it. Can he be more ... how shall I put it? Not more specific, but can he say exactly what ...? Not exactly the wording, obviously, but all the various topic areas the booklet is going to be covering in terms of policies. It is not going to be available for public production but it will be available to tenants, I think he said. Can he provide a fuller explanation as to what is going to be included in this?

115 **Hon. S E Linares:** Mr Speaker, when you are reviewing all the documents pertaining to the Housing Act you have to see it in conjunction with, for example, the tenancy agreement, the policies, the booklet, the Housing Allocation Scheme. All these go in tandem, they go together, and therefore what we are doing is ... First, we go to the major one, which is the Housing Act, and from there flow all the rest going down.

120 The booklet is an idea we have had in order to give applicants who get housing – and, as I said, we will be giving it to all tenants – what is expected of them. For example, they are expected to pay their rent, not to have anti-social behaviour and keep their houses in order. All these are the specific things that will be in the booklet. It will be a normal, user-friendly booklet. The tenancy agreement might be a little bit more complex. It is a booklet you give to a housing tenant and that tenant then can follow what is expected of them.

125 I will give you one example. If there is a relocation, we are tending to see the person or the family leave the house in a state that costs a lot of money just to clean up, let alone paint, and there are tenants who do not even leave a socket behind. So we are now putting in these rules, which we can then implement and say to the tenant, 'We have given you a house in this condition and if you are going to move out of it, these are the conditions we expect you to leave the house in.' It is basically the rules. In the private sector it is done a lot, where a tenant gets a set of rules on how they can use the house or the flat.

135 **Hon. DJ Bossino:** In terms of timings in relation to the specific booklet, he has linked it, and in fairness to him I think it is a similar reply he gave in the last session of the House in relation to other questions I had – I cannot remember what it was ... in relation to parking or CCTV cameras, it may have been – and he talks about the three-pronged approach in terms of the Housing Act, the booklet and the tenancy agreement, all of which are documentation which his Department was reviewing. Can I glean from that and can I give him the opportunity to confirm that the booklet is expected, therefore, to be ready shortly after the Housing Act is ready to go and to be presented to Parliament? In other words, are the booklet and the tenancy agreement – if I can push him; I know it was not the subject of the question asked – going to be ready in the early part of the next calendar year?

145 **Hon. S E Linares:** Mr Speaker, as I have just said, I am working with them all together. That means that what I am hoping to do is once we have the Housing Act in place we present it to Parliament and thereafter will follow all the others. Timeline? I gave him a timeline last time and now he is calling back to ... that I am delayed. I can tell the hon. Member that I have already given him an indication that it will be the early part of next year and I am hoping that the rest, because we are working in tandem, should be ready together, and therefore you present one and then the other. Basically I am saying to him that it will probably be on the same lines as the Housing Act.

150 **Hon. K Azopardi:** The hon. Member gave a helpful outline on what the booklet will contain. Will it contain also the eligibility criteria, the allocation scheme rules? Will it do that? I did not

155 understand that it would. I am seeing him shake his head, so if I just move on to ask him this, if I
may: in connection with the review of the Housing Act, is it part of the review that you are also
reviewing the eligibility rules, the allocation scheme rules?

160 **Hon. S E Linares:** Yes, Mr Speaker, that has been a subject of questioning before and I said yes.
It includes, for example, the Housing Allocation Scheme. In the booklet, no, you would not have
the rules of reallocation or allocation, you have the rules of how you live in the house, how you
are supposed to be dealing with the way you live in your house, not reallocation, parking or other
things. It is basically how you live in your house.

165 **Hon. K Azopardi:** On the scheme rules which are being reviewed, will those be available online
once they have been approved by the Government as a matter of policy?

Hon. S E Linares: Mr Speaker, I am hoping that would be a public document.

170 **Hon. D J Bossino:** Mr Speaker, thank you. In relation to the booklet – just one final question –
is he able to tell the House now whether, if there were to be a breach of them, there are going to
be any teeth in them in terms of what effect any breach of any particular policy may have on a
tenant himself? Is it going to have that type of ... or is it just a guideline and an aspiration for
people to follow? He talks about how people are, in effect, if I can put it broadly and paraphrase
175 what he said ... meant to be a broad, general guideline as to how you are meant to behave. If you
do not meet the bar, the question is what happens?

Hon. S E Linares: Mr Speaker, you put the rules in the booklet and the Housing Department
can and will notify tenants that should they breach certain rules there are consequences.

180

Mr Speaker: Next question.

Q526/2022

Government rental housing stock – Number of units released when affordable flats available to tenants

Clerk: Question 526/2022. The Hon. D J Bossino.

185 **Hon. D J Bossino:** Please state how many units will be released to the Government rental
housing stock, broken down to the number of rooms, when the affordable flats become available
to tenants.

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

190 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, a total of
161 flats will be released back to the Government housing stock. The breakdown is as follows:
three 1RKB, 17 2RKB, 90 3RKB, 45 4RKB, four 5RKB and two 6RKB.

195 **Hon. D J Bossino:** I am grateful for the very detailed response I have received from the Minister.
The reason why I asked the question is it follows from the question that was asked, I think, in the
last session in relation to whether the Government felt it had enough housing stock to meet the
needs of all applicants. This arises from, I think, a debate we had with Action for Housing on the
radio and it has been the subject of public correspondence. In his initial reply he said that the
release of the affordable homes 'would go a long way to tackle those who are in real need of

200 Government accommodation'. What comment can he make in relation to this number? It does
not seem a particularly high number when one considers that, I think, the sum total of the
affordable homes that are going to be coming on stream is in the region of 1,500 in relation to the
three developments that are being or will be shortly constructed. Does he have any comment to
make in relation to that?

205

Hon. S E Linares: Yes, Mr Speaker, I am really delighted that I will have 161 houses once one
part of the affordable homes ... because this is only encompassing the affordable homes. There
are many other aspects which will take people off the housing list – for example, people who are
buying are still on the housing list. For example, someone who is living in Varyl Begg or Humphreys
210 and is still in the housing reallocation but they want to buy. So we have suspended that, but they
are still on the housing list. That will help. That is another aspect. We are also doing pensioner
flats. We are also concentrating on pensioners giving us even more flats back, so that we can have
more of the stock to give. Basically, this is only one aspect of the whole argument when we say
we do have enough housing stock currently.

215

Hon. D J Bossino: He needs to forgive me, because I have not understood the Minister's reply.
I am willing to give way to the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the other point is that when the hon. Gentleman
220 sees the numbers of homes that are coming back, he should not think that that will represent the
numbers of people who will be able to get a home who are waiting on the housing list, because
of course if you have 160 you might have a three-bedroom, that three-bedroom will become
available to somebody who is in a two-bedroom and the two-bedroom will become available to
somebody who is in a one-bedroom. So there is a connection, there is a domino effect.

225

Properly managed – and the hon. Lady was magnificent at properly managing the stock in the
way that she did it during the last allocation of affordable homes – 160 properties coming into the
hands of the Government through this route, and as the Minister said, this is just one route, can
result in multiples of that being allocated to people on the housing waiting list as the domino
effect is seen through.

230

In most instances you see up to three or four movements in respect of one property. So, if you
have a four-bedroom, that four-bedroom will go to somebody who is in a 3RKB and waiting for a
4RKB, the 3RKB will go to somebody who is on the list in a two waiting for a three, the two will go
to somebody who is in a one who is waiting for a two, and then you will have a bedsitter available.
So you can move up to four people in respect of one. If you then have 60-odd 3RKBs, you can
235 multiply that three times as you move people from the other lists, and so the 161 is multiplied
sometimes by up to three or four. That is in addition to the other routes that the hon. Gentleman
has identified result in different properties becoming available, like the development of pensioner
flats or people moving in to elderly care etc. That is why we take the view that we take.

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Hon. D J Bossino: If I can give the other side the opportunity to confirm whether I have
understood ... In other words, the 161 is not an absolute number. It is going to have, as the Hon.
Chief Minister said, an overall cascading effect and therefore ends up in an overall reduction in
the list. So the answer – the information I have requested – is that he is satisfied that 161 will be
a number which will have a positive effect on the reduction of the housing waiting list?

245

Hon. Chief Minister: Mr Speaker, I find it very difficult when the hon. Gentleman gets up and
says 'Can he confirm ... as the Hon. the Chief Minister has said?' because the answer to that is yes,
the Chief Minister and Minister can confirm, as the Chief Minister has said, exactly what the Chief
Minister has just said, and therefore – (*Interjection*) Yes, but ... Mr Speaker, Question Time is not
250 a question of the Government correcting the comprehension by the Opposition of the
Government's answers.

Yes, we believe it is a consequential number for the purposes of allocation of homes to those waiting for homes, for all the reasons we have already explained.

255 **Hon. K Azopardi:** Can I just ask on this number of 161 – the Minister has given the reply 161 in relation to the question in respect of the affordable flats coming online, but of course the affordable flats coming online will span a number of years, indeed maybe until 2026. Does he have a sense of the 161 being correlated in terms of time? Does he have a sense of that?

260 **Hon. S E Linares:** Mr Speaker, the first lot will be coming very soon, in July, so it is not going to be three or four years like he is suspecting. *(Interjection)* No, this is it. As we build, houses will be returned. The 161 will not come all on one date. For example, Hassan Centenary Terrace will be allocated in July. As from then, from the 161 we will get a batch back and we will then start, like
265 the Hon. Chief Minister has just said, the chain process. So one flat might solve four, five, or even six turnarounds. Somebody who wants to move from one estate to another and wants a three for a three is on the list for reallocation, and it even includes them. So there is quite a lot of movement and the first lot will be as from July.

Hon. K Azopardi: But can I ask very specifically, of the 161, how many are going to be delivered
270 as part of this first phase in 2023? Does he have a sense of that?

Hon. S E Linares: No, Mr Speaker, I do not.

Hon. K Azopardi: Okay, but if there has been a calculation of 161, officials must have done that
275 assessment, so it must mean that the number is available but not with the hon. Member. Is that right? And if that is the case, could he provide us with that number?

Hon. S E Linares: Mr Speaker, I do not have that number here because the question has not
280 been asked, but yes.

Hon. K Azopardi: Let me repeat the question because perhaps it has not been understood. The
officials have calculated that 161 flats will be released as part of the affordable flats being bought,
over a number of projects over a number of years. Clearly, those will be released over a number
of years. I appreciate he may not have the specific number of flats that will be released as part of
285 the July 2023, or whenever it is, first batch of housing being allocated at Hassan Centenary, but I
am asking him if he does have that number – not with him today, but if the officials have that
number – could he provide us with that number?

Hon. Chief Minister: Mr Speaker, the short answer is yes, but not because anything has been
290 calculated. The hon. Gentleman needs to understand this is not something that we calculate. We
do not *think* that we are going to get 161 properties, we are *going to get* 161 properties. This is
an empirical figure. We are given the information against an allocation, the individual will
surrender a figure. So it is not something that is calculated. It is not a guess that we will get about
161. We do have the figures against which flat, each property will be handed over, but the hon.
295 Gentleman does not have them here today. That is the point. But it is not calculated. That is why –
(Interjection) Yes, that is the point. That is why the first answer I gave was yes – *(Interjection)* and
that is why ... What I am saying is that this is not a figure that is calculated. *(Interjection)*

Mr Speaker, the hon. Gentleman says from a sedentary position we are at Christmas.
(Interjection) Yes, we may be, but that does not mean that I want the hon. Members to go away
300 under a misapprehension. I am trying to assist them. When somebody says something is
calculated, they are perhaps thinking that we are reaching an approximation of what we think.
That is not the case. Here, you have an empirical number; you know what the number is. What I
am saying to them is that yes, we do have the breakdown of what we will get in respect of each

305 phase of which estate, but we do not have it here, because I think that has not been provided to the Minister, and therefore we will happily give it. If the hon. Gentleman writes to the Minister or to me, we will provide it.

Mr Speaker: Next question.

Q527-28/2022
Mid Harbours estate –
Water penetration in garage; illegal parking of motorbikes

310 **Clerk:** Question 527/2022. The Hon. D J Bossino.

Hon. D J Bossino: When will Government fix the significant issue faced by users of the Mid Harbours garage regarding water penetration?

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

315 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 528.

Clerk: Question 528/2022. The Hon. D J Bossino.

320 **Hon. D J Bossino:** How does the Government propose to deal with the ongoing issue of motorbikes which illegally park at the Mid-Harbours estate parking?

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

325 **Hon. S E Linares:** Mr Speaker, in answer to Question 527, the Mid Harbours podium, the source of the water penetration into the garage, has had issues since it was built by the GSD Government. The development was handed over to the Gibraltar Government circa 2010 under their watch. Since then, 338 reports have been registered related to the podium issues and water penetration in the garage. Approximately £120,000 has already been spent due to the inherited GSD problem.
330 In recent days, over 10 reports have been received in respect of water penetration in the garage. Unfortunately, when issues such as leaking podiums are encountered, there is no manner of repair that will eradicate the water penetration completely, other than having the whole podium membrane replaced. This will cost the taxpayer in excess of £1 million, when this, in truth, should have been done properly at the time the estate was constructed. Despite this, we will be moving
335 the playground again, at a cost, which will alleviate some of the created problem which has been subject of various questions by the hon. Member. This will then allow us to tackle some of the problematic works that were done by the GSD when in government.

In answer to Question 528, in respect of illegal motorbikes, the Tenants' Association brought this to my attention when we last met, and the Housing Department is liaising with Gibraltar Car
340 Parks Ltd in order to have them reissue the necessary permits. The Tenants' Association will be informed about the enforcement of these permits in due course.

Hon. D J Bossino: Mr Speaker, in relation to the first point, we can have a rather futile exercise
345 blaming each other, as if the GSD was there building things themselves. It would have been, presumably, the contractor and the experts who did it wrong. I do not know whether there was any litigation considered or embarked upon against the contractor when these problems arose. But I think as far as the residents are concerned ...

350 It is the kind of reply I expected from him, but I felt duty bound to raise it fully cognisant and knowledgeable of the fact that he was going to raise it. We can talk about other things that they have done wrong in terms of building estates, going back as far as the mid-to-early 1990s with Harbour Views, but I repeat I think it would be a futile exercise. In terms of seeking information from the hon. Member, which is what we are here to do – and that was the subject of various comments and rulings made by the Hon. Speaker at the last session – I am going to focus on that today.

355 He says that just to get a sense of what can be done in order to alleviate the problems, the Government's position is that, in effect, it will cost £1 million in order to fully 'eradicate' – using his word, I think – the problem, but then presumably the 338 reports that he has been receiving, some of which presumably have been attended to and have been fixed, have cost around £120,000, and now, hopefully, as a result of the movement of the positioning of the playground,
360 it may also alleviate further. Is he able to say, at least in percentage terms, how far he thinks he will be able to go without going down the route of the significant expenditure of £1 million to fix the problem in relation to the podium? And secondly, if I may ask as well, is he completely discarding the possibility of fixing the problem even at that price?

365 **Hon. S E Linares:** Mr Speaker, you cannot have the cake and eat it. In one breath he accuses us of spending money like confetti, and in another he is now encouraging us, or at least hinting that we might be able to spend £1 million on something which ... Yes, and I mention it again because I have been in this Parliament for nearly 22 years, and I can remember when the GSD used to hammer people in Gibraltar about the state of other estates that the GSLP used to build.
370 Even 16-20 years after, they still remind us. Well, I am going to remind the hon. Member that in this case it is under their watch that the podium is in the state it is.

In answer to his question would we spend £1 million, unfortunately we do not have £1 million to spend at the moment and therefore what we will do is try to mitigate, like we are doing now ... I have stated and he has said that I have had 338 reports and we have spent – yes, I said, but you
375 repeated that we had had 338 reports and we have spent circa £120,000.

We will try to continue, slowly and as we can, to fix it. The playground will go a long way, we are hoping, because if you move the playground ... Some of the inherent problem came from where the playground was placed because they made holes to put in the equipment, and that, apparently, we are hoping, is filtering elsewhere, and probably by putting a membrane on top of
380 that one, we will go some way. But we do not know that. We know that there is an inherent problem in the whole of the podium, but that might fix part of it.

Hon. D J Bossino: Again, focusing on the issue at hand, I understand that presumably it is a suck-it-and-see situation. In other words, until the move is done – not presumably, he has actually
385 said that – he says it will go on. I have been shown photos of the flooding that there has been in the garage, and it seems quite extensive as a result of the heavy rains we have had. But is he able to tell me – and he may have answered this question in previous sessions in the House – when he thinks he will be in a position to carry out those repairs which would have to be carried out as a result of moving the playground?

390 **Hon. S E Linares:** Mr Speaker, it is Christmas, so I do not think many people are going to do the playground now, but I am hoping that during the first two or three weeks of January there will be movement. What we want to do is, first, move the playground down. When you are moving the playground down, you have to prepare where the playground is going to go. That is the first thing you do, and I am hoping that in January that will be the first move, where you prepare where the
395 playground is going, and then the move of the playground, and then the fixing of the water penetration.

400 **Hon. D J Bossino:** And if he would be so kind, by way of assistance in relation to the ongoing issue of motorbikes – he, as well as I, has visited the estate and I am sure we both have regular meetings with the Tenants’ Association, who have raised this in the past. It was certainly raised with me on the last occasion I visited. Can I ask him when he thinks ...? I think he said he was going to be issuing badges, so some sort of licensing system. That presumably will lead to greater control. Does he have an idea of a timeline as to when that is going to be concluded?

405 **Hon. S E Linares:** Yes, Mr Speaker, because as I understand it, there were not any motorbike permits and people used to just go in. Only a few people had permits and with a motorbike it is easy to go in and out. We had the barrier fixed only this week. People just break the barrier and go in, so we are having these issues. But basically, we should not take too long in issuing permits to households. We have to make sure who we issue the permits to, as well, and when it is motorbikes, it can be a little bit more problematic because of the logbook, who owns the motorbike, who is allowed. It is a process where you have to make sure that the person who gets the permit is a person who is living in the estate and has a motorbike.

415 **Hon. D J Bossino:** Just so I can formulate it in order to keep within the rules, is he aware that the point was made to me that what is happening is that because bikes, as he rightly points out, are able to easily access even when the barrier is working, what happens is, because there is a slow movement of the whole operation, they get in. The main issue there – which could be resolved with the issue of the permits, hopefully, because there will be greater enforcement – is 420 the fact that it is being used, I am told, by many of the construction workers, because there is so much construction going on in the area and they are the ones who are abusing the system. Is aware of that?

425 **Hon. S E Linares:** Yes, sir, I have been made aware of that.

Mr Speaker: Next question.

**Q529/2022
Arengo’s Palace –
Refurbishment**

Clerk: Question 529/2022. The Hon. D J Bossino.

430 **Hon. D J Bossino:** Does the Government have any plans to refurbish Arengo’s Palace?

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

435 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, yes, an in-depth external refurbishment of Arengo’s Palace is scheduled to commence as part of a programme to refurbish other buildings such as Tankerville House, Macmillan House and Willis House, etc. Until then, works to improve parts of these estates will commence in the New Year.

440 **Hon. D J Bossino:** And presumably those works are going to impact on all of the various blocks he has referred to, because the question was in relation to Arengo’s Palace but the Minister has been kind enough to widen the answer to include the ambitions that the Government has in relation to the other blocks.

He says next year. Can he give us a precise timeline – he did say, I think, next year – as to when he thinks that is going to be happening?

Hon. S E Linares: Yes, Mr Speaker, during the time of this Parliament.

445

Hon. D J Bossino: Of course, the timeline of this Parliament is going to be in the gift of the Hon. Chief Minister as to when he decides to call the election. As he may know, there are many rumours that the election is going to be called sooner rather than later, but that is a matter for him. Let's say the House is dissolved in January and we have an election in February, is he optimistic that he will be able to fix those blocks within a period of a month, especially when one considers that we have the Christmas period intervening? Maybe the Hon. Chief Minister can add some further information to elucidate this House.

450

Chief Minister (Hon. F R Picardo): Yes, Mr Speaker, I too hear many rumours about when I am going to call the election, but there was a huge clue in the answer that the hon. Gentleman gave. We have told him that we are going to start a lot of work during the lifetime of this Parliament. That is to say an election is not going to be called before those works start, despite the fact that people are acting as if it were.

455

Hon. D J Bossino: Mr Speaker, he talks about an in-depth refurbishment. I think in relation to Arengo's he was talking about the external façade, but what does he mean by an in-depth refurbishment?

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Hon. S E Linares: Mr Speaker, you can have a refurbishment where you just do a coat of paint and you can have an in-depth refurbishment, which is exactly what we have done to the estates forgotten by the GSD, which we have built and we have done. We have cladded Glacis estate, Moorish Castle, Laguna estate and we are in the process of doing all the other estates. That is what is meant by an in-depth refurbishment.

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Q530/2022
Chilton Court Committee –
Outstanding replies to correspondence

Clerk: Question 530/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Why does the Minister for Housing not reply to letters sent to him by the Chilton Court Committee?

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, could the hon. Member be more specific and advise what letter he is referring to? Neither the Housing Department nor my Ministry appear to have any outstanding replies in relation to Chilton Court. May I add that the Housing Works Agency and the Housing Department engage with the committee and tenants of Chilton Court frequently to attend to their needs and concerns.

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Hon. D J Bossino: My late father used to tell me never answer a question with a question, but I am more than happy to elucidate for the purpose of the Minister's assistance. I have the letters here and the various emails, if it does indeed assist him.

485

I am surprised, actually, that he should have given the reply he has given. Something, somewhere, is not going right if, by the answer he has given, he is, in effect, confirming that he – and not just him personally, but he and his entire Department are ignorant of the correspondence which I am told by the committee remains without any response.

490 I can tell him that I have seen a letter In respect of this particular letter, and I can give him
a full audit, but in respect of this particular letter I do not have the cover email and I do not have
any other evidence that I can show to the House which confirms that he or his Department, or
indeed – let’s widen it further – any other relevant Government Department, if it receives a letter
or an email addressed to the Hon. Mr Linares, would at least ... I would have thought the
machinery of Government is sufficiently fine-tuned to pass the letter on to him.

495 There is one dated 10th July 2022 which refers to a meeting on 18th January 2022, where they
say that they had a meeting in his office and that the Chairman says he attended with another
committee member, and he copies, by way of distribution, the letter to the Chief Minister and
another individual whose name I do not need to mention, but I imagine he is a civil servant.

500 Then there are emails. I will not bore the House with all the details, but there is another email
here which goes to this individual and it says, in brackets, ‘HSE’ – presumably it is Health and
Safety Executive – but also there is another one with an acronym which says ‘MHEYS’, which I
understand is the Ministry for Housing. I asked my hon. Friend Mr Reyes for assistance, given his
experience, and he tells me it is the Ministry for Housing, Employment, Youth and Sport, which is
his Ministry. It does not have a name, it just says MHEYS. It was sent to him on 7th October 2027
505 and the letter introduces itself by saying, ‘I am writing to you hoping I can obtain a reply this time,’
and at the bottom it says, again, the Hon. Mr Linares. So if he has not received it at that particular
address, surely the individual who describes himself as ‘HSE’ would have passed it on to him. I do
not know if he can ...

510 It seems that he replies to all letters. He says he replies to letters from Action for Housing and
Mr Pinna, he says he meets constituents whenever they ask for meetings, so everybody is wrong
except him, and now he almost challenges me to come up with the goods. I am surprised that he
has answered in this way.

515 **Hon. S E Linares:** Well, don’t be so surprised because I do answer all the emails. I checked
when the hon. Member sent me this question and I went through all the emails, all of them, the
MHEYS, which, you are right, is the Ministry for Housing, Employment, Youth and Sport. That is
the generic email that we have. People can write to me via that email because my officials get it.
I do not know, because we will probably need to check which email the person is either sending it
to, or which email has been put. The person who is supposed to be receiving that email is not
520 receiving it, because these are individuals and sometimes the emails are not correct – they change
emails or whatever.

All I can say to the hon. Member is I was surprised when he asked this question because he
knows that I do answer all my emails. I answered it as a question in relation to Action for Housing.
I do answer all my emails, and in fact we answer emails really quickly. The response is very quick.
525 The least anybody would get is a holding reply – that is the least, and then there is a substantial
reply.

530 If the hon. Member wants to pass to me all those emails, because if somebody in my
Department or the Housing Works Agency, or somebody within the agency ... because there are
many aspects of the Housing Department and there are many emails in the Housing Department
and if that person is writing to an email which somebody is not answering, I would like to know
who is the person not answering those emails because we do take a lot of trouble and we are very
conscientious in answering emails. So if the hon. Member wants to give me the list of all the emails
that he says somebody within the housing institution has not answered, I would appreciate that
because I will go back and say, ‘Why hasn’t this email been answered?’
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Hon. D J Bossino: Various points arise from that, Mr Speaker. The first thing is it is slightly
worrying at various levels and I think we need to get to the bottom of it. We may not get to the
bottom of it across the floor of the House. Maybe it is just a question of having a discussion with
him and showing him the emails.

540 But he has not addressed one point. Before I get to it, he says that he answers letters. He knows that there was a further letter sent in by Mr Pinna on behalf of Action for Housing, which was made public and published in the letters column of the *Gibraltar Chronicle* after I raised this issue with him in the last session, where he says ... This is a letter addressed to him but published in the *Chronicle*, so we were all able to read it:

On the first issue, you said

545 – in other words, the hon. Member –

that you always answer letters.

Mr Pinna says:

Our reply to you is that you do most of the time, but not always. You did not reply to our open letter of 26th October.

Maybe he can comment on that, and also on the fact that ... Let's say mheys@gibraltar.gov.gi, which I think he has implicitly confirmed is his Department, is not reaching not just him but his Department ... He has said that nobody in his Ministry has received any correspondence from Chilton Court, but it has also been sent to somebody else – I will not mention his name – who is 'HSE', it is the same individual. It has also been sent to the generic email address of another HSE in brackets, and it says 'SMST', and then another one, again I will not mention his name but it is different to the HSE individual, which has 'EMP', which I assume is the Employment Department. Does he not understand that I find it very difficult to understand how it is that other Departments are not passing this information to him when these are letters on at least two occasions that are addressed to him?

Chief Minister (Hon. F R Picardo): Mr Speaker, the last time I checked, this was the Parliament of a nation that is negotiating its way out of a relationship with the European Union after 50 years, that has just come through a pandemic and is dealing with very challenging circumstances. If a Minister is saying he has not seen an email and he has confirmed that the email address is his correct email address, the hon. Gentleman is right, the resolution is to, behind your Chair, give us the address from whence it is coming, so that we can check on our servers whether potentially the email is being rejected by all our addresses because it may be coming from a POP server that is not working – not for us to go through, across the floor of the House, the email address at which it is supposed to be received and the email address from which it has come. We are very happy to assist the hon. Gentleman to assist his constituent in order to determine where that letter is. Full stop.

Mr Speaker, we have got through eight questions in an hour. That would be abnormal for any Parliament in the world because if what we are going to do is check the email address of every email that every Minister is alleged to have received, we are not going to be getting anywhere. We are very happy to work with the hon. Gentleman to address that point.

Mr Speaker, I think if the Hon. Minister has not been able to reply to a letter from Action for Housing, which happens to be an open letter – which then is not a letter, it is more in the way of a press release – we will address that too, but I think we need to start understanding what the role of Question Time in the Parliament is and start to move on. But very happy to work with the hon. Member to see if there is an issue with email addresses.

Hon. D J Bossino: Can he please comment on why it is that different Departments are receiving these emails, unless there are difficulties in the sending aspect of it? I do not know, maybe that is the issue – it has just occurred to me.

585 These are important issues. The Hon. the Chief Minister rightly points out that Gibraltar has gone through a pandemic and is in the midst of negotiating a very important deal with the EU, but the reality is there are 10 ... well, now nine Members in the Cabinet, and these are still very live and important issues that people come to us and raise, and it is important that ... It gets to the point that they are so desperate that one feels the need to raise these issues – which for them may not be that important – across the floor of the House.

590 I take the olive branch that the hon. Member has just extended, and in fact I suggested to him when I posed the question or in one of my supplementaries that I will sit down with him and show him the email addresses.

595 **Hon. Chief Minister:** Mr Speaker, that is the point, isn't it? There are 10 Members on the Government side; there are nine Ministers. The hon. Gentleman is saying we think we have replied to all the letters, we just do not appear to have received that one. I am not saying that I should be replying to it, that the Deputy Chief Minister and I, who are dealing with the negotiations, should be replying to it. The person who has responsibility for replying to it, who is the alleged addressee of the email, is the one who is saying, 'I did not get it.'

600 Of course he is entitled to come here and, across the floor of the House, ask as he has asked, but usually you would do that after you have picked up the phone, called your parliamentary colleague and said, 'Look, I've got an issue with an email that it is alleged you haven't replied to. Have you got it?' And then we might say, 'Oh, yes, it slipped through the net,' or, 'There is a difficult issue that we are trying to deal with.' Here, the hon. Gentleman is saying, when confronted with the issue across the floor of the House for the first time, so clearly done for a political purpose, a partisan purpose, not to resolve the issue – (*Interjection*) That is fine. You can do as many partisan purposes ... If you want to achieve a response to something, if you want to resolve an issue, you can resolve it in any way you want as a parliamentarian. You can pick up the phone and try to fix it, you can write a letter and try to fix it, or you can ask a question in this House, but the reality is that for the past hour this Parliament has been dealing with issues of this sort. Therefore, I am very pleased that the hon. Gentleman has said he is going to take our olive branch and I invite all of them, in the event that somebody ever comes and raises with them the fact that we may not have answered a particular communication ... Of course, if they wish, they can first raise it in this House, but if they first raise it with us directly by picking up the phone, by emailing us directly, by WhatsApping us directly – God knows they do enough of it when they want to – we may be able to solve the problem for the individual sooner. That is all I am saying.

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Mr Speaker: Next question.

Q531-32/2022

Chilton Court youth club –

Source of funding for proposed development; intended membership

Clerk: Question 531/2022. The Hon. D J Bossino.

620 **Hon. D J Bossino:** Who is funding the proposed development at the Chilton Court youth club?

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

625 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 532.

Clerk: Question 532/2022. The Hon. D J Bossino.

Hon. D J Bossino: Is the development of the Chilton Court youth club exclusively for residents of Chilton Court; and if not, who will be able to access and use its facilities?

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

Hon. S E Linares: Mr Speaker, there is no youth club at Chilton Court.

Hon. D J Bossino: Mr Speaker, I have taken that information, I think ... I would need to go through it very quickly now, but I thought it was in relation to the ... If the hon. Member wants to be unhelpful in his response, that is fine, but the ... In fact, I have just come across it. I am assuming he is not being partisan, I am assuming he is not being political, I am assuming he is not just being nasty in his reply, but can I just point out to him, so that we can get over this hurdle as to the identification of the development, that there is a notice, which was presumably published on site and then certainly published as part of all the planning documentation, which talks about proposed development at ... And there are two. When I drafted these questions I did not appreciate that actually there are two. I thought there were competing developments, but in fact, as I understand it, there are two projects which are going to be conducted in that area. One is where the playground currently is and one is what I thought was the existing youth club, because it says here 'Proposed development at existing Chilton Court youth club site and Chilton Court estate playground site'. That notice was filed on 2nd December on behalf of – yes, there it is again – Community Supplies and Services Ltd. Can he assist me and can we agree that we really both know what we are talking about here?

650 **Hon. S E Linares:** Mr Speaker, first of all, he asks a question which he already knows the answer to. Yes, because you have just said that it has been filed by ... I have it here as a supplementary because I wanted to answer and be helpful, because the hon. Member has asked the wrong question. That is the issue. He has asked about the youth club. There is not a youth club there. There has not been a youth club there. Anyway, if that is being called 'the youth club', it is being done by CSS, where the funding is coming from. What I am saying is we can talk about the project, but he got the wrong place, so I have to correct it.

To be helpful, I can say to the hon. Member that the facility will be for the use of all registered clubs and associations. This will be free for the Government to allocate to the list of all clubs and associations. The project is funded by CSS. Also, the Tenants' Association and the tenants would have a specific social club there, so it is incorporating a social club. It is incorporating parking, may I add, because it is in the project. He has got it there, Mr Speaker. He knows what the project is all about because he has told us about it, so I am now answering what he has got in front of him, which begs the question: why is he asking the question? But never mind, I am trying to be helpful, and in view of being helpful I have already stated that there will be a social club for the tenants, there will be parking spaces, there will be stores, which we have already consulted on, together with the Tenants' Association, and they are really happy about the whole of the project.

Hon. D J Bossino: Mr Speaker, this information that I have asked for ... He says I asked the wrong question. If it is information that was publicly available, how could I have asked the wrong ...? It just does not make sense, anything he is saying.

670 He says that the funding is going to come from Community Services and Supplies. That was his answer. In relation to the youth club, can he comment on this: in the planning application it says the full planning design statement has been prepared following the principles of approved outline planning developed by GBIC, which I understand is the Chinese joint venture, if I can put it in those terms, on behalf of Community Supplies and Services Ltd. So can I dig further and can he provide further information to this House as to whether any funding has been drawn from GBIC Ltd?

680 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that is not a question that is relevant to the work that the Minister is doing. That is a question that is relevant to the individual who is going to be involved in the development. We had this discussion last time, in almost exactly the same terms, in relation to Laguna estate and the youth club there. So the answer in relation to Chilton Court is the same as the answers were in relation to Laguna estate, which I seem to recall took us about an hour last time.

685 **Hon. D J Bossino:** Mr Speaker, it takes a long time because the answers that we are given are not satisfactory. *(Interjection)* If what he is telling us is that it is – *(Interjection)* Once again, I agree with him, we went through the same thing. Let's try not to take as long as we did in relation to Laguna estate with this one.

690 He said it was the Hon. the Minister for Economic Development who would need to answer these questions, but again I need to repeat the point I made last time. The question is posed. Then I assume they decide, under the leadership of the Chief Minister, who answers which question. The Hon. the Minister for Housing has decided to answer this question and it is highly relevant. It is the question itself. It says very simply 'Who is funding the proposed development at Chilton Court youth club?' I think that is deserving of an answer.

695 If the answer is that the answer is best supplied by the Hon. Sir Joe Bossano, well, I suppose we will have to live with that and he does not have the information. Once again, none of the Hon. Ministers, or none of the Government Members who are opposite – it is the entire Government, save for two; one notable absence being the Minister for Economic Development – can answer this question, which is rather surprising because at the end of the day the Chief Minister is also
700 the Minister for Finance.

Hon. Chief Minister: No, Mr Speaker, the hon. Gentleman seems, to me, to simply want to make particular statements, probably for the purposes of extracting them out of context and seeking to take some political benefit from them, which is a matter entirely for him. I do not
705 complain; I am just analysing.

The question the hon. Gentleman has put is who is funding the proposed development. The Hon. Minister has answered that question. He has said it is CSSL. The hon. Gentleman has then asked us about the detail of that funding and whether there will be another, additional source of funding from a subsidiary or from another entity. As we told him during the course of the
710 discussion in relation to the Laguna estate, these are projects which come under the National Economic Plan. The National Economic Plan is being run by the Minister for Economic Development, so if he wants more detail about particular funding, that is what he has to ask the Minister for Economic Development. Not because we are not aware; we run something called a Cabinet Government and it is a collegiate Cabinet Government, which means that on Mondays we meet – and we miss Mr Licudi a lot because he no longer attends, but the rest of us meet – we
715 discuss what we are doing and we share the information. So I have, as hon. Members have from the discussions we have had, a lot of information about that, but it is not my responsibility and therefore, when I refer to that here, I want to ensure that the House gets accurate information, and to ensure that the House gets accurate information we usually ensure that the Minister with
720 direct responsibility for a particular area is the one who provides that information. For that reason, we are not going to venture to give information which may be accurate but not precise in respect of a particular area.

I hope that is helpful to the hon. Gentleman and that he does not think we are doing anything other than providing the information in the proper way, because the answer has been given by
725 the Minister in respect of Chilton Court and in respect of the funding, clarifying that this is a much wider development than just a youth club and explaining that he has consulted with the tenants of that estate and they are very happy with that.

Mr Speaker, I hope that – which is all the information we have and which we think is helpful – will assuage the hon. Gentleman and that he will, in future, if he wants more detail about the

730 National Economic Plan and how it is funding its projects – in particular this project – ask the Minister with responsibility for the National Economic Plan. The answer may not be one the hon. Gentleman wishes to hear – because it is accurate and it may not enable him to be as combative as he appears to want to be in relation to answers – but it is the truth.

735 **Hon. D J Bossino:** But he is not being helpful. (*Interjection*) No, he is not being helpful. With respect to him, he is not being helpful.

Two points: the first one is we file the questions, we do not decide who answers them. The question is very simple. The question is: who is funding the youth club? (*Interjection*) The answer is not a full answer. I then raised with the hon. Members GBIC Ltd, and then immediately we get the answer that it is the Hon. Sir Joe Bossano who needs to answer. That is not a matter for us, it is a matter for them.

And then, secondly – it gets worse – he says, ‘It is not because we are not aware.’ Well, it begs the question – if you are aware, then why didn’t you provide the answer now? It cannot be for the Opposition Member to determine who is going to answer the question. You have to come fully briefed, prepared with answers. It is clear that there has been an obstructive approach from the first moment I asked the question.

Mr Speaker: Can we ask a question?

750 **Hon. D J Bossino:** Who is funding the proposed development at Chilton Court youth club and what comment can he make in relation to GBIC Ltd? That is a question which, with the greatest respect to the House and to you, Mr Speaker, has not been answered by the Hon. Ministers – in the plural.

755 **Hon. Chief Minister:** Well, Mr Speaker, in fact the question has been answered. (*Interjection*) The hon. Gentleman, in his first answer to a supplementary, provided him with the answer.

The hon. Gentleman says we are not being helpful. It is clear that whatever we do, we will be deemed by the hon. Members not to have been helpful. We answer more questions than any Government has ever answered. We publish more information than any Government has ever published. The response we get from hon. Members for publishing all of that information without prompting and providing all of the answers that we provide here in more question and answer sessions than have ever been held in this House is that we are not transparent.

I understand that they want to create an impression and that is why they will say that in response to anything that we say, and that the only thing they think would be helpful is if we were simply to ask them to take over government, because that is what they want. For us to provide the answers to the questions they ask, however full and proper our answers may be, is not helpful to them because what they want is to be able to take over government. I understand that, but in fact the answer was helpful, the answer did give the information. In fact, the answer has been provided by the hon. Gentleman in answer to the hon. Member’s first supplementary. The further breakdown that the hon. Gentleman now seeks is what we are telling him he should refer to the Minister with responsibility for the Economic Plan. And it is not that, because we are aware of aspects of this, we should therefore now provide the information, failing which we are either falling at the hurdle of unhelpful or falling at the hurdle of lack of transparency. That is not correct, Mr Speaker. The individual with ministerial responsibility is the individual who would provide the detail of this answer. However much we may be aware of things, we may fall at the hurdle of inaccuracy because it is not our specific ministerial responsibility, and out of respect for the House and for hon. Members we would therefore ask, if he wants more detail than has been provided directly in answer to the question that he sought the answer to, a further breakdown, he should seek it from the Minister with responsibility for that particular area, for the National Economic Plan. That is what we are saying.

In any other Parliament, Mr Speaker, that would be considered to be a more than forthright, more than open, more than transparent answer. Here, one is subjected to various layers of cross-examination, which is perfectly proper – it is the practice in this House. We are not for one moment seeking to avoid that, and we are not for one moment seeking to be anything other than entirely transparent and open.

Mr Speaker: Let's have this as the final supplementary from you, and then we will allow the Leader of the Opposition to ask a question.

Hon. D J Bossino: Mr Speaker, it is very difficult because we have spent ... I appreciate that a sense is created that we spent a long time on one particular supplementary, but at the end of the day it is really one supplementary on two formal questions which have been put, so in terms of supplementary numbers, one has not been given the opportunity to ask that many. It is just that we feel obliged to continue to press the Government because, despite everything he says – and the manner in which he says it comes across as reasonable – the fundamental substantive truth is that he is not being helpful and that this is a perfectly legitimate question to which an answer – and we maintain that position – has not been provided.

Moving on, and I know that the Hon. the Leader of the Opposition will have a supplementary arising from the exchange we have had now, but in relation to I think it was the second question, where I asked about exclusivity as to availability of the facilities at the Chilton Court youth club, which he initially said does not exist, has he answered that question? In other words, is he telling the House – because I may have missed it – that all the parking spaces, all the storage facilities etc., office spaces included, are going to be for the exclusive use of Chilton Court, or is it going to be shared?

And in relation to that question – it is not a second question, but it arises from the same point, just extending it and to give him the opportunity – I think, according to the planning papers that have been filed in relation to the youth club, specifically it refers to 26 parking spaces. He told me, in answer to a question in relation to the playground one, I think it was, where there were 50, 80% of which were going to be made available to the residents ... What is the position in relation to the 26 parking spaces?

Hon. S E Linares: Mr Speaker, as I said last time, from the first project ... I did not say 80%. I said that the parking spaces would be offered *first* to the tenants, and the same is the case here. If there are 27 parking spaces, the parking spaces will be offered first to all the tenants.

Hon. D J Bossino: Maybe that was in his brain, but it was not set out here. I suppose it is open to that possible interpretation. What he said was there will be approximately 50 extra parking spaces, and I would ask him to confirm that he was talking about the project which is going to be built on the playground area, as opposed to the where we understand – although he objects to it – which is where the current youth club is, of which 80% will be made available to Chilton Court residents for rent and the rest will be for the use of the clubs and associations, just to clarify that point. But what is going to happen to the 26 parking spaces?

And has he answered the point about exclusivity of facilities which are being provided in the new youth club into the future, once it is built?

Hon. S E Linares: Mr Speaker, I do not think he has noticed what he has just read. He has just read that 80% was for what? For the club users, therefore it was not for part of the playground. *(Interjection)* Yes. Where?

Mr Speaker, I could go on and on answering this question. I have answered the question. I feel satisfied that I have answered the question. If the hon. Member does not like what I have answered, he does not like the answer. All I am saying is the answer that I have given remains and

I will not engage in answering the same question again because he does not like the answer. That is my answer, and I stick to my answer.

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

Hon. K Azopardi: Mr Speaker, thank you.

The Chief Minister spoke about addressing questions to the appropriate person and my hon. colleague has made the point already that we are not in control about the Members on that side.
840 He talked about respect to the House and the accuracy of the information and so on, but of course, out of respect to the House we could see it the other way, which is that perhaps if they knew and it was reasonably foreseeable – we had this exchange last time – perhaps the hon. Member would have been present today to supply the information.

My hon. colleague asked from the perspective of other companies being involved; I want to
845 ask about the other perspective, arising from the original answer, which is, I think, where the supplementaries need to be directed to. He says that the funding is going to be provided by CSSL. Is the Government or the Savings Bank going to provide funding to CSSL so that CSSL does the project? At the end of it we know that CSSL is owned by a company that is in itself a charity, so what is in it for CSSL? Is CSSL getting the funding indirectly from the Government or the Savings
850 Bank?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman starts by saying that if we knew – because we control who answers the questions – that the supplementary was going to be about the further breakdown of the funding, why isn't Minister Bossano here today, or why didn't we
855 ask Minister Bossano to answer the question? Well, we do not put ourselves in the minds of hon. Gentlemen to determine where their supplementaries are going to take them, because of course we can have an element of likely-to-arise information for supplementaries, but not all of it. That is why the Hon. the Minister for Housing was charged with responding to the questions, which actually, when taken together, from the Hon. Mr Bossino, appear to be about use, not so much
860 about funding. That is why the Hon. Mr Linares provided the answer. The Hon. the Minister for the Savings Bank and with responsibility for the National Economic Plan is finalising answers to his questions, and for that reason is not here. He is continuing to attend to his parliamentary responsibilities by finishing the answers to hon. Members' questions.

The issues which relate to the funding of CSSL are issues that were ventilated during the course
865 of the last Question Time in this House, which is merely three or four weeks ago. In that context, the Hon. the Minister with responsibility for the National Economic Plan and for the Savings Bank gave hon. Members quite detailed answers, so if the hon. Members want to ask supplementaries about this issue, they should direct them to the Hon. Minister when he is answering his questions, if they arise in the context of one of his questions in this session of the House – I believe they
870 probably would – or at the next session of the House, which will be in January, when they can then file other questions specifically about this subject.

Hon. D J Bossino: By way of –

875 **Mr Speaker:** Excuse me, no, we are not going to continue, with respect to the Hon. Damon Bossino.

The Leader of the Opposition.

Hon. K Azopardi: I was just going to ask, Mr Speaker, and I am not sure whether I am directing
880 this at you or the hon. Member; it partly it is both, if I may. Given what he has just said, and in light of the six month rule, is the Government accepting and would Mr Speaker accept that we file questions in January if we are not going to –?

Hon. D J Bossino: Not just January, but –

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Hon. K Azopardi: Well, there are two options he has put: first, that when Sir Joe is in the Chamber we can put supplementaries and it may be possible to do so in connection with other questions. I have not memorised all the questions Sir Joe will have, but if that is possible, clearly we are happy to do that, but if that is not possible because it does not fall under any of those questions, then of course we would be free to file a question in January, notwithstanding the six month rule.

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Hon. Chief Minister: Mr Speaker, what I have said is that if they arise in the context of Minister Bossano's questions, they may be able to ask supplementaries, which is my interpretation of the rule, but it is a matter entirely for you. From my knowledge of the questions they have asked Sir Joe, it would appear to me that they are on the same set of issues and therefore are likely to be covering the same set of questions and supplementaries, but that is a matter for you, for them and for Sir Joe when he is answering his questions.

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The rule as to questions and whether they can be repeated in respect of any six months I have never understood to be in relation to supplementaries; I have always understood it to be in relation to questions filed. The question we are dealing with at the moment in respect of what Mr Bossino is seeking information on is not a question that has been filed. The question that has been filed has been answered. He is seeking to go beyond that and obtain information about the sources of funding that CSSL itself will be pursuing. That is not the question that was on the Order Paper. In my interpretation, that is a matter for you, and luckily, Mr Speaker, I only have to concern myself with Government business, not with the interpretation of *Erskine May* and all those issues. But in my interpretation it would not be a question that would fall foul of the six months rule if what he was seeking as a supplementary were to become his first question next time.

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Mr Speaker: The situation the Chief Minister has explained will be my position too, in that if the Hon. the Father of the House is unable to answer, or rather if a question does not have information which will allow supplementaries on the basis of those outstanding queries that the Opposition have ... If those questions cannot be posed when the Father of the House is here tomorrow, then I will permit further questions to be asked in relation to the topic of unanswered supplementaries. Is that clear? (**A Member:** Next time?) Next time, yes.

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TRANSPORT

Q534-35/2022

Active Travel Strategy –

Cost of commissioning Strategic Document for Mobility; cost to deploy Cycling Strategy

Clerk: Question 534/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, further to Question 461/2022, can the Government state how much the Strategic Document for Mobility cost to commission?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 535.

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Clerk: Question 535/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, further to Question 461/2022, can the Government state how much money it will place at the disposal of the Ministry for Transport in order to deploy its cycling strategy?

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

Hon. P J Balban: Mr Speaker, the Gibraltar Active Travel Strategy has been prepared in house by our technical team and has therefore come at no cost. As I have explained to the hon. Member ahead of Government officially publishing the document, there have been aspects of the strategy
935 which have been outsourced to specialist engineering companies. As of yet, we are unable to provide a final figure in respect of the aspects of the strategy that have been outsourced.

The strategy has been conceived from the Sustainable Traffic, Transport and Parking Plan. We therefore intend to charge any associated costs from the said head and item of charge. As the hon. Member will know, the question of the money available for this purpose will not be decided
940 by the Government but by the Parliament when we consider the next draft Estimates of Expenditure.

Hon. E J Phillips: I am grateful for the answer to that question. I am also grateful for the presentation that the hon. Gentleman gave us in relation to the plan that the Government has in
945 relation to cycling. I know he offered it to the Leader of the Opposition and the Hon. Lady as well, and I think it is fair to say that we all found that project to be one that might well change the way in which our people move around our city and we look forward to working more closely with him in respect of that; certainly from my perspective, I do.

Just in relation to the presentation itself, if I may, because I know it formed part of the answer
950 to Question 461/2022, the Minister confirmed that that presentation will be put before the Cabinet for approval. Is it the case now, and subject to what he has obviously said about the outsourcing of certain aspects of this project ...? Has that presentation, that three Members on this side of the House have seen, gone before the Cabinet, and has it now been approved by the Cabinet?
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Hon. P J Balban: Mr Speaker, yes, the whole point was that this had to be approved by Cabinet first, and it was as a result of the decision made in Cabinet that I said I would present this to the hon. Members across the House.

Just to come back to the first point the hon. Member made, I appreciate the comments made,
960 and as I said to them all when they did come and visit us to see the presentation on the strategy, this is something that will only work for Gibraltar if we see eye to eye in that respect, because it is extremely important for the environment and for the future in Gibraltar, and so I am very happy with the comments made by the hon. Member. Thank you.

Hon. E J Phillips: Just one further question that arises from this very helpful and constructive exchange in relation to the Cycling Strategy for Gibraltar. Not to disclose too much of what we discussed, but we are very keen for this project to escalate. I know he has a time in mind and we are, I think, joined on the question of this particular strategy. We might have differences of opinion
965 as to where certain lanes go, or in terms of the rollout, and there may be disagreements in the future, but when does the Minister believe we might start rolling out these particular lanes in Gibraltar? I know we have had a general discussion, but I think he will pique the interest of our community once this presentation is released to the public, particularly those who use different modes of transportation and those who know our streets well. They will have their own queries and questions about that, so it will be very helpful if he could perhaps elucidate a timeline for us
970 and, indeed, the population.
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980 **Hon. P J Balban:** Mr Speaker, the intention, once we have shown the strategy to the Members across the floor of the House ... We have now shown the strategy and we are showing sections to certain stakeholders who have shown interest in it. The idea is, now, that we will be rolling out, as we explained, pop-up cycle infrastructure, especially in certain areas where there is bound to be imminent development, so at least we can start seeing how the strategy works vis-à-vis users and cyclists getting used to the infrastructure.

985 The stakeholder consultation has already happened. This will be made public. It will all be in public. It will also be presented to the DPC for their information so that they know about it, because remember, this is not a project like a building, as such, which would need planning permission; mainly it is improvements to the road. For us, it is important to let the stakeholders know, and there will be that process.

990 Once we are satisfied that we have managed to do these things, it will be announced, and the plan is to roll out pretty soon, at least in certain sections. As we explained, Bayside Road will be the first section to be tackled in terms of pop-up infrastructure, and we are hoping that very early in the New Year the people of Gibraltar will be able to see the fruits of that work in that respect.

Mr Speaker: Next question.

Q536/2022
1.5m rule re cyclists –
Representations received re level of fine

995 **Clerk:** Question 536/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, further to Question 463/2022, can the Government state how many representations were received and by which group, organisation or agency?

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

1000 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I refer the hon. Member to Press Release 695/2022, which states that representations were made by the Commissioner of Police stating that the current penalty levels had become insignificant, as they had not been increased with the rate of inflation and as a result had lost their value as a deterrent to persons committing traffic offences.

Q537/2022
Vehicles in Gibraltar since 2016 –
Total number registered; number of new vehicles registered since 2016

1005 **Clerk:** Question 536/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many registered vehicles were there in Gibraltar each year since and including 2016, and how many new vehicles have been registered each year since and including 2016?

1010 **Clerk:** Answer, the Hon. the Minister for Transport.

Minister for Transport (Hon. P J Balban): Mr Speaker, I now hand over a schedule with the information requested.

Answer to Q537/2022

	Registered	New
2016	35,247	2,331
2017	37,569	2,322
2018	40,080	2,511
2019	42,269	2,189
2020	44,746	2,477
2021	46,769	2,023
2022	48,641	1,872

1015 **Hon. Ms M D Hassan Nahon:** Mr Speaker, seeing as the trend seems to be that there is an increase of about 37% in the last seven years, of registered vehicles, would the Minister say that his STTP Plan, which was launched almost six years ago, has been a failure?

1020 **Hon. P J Balban:** Mr Speaker, I do not think we can say that because numbers have increased – I am assuming 37% is the right figure – it has been a failure. It just means that Gibraltar has grown. I would say Gibraltar has got busier. There is more commercial activity in Gibraltar. Remember that the figures I am presenting to the hon. Lady are not just cars, but they include motorbikes, lorries, vans and all sorts of vehicles of a commercial nature. I would love to see fewer vehicles in Gibraltar – that is something we all know – but the fact that we have increases maybe shows that there is more commercial activity and maybe the population has grown as well, so it is a result of that.

1025 I will not accept that it is a failure of the STTPP because we are trying as much as possible to encourage people to adopt other sustainable modes of transport and the Cycling Strategy will be just one of those ways that we will try to encourage people to walk more and cycle.

1030 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker. The Minister says many ‘maybes’ – it could be this or it could be that. Is the Minister able to give us any more information, or does his Ministry seek more information to find out why the trend has gone up so sharply, so that he can provide remedies and different trends in the future?

1035 **Hon. P J Balban:** Mr Speaker, one thing that also has to be looked at in terms of this data, and it is something which is extremely difficult for us to provide ... This does not give any idea of how many vehicles have been disposed of. In fact, this just shows registered vehicles in total. But a number of these vehicles may not be there at the time. I cannot say why there is no ... ‘Maybes’ – I can only assume and give the best possible answer to the question, but I would not be able to say that this is a result specifically of one or more of those things.

1045 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may just ask the Minister for Transport: there is a spike in the new vehicles in 2020, quite a big spike – would he attribute this to the Government’s anti-green policy, during COVID, to sell vehicles at 0% tax?

1050 **Hon. P J Balban:** Mr Speaker, the result of the initiative was that there was an increase. In fact, there should have been a displacement of vehicles that were more polluting with vehicles that are hybrid and electric at the time, but more so hybrid, because of the fact that more new vehicles came on to the market. If you look at the pattern, 2018 saw a greater spike in new vehicles, but then if you look at the years after 2020 and look at 2021 and 2022, there is a decline. What seems to have happened here is that, obviously because it was attractive to buy vehicles at that time,

those who perhaps felt that their vehicles were getting older and wanted to move them on did so, and now you see the reverse happen. So if you look at the average of all these, I think Gibraltar generally has remained fairly constant, regardless of the policy at the time in 2020.

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Hon. Ms M D Hassan Nahon: Mr Speaker, if I could just ask for some clarity on that – in 2020, with the COVID deal that customers had of 0% duty for any vehicle, be it diesel, unleaded or hybrid, is the Government Minister telling me that the 2,477, which is a high number, and a peak number, had nothing to do with this zero duty incentive?

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Hon. P J Balban: Mr Speaker, if you look at the figure for 2018, you see that it was higher. Clearly – let's be realistic – if there was 0% Import Duty, those people who were thinking of purchasing a vehicle would have done so, I would assume. But then it reflects that, after, there has been a decrease. If you look at 2018 and 2020, had this been such a great thing that everybody rushed out to buy a car, why was 2018 even higher? I could agree with the hon. Lady if we had seen 3,000 being sold a year when the peak was above every other, but there is this other peak in 2018 which cannot be attributed to any decrease in Import Duty.

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Hon. E J Phillips: I am grateful, Mr Speaker. That was an excellent question by the hon. Lady insofar as this is concerned. It builds on a question we asked in relation to hybrid cars and electric vehicles.

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Just one question I have for the Minister. We are looking at a difference of 13,000, from 2016 to 2022, with the same road infrastructure. The Government was very proud, during the 2019 election, of their Green Gibraltar and Child-Friendly City. Would he not agree with me that these numbers show that we are moving, as a community, in the wrong direction? And whilst I will praise him for his efforts in relation to cycling, because he and I are joined on this question, would he not agree that that vision for the future is looking very shaky indeed?

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Hon. P J Balban: Mr Speaker, if we look at the actual results published recently by my hon. colleague the Minister for the Environment, we see that air quality has improved as a result of purchasing newer vehicles – and people have been purchasing newer vehicles, Euro 6-plus, hybrids and electric. The result of this is that emissions have reduced and, in terms of tailpipe emissions, have been cut down statistically. Those results do reflect that reduction in emissions in Gibraltar.

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When it comes to looking at vehicles, whether the increase seen in Gibraltar is something which shows any trends as the hon. Member has mentioned, unfortunately this is happening in many cities. We do see more people buying cars throughout. It is not just something which is typical of Gibraltar. We have a certain population. This does not mean that there are more cars on the road because Joe Bloggs with one driving licence can only drive one vehicle at one given point in time. I think people are buying or have bought vehicles or are failing to get rid of vehicles, and that is something that does happen in Gibraltar. You have a vehicle and it has sentimental value and stays on the road, but it is not being used. But the cars of choice being used tend to be the newer ones, and hence emissions do come down.

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Again, yes, I would have liked to have seen a reversal, but I think it is going to take us a lot longer. I am hoping that with this initiative and trying to encourage more people to walk and cycle, and having the infrastructure actually laid down physically, we will see a trend and see people adopting those other modes of travel, be it walking or cycling. Again, this cannot be seen short term in what is going to happen, this needs to be looked at in the long term and that is what I aspire to and am hoping for.

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Mr Speaker: Next question.

BUSINESS, TOURISM AND THE PORT

Q538/2022

Coach park –

Refurbishment of toilets

Clerk: Question 538/2022. The Hon. D J Bossino.

Hon. D J Bossino: When does the Government intend to refurbish the toilets at the Coach park?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, this is currently in progress.

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Hon. D J Bossino: Is he able to give us more particularity as to timeline? This is an issue which has been brought to my attention and it really runs through the various questions I have filed for this session of the House which deal with the various entry points. I think I have identified one which is not going to be answered by him, which relates to the Frontier; I suspect it will be answered by the Chief Minister.

1115

He did say in relation to a question that I previously posed in relation to the entry points more generally, that all efforts are being made to maintain our entry points. From the photographic evidence I have seen, it is not just one toilet, it is various toilets. It is an entry point because it is possibly one of the first things that people see when they get off the bus here, and they are in a really bad and dire state. It is not the welcome one would expect to be met with when you come to a destination. So can he answer the question? I am sure he agrees with the comments I made. I encourage him to make sure that this is done as soon as possible, but I ask for the further information.

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Hon. V Daryanani: Mr Speaker, I have informed the hon. Member that the refurbishment is in progress. When they will be fully refurbished ... I cannot really give him an exact date, but they will be refurbished. They are being refurbished as we speak.

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Hon. D J Bossino: By saying 'in progress', he is saying it has started already. Is he seriously telling me that he is not able to tell me when he expects that refurbishment to be done, dusted and completed? Is that what he is telling this House? Does he have no indication whatsoever as to when this is going to be completed?

1130

This ought to be dealt with as a matter of urgency. He has been in office now for a number of years, in excess of three, and this is a matter which has not been there the last few weeks; it must be an endemic problem that has been there before and needs to be sorted out as soon as possible.

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Hon. V Daryanani: Mr Speaker, if it makes him feel better, I will inform him that it might take anything between four and eight weeks, when the project will be fully refurbished.

Hon. E J Phillips: It does make me feel a lot better.

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Mr Speaker: Thank you. Let's move on.

Q539/2022

Wizz Air –

Minister's meetings and expected date of return to Gibraltar

Clerk: Question 539/2022. The Hon. D J Bossino.

1145 **Hon. D J Bossino:** Who, precisely, is the Minister for Tourism meeting when he refers to the 'wider Wizz team' when is he meeting with them, and when does he expect to welcome the airline back to Gibraltar?

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 am meeting with senior executives of the airline. A first meeting was held virtually on 14th December and discussions are ongoing.

1155 **Hon. D J Bossino:** Can he say which senior executives? I do not expect him to give me names, but what positions do they hold, and how many?

Hon. V Daryanani: I am not willing to provide that information at this moment in time.

1160 **Hon. D J Bossino:** Is it because he does not really have that information, Mr Speaker? As usual, he comes up with these press releases and a lot of drivel, quite frankly, but he is unable to provide (*Interjections*) particulars that are highly relevant. He should have had this information.

1165 **Hon. V Daryanani:** Mr Speaker, as you can see, he has found it very difficult to control his language, but anyway, if he looks at my press statement on Wizz, he will see that I met with the CEO of Wizz, the highest senior executive of the fastest-growing airline in Europe. There is no more I can tell him.

1170 I am meeting different levels. We are trying to see whether we can we convince Wizz to come back to Gibraltar. I would like to think that that is what he wants too, but that is not the case because we know that the hon. Member is only interested in scoring cheap political points when it comes to airlines.

1175 I have told him on many occasions and I will keep on repeating it. The people understand the work that I am doing and the people understand the work that he is doing – the negative work that he is doing – so all I will say is that every time he speaks about airlines, instead of ... I am playing up Gibraltar and he plays down Gibraltar and damages Gibraltar every time he opens his mouth.

Hon. D J Bossino: Mr Speaker –

1180 **Mr Speaker:** This is the final supplementary.

Hon. D J Bossino: Mr Speaker, I have asked two supplementaries. It may – (*Interjections*)

1185 **Mr Speaker:** I know, but I think the hon. Member has answered the question. He has told you that he has met with the CEO. If you can be brief and keep your supplementaries to the minimum ... Thank you.

1190 **Hon. D J Bossino:** Mr Speaker, the supplementaries are being kept to the minimum. We have not reached a point where I think it calls for an element of control on me, because all I have done is ask two supplementaries. The hon. Member makes what are clearly barbed party-political

comments, which he seems to be entitled to make, but it seems that I am being controlled. I have no intention –

1195 **Chief Minister (Hon. F R Picardo):** Mr Speaker, will the hon. Gentleman give way on a point of order? The hon. Gentleman said to the Hon. Minister that his press releases and his statements were a load of drivel. That is what led the hon. Member to respond in the way he did.

1200 **Hon. D J Bossino:** Mr Speaker, it is because they are a load of drivel, because they say nothing, (*Interjections*) and this is why I need to ask the questions. (*Interjection*) This is why I need to ask specific questions. (*Interjection by Hon. Chief Minister*) No, he needs to grow up and he needs to calm down. (*Interjection*) He has been getting up at every possible opportunity because his Ministers are not able to defend themselves. (*Interjections*)

Mr Speaker, the question – (*Interjection*) and I will continue to ask it –

1205 **Mr Speaker:** All right, let us have the supplementary. As I said before, keep the supplementaries to the minimum because we are just dragging on and on and not getting very far. So with respect, just ... (*Interjection*)

1210 **Hon. D J Bossino:** Mr Speaker, it is true that he met the CEO. There is photographic evidence to the effect. I must say the body language is not particularly impressive. It looks like a photo opportunity, which presumably ... There is another question on the Order Paper to find out how much it cost the taxpayer to bring this gentleman over. He met him in Gibraltar presumably as a result of an invitation by the Government of Gibraltar, but he will answer the question.

1215 Mr Speaker, just as the Hon. the Chief Minister used to bandy about, as he used to describe it himself, a tatty, yellowing *Gibraltar Chronicle* article on the cost of the Airport, which he was very keen to wave around when he was in opposition, I also have one which I keep in my office because I do want the hon. Member to succeed, but in respect of this particular airline – there have been many and he has presided over many things which have failed, and this is one of them – it says:

Gibraltar hotels at full capacity as Wizz Air cancels August flights.

1220 At the time – this is the *Gibraltar Chronicle* edition of 14th July 2021 – he said, and it is a very short quote:

This is an unprecedented situation for Gibraltar to be in ...

which it was, and I fully acknowledge that; what I do not acknowledge is that ... He pretended he was bringing all these airlines as a result of his efforts. They were coming here because the airlines needed to be in the air in order not to lose money, and Gibraltar was a perfect opportunity because we had the green corridor. He goes on to say:

I will continue working

1225 – this was in July 2021 –

with Wizz Air and all other airlines to maintain capacity to Gibraltar. I look forward to the return of the flights in September 2021.

Why didn't it happen? Why is he still, I am afraid to say, imparting the drivel and nothingness that he thinks he can invite them to come to Gibraltar again? Why does he think he is being more optimistic now than he was in July 2021?

1230 **Hon. V Daryanani:** Mr Speaker, first of all, the only drivel that we are hearing is that which is coming out of his mouth. He speaks of 2021: 2021 was an unprecedented time. We managed to convince Wizz to come to Gibraltar and they took the decision, after a year of being here, that it did not make commercial sense to them. That is fair enough. They are a business; they are entitled to take these decisions. We have now engaged with them once again. We have been doing this for the last few months, and now at a higher level, to see whether we can convince them to come back to Gibraltar, and they are interested in doing so.

1235 Instead of supporting us – supporting Gibraltar ... It is not a question of supporting us, because at the end of the day this is about Gibraltar. Instead of supporting Gibraltar and Gibraltar's intentions, he plays down Gibraltar. I do not know what the speech he has given has to do with the question he has actually asked.

1240 **Hon. D J Bossino:** It is a very specific question: why did the –? (*Interjection*) No, why did the airline not come in September 2021, as he said it would? And why is he more confident that they are likely to come in the future? He has not answered that question. He has come up, again, with a party-political point, just to criticise me.

1245 **Hon. V Daryanani:** Mr Speaker, first of all, he should do his homework when he comes to Parliament, because he is absolutely wrong. Wizz did come back in September, so you need to get your facts right. Wizz did come back in September and then they pulled out at the end of the year.

1250 **Mr Speaker:** Next question.

Q540/2022
Expected flight disruption during Christmas period –
Update

Clerk: Question 540/2022. The Hon. D J Bossino.

1255 **Hon. D J Bossino:** What update can the Government provide in connection with the expected disruption in flights from the UK due to industrial action in the UK over the Christmas period?

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

1260 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the industrial action will affect inbound flights to the UK. This disruption is aimed at the UK market. We have no updates from the airlines, only that of extended queueing times on arrival in the UK.

1265 **Hon. D J Bossino:** Yes, Mr Speaker, and in fact what prompted the question was an article which appeared. I then could not locate it. It has actually become topical again because there was an article Monday's *Times*, talking about airport strikes and Border Force walkouts. In fact, there is a full entry on the UK government's website which talks about the planned industrial action which is being conducted by the Public and Commercial Services Union. It talks about the dates in respect of which there will be disruptions experienced, and unfortunately it is from this Friday, the 23rd, all the way through to the 31st, which is basically the Christmas period. It does affect a long list of airports and two of them are ones that we travel to, Gatwick and Heathrow. There is a comment both in this document that I have just referred him to and also in the *Times* article, which says:

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Flights impact of industrial action

We will work with operators and ports to understand the impact of industrial action on inbound flights.

I wanted to know whether there had been any contact with Gibraltar and, in particular, with his Ministry in relation to this. What are the operators telling him in relation to this? And is there information that he can then pass on to travellers and be of general assistance to travellers here on the ground?

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Hon. V Daryanani: Mr Speaker, the delay that is expected, as I said, is really in queuing inbound into the UK. We have not been approached by the operators and we have not been approached by the airports, so there is no information that we have been given that we can pass on. Really we are just privy to what we read in the press, like he does. I read in an article that the UK government was drafting in military personnel to see whether they could speed things up at airports, but we have not heard anything directly.

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Hon. D J Bossino: I understand that in very large measure this is action which is being undertaken that is going to be outside of his hands, clearly, but what I am really focusing on is what dialogue he can embark upon – and I would encourage him to do so – in order to then try to basically provide information to users, because the article also refers to the potential ... It is not just long queues, which seems to be the main effect of the industrial action, but potentially also – which is where the danger comes, as far as Gibraltar Airport is concerned – flight disruption. I think it is important ... I would have thought that the Minister can use his influence and his position to pick up the phone and speak to the operators and any other relevant authorities, so that information can be imparted to users when the time comes, which is now in the next 48 hours.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the information that the Government has suggests that it is unlikely to be Gibraltar that is affected by the flight disruptions, because those who are going to be on flights that are disrupted have received notices telling them that their flights are disrupted and those who are on flights to Gibraltar have not received such notices.

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The government of the United Kingdom appears to have averted the possibility that people will have to wait in aircraft, which could then have knock-on effects delaying aircraft. For that reason, as the Minister has already told him, we have no information to impart to travellers and we have not had to pick up the phone to try to assist, but we would if we felt it was necessary. It has not been necessary yet to do that, because no such information has been brought to our attention.

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Hon. D J Bossino: I am grateful for that helpful reply from the Hon. the Chief Minister.

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I appreciate that the Speaker may not allow this question because it may not directly relate to it, but does he have any comment to make in relation to there not being on-ground staff, I am told? It is slightly related because if we did have on-ground staff from the various airlines that operate to and from Gibraltar, it would assist in terms of imparting information, which is really the main topic of this question-and-answer session in relation to this issue. Does he have any comment in relation to that? We do have flight handlers, but I understand that Gibraltar Airport no longer has on-ground staff, which would, I think, assist quite a lot in giving out useful information to travellers when they are here.

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Hon. Chief Minister: Mr Speaker, the position in relation to on-ground staff has been established in Gibraltar, as I understand it, since we came into office in 2011, something that pre-dates us. Having on-ground staff is something which is now unusual in many airports. Airlines use ground handlers for all their on-ground needs. That is the case sometimes even in airports as large as Malaga Airport in respect of some very large and established airlines. That seems to be the way the airlines are moving and the Government has no comment in that respect, Mr Speaker.

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Mr Speaker: Next question.

Q541/2022
Landport tunnel –
Upkeep and cleaning

Clerk: Question 541/2022. The Hon. D J Bossino.

1325 **Hon. D J Bossino:** When will the Government upkeep and clean the entry point into the city centre, namely Landport Tunnel?

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

1330 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** The Landport area is swept daily and flushing takes place monthly. Furthermore, as and when it is required or when we are notified, cleanliness in the area is tackled.

Hon. D J Bossino: Once again, Mr Speaker, I have seen it myself and there is also photographic evidence which suggests the contrary.

1335 I appreciate that the hon. Member, in answers to questions that he has provided to this House in the past – and, in fact, I think it formed part of his Budget address – is wanting to refurbish, as part of a wider refurbishment, the whole area, which is actually the answer I thought he was going to give, but can I tell him that it is not quite what he is telling us? In fact, it is far removed from the answer that he has just given us. There are walls which require a lick of paint, I am told even
1340 of cobwebs that are very visible, and indeed, clearly as a result of the heavy rain – certainly as a result of rain – there is actually water seeping through one of the lights in the tunnel. So, like in relation to the toilets, it may seem like a not particularly important matter to raise, but actually our view is that it is highly important because it is, again, a sight which greets people on their almost first entry through our city walls.

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Hon. V Daryanani: Mr Speaker, as the hon. Member said, there is a wider refurbishment plan there. I must say I have not been down to see the leaking walls that he is referring to, but it has been brought to our attention now and I will have it looked at, but there is a wider refurbishment and there are other financial priorities at the same time.

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Hon. D J Bossino: I am grateful for the conciliatory tone in which he has responded on this occasion, and I simply encourage him and ask him to deal again with this as a matter of urgency, fully acknowledging the fact that there is going to be a wider refurbishment. We had this type of debate in relation to the Frontier entry points, but it really ... I appreciate that there are other
1355 priorities, but I think a lick of paint would go a long way.

Hon. V Daryanani: Mr Speaker, I am keen, more than anyone, to have that area and all the areas in Gibraltar looking spick and span, so I can tell him that he has my word that I will look into it.

Q542/2022
Cruise liner terminal –
Refurbishment

1360 **Clerk:** Question 542/2022. The Hon. D J Bossino.

Hon. D J Bossino: When will Government, as a matter of urgency, refurbish the cruise liner terminal and surrounding area?

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

1365 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, this is currently being assessed and plans are being prepared for this purpose.

1370 **Hon. D J Bossino:** Again, as I mentioned in respect of my first question in relation to the coach park, it is the same theme. He said, in relation to the coach park, that the refurbishment programme was in progress. In relation to this, can he please advise this House when the cruise liner walls ...? It is the external walls particularly. They are in a really bad way. I have posted photos on social media, I think. If I have not already, I certainly will now because I need to make the point that this is something which really requires urgent and immediate action, particularly when we are getting, hopefully, more cruise liners coming through. He says he is doing a lot of work in terms of marketing and bringing them here, but then if, again, this is the first thing they see in Gibraltar, it does not really greet them with a particularly attractive sight, so can I urge him to do that as quickly as possible? Then, specifically, by way of further information, can he tell me when he thinks it will start and when he thinks the painting project will finish? He said refurbishments. I am focusing on the painting of the external walls, but maybe he can also answer what type of refurbishment will be carried out.

1385 **Hon. V Daryanani:** Mr Speaker, maybe next time he can vote in favour of a higher budget so I can spend and refurbish the cruise liner terminal. I can see Mr Clinton getting a bit nervous about that.

1385 The hon. Member asked a very similar question on the cruise liner terminal on 20th October, two months ago, and I refer him to the Hon. the Chief Minister's extensive reply on this because he raised the outer walls and he is raising them once again. I suggest he goes to *Hansard* and brings out that extract because the question he is asking me now ... the answer was given to him by the Hon. Chief Minister two months ago.

1390 Insofar as the refurbishment, there are refurbishments – (*Interjection*) There are different –

Mr Speaker: Please carry on.

1395 **Hon. V Daryanani:** We need to decide whether we want to carry out a full refurbishment or a part refurbishment, what is it that we want to do. At the end of the day, it all boils down to finances and that is why we are taking our time before we make a decision on how we want to progress this.

1400 **Hon. D J Bossino:** Mr Speaker, this drills slightly further. I have looked at the responses that were given in relation to this particular issue. My comment to the Hon. Chief Minister following his response was that the issues in relation to the negotiations with the EU and Spain may, I understand, have an impact in respect of the Frontier entry, but I could not understand why it would have necessarily any impact on the cruise liner terminal.

1405 I am not sure that he has answered the specific request for further information, which is when does he think he will be in a position to start and then finish the works, or is he nowhere near that position as yet?

1410 **Hon. V Daryanani:** Mr Speaker, I am working on this, so it will be during the lifetime of this Parliament.

Mr Speaker: Next question.

Q543/2022
Aviation conference –
Breakdown of costs

Clerk: Question 543/2022. The Hon. D J Bossino.

1415 **Hon. D J Bossino:** What was the cost of the recent aviation conference held in Gibraltar, to include the amount that the Government paid in respect of it broken down into the following headings: accommodation, travel, entertainment and use of conference facilities?

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

1420 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the cost of accommodation was paid by the delegates. Their travel was also paid by themselves. Entertainment and use of conference facilities were paid by CAPA. There was, therefore, no cost to the Government.

1425 **Hon. D J Bossino:** I am grateful for that answer, and I need to congratulate the Minister that the taxpayer has not had to incur any expense.

1430 Can I ask the hon. Member what comment he makes in relation to the timing of this? Presumably, given that there is the possibility of the shared use of the Airport and the benefits that we may derive – shall we put it in those terms? – in respect of the EU treaty, would it not have been better to have had certainty in relation to that aspect before holding this conference in Gibraltar?

1435 **Hon. V Daryanani:** Mr Speaker, CAPA has, I think, seven or perhaps even eight conferences a year in all sorts of destinations around the world. They decided that they wanted to hold this, their most important conference, in Gibraltar and it was supposed to take place in December of this year, but they took the decision over 12 or 14 months ago. For me and for the Government it was all about exposure for the jurisdiction and exposure for Gibraltar Airport, of course.

1440 **Hon. D J Bossino:** I appreciate that. I also appreciate that the event only occurred, I think, in the last month or two. Is he able to say whether he has been able to secure anything in the way of progress following from that as a marketing exercise? He rightly points out it certainly would have put, I imagine, Gibraltar on the map with these various airlines, but is he able to say whether there have been any substantive, positive developments arising from it?

1445 **Hon. V Daryanani:** Mr Speaker, I am not prepared to make any comments at this stage because that would lead to speculation. I will only make any announcement once the ink is dry on the contract.

1450 **Hon. D J Bossino:** I had another question, but given the answer, this question certainly arises from that answer. When he is saying when the ink is dry on the contract, is he telling us that there is a possibility of something substantive happening but he is in the throes of negotiations? That in itself, I think, is information which he can disclose to the House and to the public. Is he saying that there are negotiations in place in respect of something substantive coming through, or is he not even prepared to tell me that?

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Chief Minister (Hon. F R Picardo): Mr Speaker, if we make an announcement that we are pursuing a particular objective and then that objective does not materialise, hon. Members accuse us of creating hype and then it comes to nothing. If we do not make an announcement about something that we may be trying to pursue before it is fixed, hon. Members ask us to give them

1460 information about each stage of the approach. So the approach that we are taking, on the advice
of the Hon. Mr Clinton, is that we are not going to make announcements about things until the
ink is dry on the paper of the arrangements that are to be announced. They cannot advise us to
do both of those things – they can advise us to either make announcements when things are fixed
1465 or they can advise us to make announcements as we are ongoing in discussions of things – and so
we are taking the advice to wait until things are fixed before we make the announcements.

Hon. D J Bossino: Fair enough, Mr Speaker. I do not intend to pursue the matter further. I think
that question was more than capable of a shorter reply. I offered to him the answer he could have
given me, and now I get – *(Interjection by Hon. Chief Minister)* Yes, fine. We can leave it –
1470 *(Interjection by Hon. Chief Minister)* Mr Speaker, we can leave it there.

This is my final question. In relation to costs, can he say whether there is anything beyond the
four subheadings that I provided which has incurred a cost to the taxpayer?

Hon. V Daryanani: Nothing in relation to this conference.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q575-76/2022

Ambulances –

Ambulance fire; date of arrival of new ambulances

1475 **Clerk:** Question 575/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government explain why an ambulance caught fire in
late November 2022?

1480 **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 576.

1485 **Clerk:** Question 576/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state when the promised new ambulances
will arrive in Gibraltar?

1490 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, I am informed that an ambulance had an issue with a battery
overheating but at no time did the ambulance catch fire.

1495 As the hon. Member will be aware, there are delays with the delivery of all vehicles for reasons
unrelated to Gibraltar. Notwithstanding, I am pleased to report that we expect the arrival of the
new ambulances in the first quarter of 2023.

1500 **Hon. E J Phillips:** Thank you for the answer. Just in relation to Question 576 and the answer
the Minister gave, have there been any concerns expressed by paramedics or drivers of these new
ambulances in relation to the technical aspects? The Opposition are reliably informed that they
have expressed some concerns to the Ministry, or at least those who are responsible for this area.

Hon. A J Isola: Mr Speaker, I am not aware of any concerns being expressed by anyone in relation to these ambulances.

1505

Mr Speaker: Next question.

Q577/2022

Prescriptions –

Number of people paying due to change in policy

Clerk: Question 577/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Health confirm how many people are now required to pay for their own prescriptions in light of the change in prescription policy at the GHA?

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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):

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Mr Speaker, the GHA have no data and no method of collecting data with respect to patients who have elected to continue with medicines the GHA no longer supports. The vast majority of patients have transferred successfully to alternative medication which both clinicians and patients have been content with.

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Hon. E J Phillips: Mr Speaker, I receive a number of representations almost on a monthly basis, and I am sure the Hon. Minister does as well, in relation to those particularly vulnerable individuals from low income families who are very concerned about the escalating costs of some of these prescriptions that they require. I know there is an internal debate as to whether they are a requirement or more generic medicine can be supplied insofar as the ailment. What can the Minister say, in terms of reassuring those members of the public who come to me, and indeed must come to him, about their access to these things? They are finding it very difficult to make ends meet when it comes to some of these prescription costs, which are very significantly different to what they were before.

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Hon. A J Isola: Mr Speaker, again, to put these things into context, there are 67 people who have made an application to the committee to have their cases reconsidered. Thirty of those have been approved and accepted, there are 30 that have not and there are seven that are pending. So before we create this huge turmoil in relation to this issue, there are actually very few. Obviously, as time goes by, we may get a couple more. Most of them have been dealt with and mostly in the more senior members of our community.

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In order for the committee to accept the change, there has to be the support of the clinician. It is not just a case of saying, 'I prefer that one,' or 'I like this one.' There has to be a clinical reason as to why you cannot change. There are instances where people have accepted the medicine and then had an adverse reaction, it has gone back to the committee, they have reversed it and it has been accepted; so it is fluid – and there are some that have not been accepted for good reason.

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If you look at the formulary which is being used to decide which medicines are on and which medicines are off, it is a very extensive amount of work that went into deciding which ones were and which ones were not. It was not a simple mathematical with a pound sign on it calculation. The guidance from the NHS was used, the UK formulary was used, NHS guidance and NICE guidance, in particular technology appraisals were used. The British National Formulary editions 82, 84 guidance notes have been used. Three major reference formularies in England have been used; consultation with local – in Gibraltar – medical consultants, both visiting and based in the

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1550 GHA; consultation with other key health professionals, local practice preferences; and another factor, the cost of alternatives and availability. So the cost is one of eight or nine different points that were considered in arriving at this formulary.

1555 So my answer would be the vast majority, 99%, have transitioned with very little difficulty. Some have ... we are dealing with those, and where there is a genuine problem, we are seeking to help and support them either transition or revert and stick to the medication that was working better for them. At the end of the day, it is the patient's needs that count and that is what the committee is very much focusing on. I hope that helps.

1560 **Hon. E J Phillips:** That is an extremely helpful answer and I think it will reassure members of the public – particularly the senior members of the public who have difficulty with paying for these, which sometimes amounts to £100-£150 a month and for those in their senior years on limited pensions it can be the difference between ... I am only [inaudible] but there is a difference, so I am grateful for that answer.

1565 Just one aspect. It appears from the statistic that the Minister helpfully gave me that just under 40% have already been approved insofar as dispensation is concerned over that cost. Is there a discretionary element to the approach as well? I know that there are seven pending, for instance. Is there a discretionary element that takes into consideration means, as well as the other clinical tests that the hon. Gentleman set out?

1570 **Hon. A J Isola:** Mr Speaker, there is a Drugs and Therapeutics Committee which considers each case. They look at the recommendation of the consultants or the GP who is looking after the patient, as well as representations from patients themselves. So, yes.

Q578/2022

Verbal or threatening physical abuse of GHA staff – Number of complaints

Clerk: Question 578/2022. The Hon. E J Phillips.

1575 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of complaints received in respect of verbal or threatening physical abuse occasioned by members of the public towards GHA staff in 2022 so far?

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

1580 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, there have been 66 complaints received in respect of verbal or threatening physical abuse recorded in 2022 across the entire GHA and its services. Forty seven of these complaints were in respect of verbal abuse and 19 in respect of physical abuse. The location of the incidents of physical abuse was as follows. Community Mental Health: Coaling Island, one; Ocean Views, eight; and St Bernard's Hospital, 10.

1585 There were four occasions when police were called. Two were for physical abuse and another two for incidents where the patient made threats towards staff. As the GHA and Government have publicly stated, any form of abuse to our dedicated staff at the GHA will not be tolerated and will be reported for process.

1590 **Hon. E J Phillips:** Mr Speaker, I think everyone in this House will not tolerate abuse of our medical professionals, and there should be zero tolerance of that.

1595 Just one question that follows from that. Of course we have had incidents in the past where
very significant physical harm has been attributed to a medical professional. I think we all know
that particular case. I just wanted to know whether any security measures had been reviewed,
particularly given the fact that the majority of those physical abuses seem to happen at
St Bernard's Hospital. I appreciate that some of the situations arise in the context of mental
health, where it is very sensitive and very difficult, but mostly people are trained to deal with these
incidents. Has the Minister undertaken a review of the security arrangements at this particular
institution so that we can try to mitigate the potential for physical violence against our GHA staff?

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Hon. A J Isola: Yes, Mr Speaker, this is one of the issues that we are looking at in terms of the
current incumbents as porters, as to whether there can be better, more effective use made of
them, as well as potentially an entry system, some form of registration system. These are part of
the plans in the review that we are working our way through, and this is one of the areas that is
also being looked at, yes.

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Q579/2022

**Children aged 16 and under seen by GPs at PCC –
Number in 2022**

Clerk: Question 579/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, in 11 months in 2021, 11,900 children aged 16 and under were
seen by GPs at the PCC. Does the Government have the statistic for 2022 so far?

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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 number of children aged 16 and under seen by GPs at the Primary Care Centre
between January and November 2022 was 10,488.

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Q580/2022

**Radiology scans –
Number of people waiting over three months**

Clerk: Question 580/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Health confirm how many people have
waited over three months in 2022 for radiological scans, namely (i) X-rays, (ii) ultrasound, (iii) CT
and (iv) MRI?

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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 that currently there are no patients who have waited over three
months for a routine or urgent radiology investigation. If a patient has been scheduled beyond
three months, it is because the scan is planned and intended to be performed at a specific interval,
for example a follow-up scan.

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1630 **Hon. E J Phillips:** This question might slightly go out of the remit, but insofar as MRI ... If the Minister cannot answer it, I am happy to maybe deal with this separately with him in correspondence, or indeed raise it as a different question next time, but is the Minister aware of the potential donation of an MRI scanner from the prostate cancer charity and whether or not that has been accepted or rejected? It is just something that came to me from a constituent.

1635 **Hon. A J Isola:** Mr Speaker, I do not believe that information is correct. I am happy to have a discussion, because I know some parts of what the hon. Member is referring to, but I do not believe that is correct.

Mr Speaker: Next question.

Q581/2022

Gibraltar residents receiving treatment for cancer – Numbers by type of cancer

1640 **Clerk:** Question 581/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many people registered with the GHA and normally resident in Gibraltar are receiving treatment for cancer locally or with tertiary providers abroad, broken down into cancer type?

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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 number of people currently receiving treatment for cancer locally and in tertiary centres is as follows: brain, two; breast, 86 – if the hon. Member wants me to slow down, I will; gynaecology, 29; head and neck, 10; lower gastrointestinal, 49; lung, 31; melanoma, six; sarcoma, three; skin, non-melanoma, five; unknown primary – which is the place the cancer began is not known – four; upper gastrointestinal and hepato-pancreatic biliary, 12; urology, 42; and haematology, 11.

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Hon. E J Phillips: To clarify, those are individuals treated locally and by tertiary providers abroad, so that is the total combination of figures?

I am grateful for that answer. I think we will digest those and probably come back with further questions next time. Thank you.

Q582/2022

Gibraltar residents receiving treatment for heart or respiratory disease – Numbers by type

1660 **Clerk:** Question 582/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many people registered with the GHA and normally resident in Gibraltar are receiving treatment for (i) heart disease, or (ii) respiratory disease locally or with tertiary providers, broken down, in respect of heart disease, to acquired or congenital heart disease, or in respect of respiratory disease type?

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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):

1670 Mr Speaker, 974 patients are receiving treatment for heart-related diseases and 1,596 patients are receiving treatment for respiratory-related diseases, broken down as follows: asthma, 1,254; chronic obstructive pulmonary disease (COPD), 414; bronchiectasis, 68; emphysema, 44; pulmonary hypertension, five; pulmonary fibrosis, one.

1675 It is important to note that there are a number of patients who are under more than one of the disease groups described and therefore the numbers will not add up.

Hon. E J Phillips: Mr Speaker, I am grateful to the Minister. I think these are extremely interesting statistics about the state of health of those being treated by our providers, but also tertiary providers in Spain. I think the alarming figures in relation to heart disease and particularly
1680 respiratory disease are very significant.

One of the things we have debated in this House is the risk in the quality of our air and the impact it has on young lungs and the adult population. I wonder, has there been any assessment? There have been recent cases in the United Kingdom that have gone to the High Court and have attributed young deaths, for instance, to air pollution. Is there any data or any assessment as to
1685 the epidemiology of these particular diseases and how they have come about? It would be helpful to understand where respiratory disease ... Is it connected to, for instance, diabetes, which is a significant burden on our Health Service? But is this also related to lifestyle, particularly smoking, prevalence of smoking or indeed air pollution? I wonder whether the Minister might be a bit more helpful as to that. I know the Health Lifestyle Studies document is yet to be published in this
1690 regard, but it would be helpful just to have a bit more data in relation to that.

Hon. A J Isola: Mr Speaker, I think on the basis of this number, in both heart related and respiratory related, I would not jump to any conclusions, for the same reason that we discussed in this Parliament before, which is that 970 patients for heart-related diseases ... we immediately
1695 jump to the conclusion that those are the more serious ones. It could be somebody having a statin because they have a heart disease which requires a statin pill to be taken every day. So I think yes, at first shot they would appear to be high. We are doing, as part of the review to understand exactly what are the issues and whether they are not just high this year but where have they been in the past, so a comparison to understand what the normal levels are, because we do not know
1700 what they are to be able to compare them to these. Also, in doing that, you have to dive deeper into what the actual ailments are, to see whether we do have an unusual problem or this is normal.

Do not forget that when you talk about numbers of people using the GHA, we are not just talking about the 32,000 resident population. We are also talking about other entitled people who work here but do not live here and are also entitled to have GHA treatment. These numbers cover
1705 those too, so you are not talking about 32,000, you are talking about 45,000. All of these things have to be put into context before we can arrive at any conclusions as to what the impact is, or is not.

I would say what I said to the Hon. Leader of the Opposition last time we discussed numbers in this Parliament: great care needs to be taken with numbers not to jump to the obvious
1710 conclusion, which may be wrong. Work is going on to better understand the numbers, with the first step of diving deeper into what those actually are, how many of these heart diseases are serious, and the same with respiratory, and then what are the things that are causing them and can we do anything to help in that cycle.

So there is work going on. Obviously, the Director of Public Health is also involved on the
1715 respiratory side, in terms of the environment and everything else, which is important work too. What I would say is that we are fully aware of the numbers and there is work going on to see what, if anything, we should be doing more of now.

1720 **Hon. E J Phillips:** I am very grateful for that answer. Again, I think these are important questions for our community and I am grateful for the answers from the Minister.

1725 I think insofar as respiratory disease in particular and the high level, the significant proportion of those afflicted with this condition – 1,254 – have asthma. Potentially, and we are not experts but it is likely to be driven by environmental factors so far as those figures are concerned. You have mentioned the environment insofar as the Director General’s position and what he is doing within our community to drive that down, but isn’t the answer in Public Health? The only way our community can drive down the cost of health – and I am sure he will agree with this position – is to attempt to deal with lifestyle, health and the environment, so that we ultimately drive down the cost. Otherwise, healthcare will continue to escalate for many years to come and become uncontrollable. I know the Minister understands that and I know that his predecessor, Mr Costa, 1730 in his time in this House, understood that. I wonder what the Government is doing – my question is really focused on asthma prevention treatment – and, in particular, what is the Director General advising in respect of asthma?

1735 **Hon. A J Isola:** Mr Speaker, I would not be able to answer that question now because I do not want to give an answer that is in any way inaccurate. From my recollection of my regular meeting with the Director General, I may well fall foul of that, so I will be happy to write to him and give him more information in terms of what is being planned and programmed, not just with the DG but also with the Director of Public Health.

1740 **Mr Speaker:** Next question.

Q583/2022
Defective PPE –
Progress to recover sums expended

Clerk: Question 583/2022. The Hon. E J Phillips.

1745 **Hon. E J Phillips:** Mr Speaker, can the Government state what progress it has made to recover the sums expended on defective or otherwise faulty PPE in respect of Gibraltar’s COVID-19 response?

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

1750 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, as my colleague Minister Balban confirmed in July 2020, all PPE purchased by the GHA was compliant, with the exception of two consignments. Although the two consignments were not compliant with the FFP3 standard for use by clinicians, they were appropriate to be used by visitors to the Hospital and were consequently deployed at the entrance for this purpose. The cost of both consignments was reduced by over 70%, ensuring that the GHA paid the cost of 1755 normal face coverings and not FFP3 standard.

Hon. E J Phillips: So to be clear, 70% of the cost that was paid out for these face masks was recovered by the Government directly from their own arrangements, never paid?

1760 **Mr Speaker:** Next question.

Q584/2022
Mental health budget –
Breakdown of spending

Clerk: Question 584/2022. The Hon. E J Phillips.

1765 **Hon. E J Phillips:** Mr Speaker, further to Q282/2022, the Minister confirmed to me in writing that £1,483,238.47 of the total mental health budget was attributed to counselling/psychologists and psychiatrists. Can the Minister now confirm how the balance of the £5.7 million mental health budget, less the £1.4 million-odd, is spent?

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

1770 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I am now handing over a schedule to the hon. Member.

Answer to Q584/2022

GIBRALTAR HEALTH AUTHORITY - MENTAL HEALTH EXPENDITURE (excluding Consultants)	ESTIMATES 2022/23
	£
<u>Recurrent Payments</u>	
<u>Personal Emoluments</u>	
(1) Salaries	2,516,749
(2) Overtime:	
(i) Conditioned	13,451
(ii) Emergency	0
(iii) Manning Level Maintenance	6,724
(iv) Discretionary	0
(3) Allowances	182,131
(4) Gratuities	0
(5) Employer's Social Insurance Contributions	181,440
(6) Employer's Pension Contributions	304,043
<u>Industrial Wages</u>	
(7) Basic Wages	290,388
(8) Overtime:	
(i) Conditioned	0
(ii) Emergency	0
(iii) Manning Level Maintenance	0
(iv) Discretionary	0
(9) Allowances	805
(10) Employer's Social Insurance Contributions	37,580
(11) Employer's Pension Contributions	12,860

Answer to Q584/2022

GIBRALTAR HEALTH AUTHORITY - MENTAL HEALTH EXPENDITURE (excluding Consultants)	ESTIMATES 2022/23
	€
<u>Other Recurrent Expenditure</u>	
(12) Relief Cover	0
(13) Visiting Consultants Fees and Expenses and Other Contracted Medical Services	0
(14) Recruitment Expenses	0
(15) General Expenses	0
(16) Electricity and Water	136,061
(17) Telephone Service	0
(18) Printing and Stationery	2,468
(19) Computer and Office Equipment Expenses	0
(20) Postage Expenses	0
(21) GPMS Prescriptions	0
(22) Drugs and Pharmaceuticals	0
(23) Medical Departments	7,520
(24) Medical and Surgical Appliances	0
(25) Uniforms and Protective Clothing	0
(26) Patients Appliances	0
(27) Dressings, Aids, Medical Gases and Tests	0
(28) Provisions	7,955
(29) Laundry Expenses	0
(30) Cleaning Expenses	49,320
(31) Transport Expenses	0
(32) Fuel and Gas	0
(33) Compensation and Legal Costs	0
(34) Official Visits and Functions	0
(35) School of Health Studies Expenses	0
(36) Insurance Expenses	0
(37) Sponsored Patients	179,116
(38) Dialysis	0
(39) Rents and Service Charges	0
(40) Registration Board	0
(41) Repairs and Maintenance	0
(42) Disposal of Clinical Waste	124,673
(43) Techno-Medical Services provided by GEA	0
(44) Other Maintenance Agreements	144,413
(45) Contribution to Gibraltar Development Corporation - Staff Services (i)	0
(46) Fire Prevention	0
(47) Ex-Gratia Payments	0
Rentals:	
(48) Europort Paediatric Centre	0
(49) Europort PCC - New Build	0
(50) Information Management & Technology - Europort	0
(51) Finance & Procurement Europort	0
(52) Hospital Rental	0
Contracted Services:	
(53) Security Services	0
(54) Upkeep of Planted Areas	0
(55) Radio Communication System - Gibtelecom Ltd	0

Hon. E J Phillips: Mr Speaker, if I can perhaps digest the schedule and, if I have a question, come back to it, and we can get on with the rest of the questions, I would be grateful.

Q585/2022

**Withdrawal of cheques –
Reason for implementation in Gibraltar**

Clerk: Question 585/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government confirm that the Gibraltar Bankers' Association consulted it on the withdrawal of cheques by 31st December 2023; and, if so, why does it agree this should occur in Gibraltar before the United Kingdom, where this was shelved due to objections from stakeholders?

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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, His Majesty's Government of Gibraltar has indeed been consulted by the Gibraltar Bankers' Association on this matter and I can confirm that the Government fully supports this initiative. HMGoG will continue to work closely with the Gibraltar Bankers' Association on this matter in order to ensure a smooth transition over the next 12 months and to work with any sector that requires assistance during this period.

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Hon. R M Clinton: Mr Speaker, I am grateful for the Minister's answer. Is the Minister aware of the House of Commons Treasury Committee having opened an inquiry in February 2010? The result was that the idea that had been floated to abolish cheques by 2018 was actually shelved and that, I quote, 'cheques will continue for as long as customers need them'.

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To what extent is the Minister satisfied that all stakeholders have been consulted? In the United Kingdom, charities in particular were vocal against the abolition of cheques because that would affect their cashflow. We have all seen in the local paper that whenever there is a charitable donation there is a great big cheque prepared, which everybody stands in front of. To what extent is the Minister satisfied that that sector will be protected? And can the Minister comment as to what the motivation for this is? There are now image-scanning and processing systems which speed up the clearing of cheques, so what is it that is driving the banks to abandon the cheques, whereas obviously in the UK they have not been able to?

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Hon. A J Isola: Mr Speaker, obviously the hon. Member is aware, as a former banker, that those big cheques presented on GBC Open Day are not taken to the bank and money given in value for them. Well, they could be, but I think they are not, and I think he would accept that they are not. *(Interjection)*

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There is an enormous difference between the United Kingdom and Gibraltar, especially in this. Why? Because in the United Kingdom, cheques are cleared by a central clearing agency on behalf of all of the banks. That same clearing system was withdrawn in Gibraltar, so today there is no clearing system for cheques in Gibraltar. The only way that banks that issue cheques can clear them is by physically sitting around a desk with representatives from each bank once a week, twice a week – every day, as it used to be – to clear those cheques by swapping cheques with each other.

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The Bankers' Association has long sought to move away from cheques. Cheques are used less and less frequently. They are not accepted in most places, and certainly most retail shops in Gibraltar – I have not seen one presented there for a very long time – and so it was the obvious step in terms of going to the next level. Let the banks work more efficiently through the more traditional methods of payment, primarily through cards.

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As I said in my answer, if there are specific associations – for example, charities – that require help, we will sit down with the banks and find a solution that works for them, but to keep a system going within our banks that does not work for the banks and requires them to go to extreme cost

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on a regular basis, every week, to sit round a table and pass cheques from one to the other, does not appear to be the right way forward.

1825 **Hon. R M Clinton:** Mr Speaker, of course I understand what he is saying and I am happy to be corrected, but I thought cheque clearing had long since left Gibraltar ... than they have done in the UK, in any case, certainly in terms of electronic scanning of images, so in that sense I do not see any cost or great efficiency gains. I can appreciate the banks will want to abandon what is a very old system of payment going back to Victorian days, but can the Minister advise ...? The GBA
1830 did say in their statement they had consulted stakeholders. Is he aware of whom they consulted?

Hon. A J Isola: Mr Speaker, I know they engaged with a number of different associations. I am not sure which ones those were. I would not be able to say with any degree of certainty every single association they talked to. I believe they made some public statements as well, inviting
1835 comments from the general public at large, and I think they also obviously consulted with Government on the proposed steps and the timeline. There is 12 months until this happens, so there is plenty of time to find the problem areas and seek to address them.

Hon. R M Clinton: If I may, one last supplementary, Mr Speaker, just to bring to the Minister's
1840 attention a comment that was made to me by a signatory to an association. I would interested to hear what the Minister's thoughts would be. Most associations require two signatories to a cheque. I appreciate in bigger organisations, where there are more sophisticated banking payments, you can have somebody who sets up the payment, somebody else who releases it and somebody else who authorises it, but in a small club or an association where they rely on the
1845 control of two signatories on a cheque ... What comfort are the associations going to be able to get without having to obtain an expensive banking system?

Hon. A J Isola: Mr Speaker, I am sure that electronic banking has facilities to enable two people to authorise or approve. It may not be by co-signing a cheque, but I am sure there are electronic
1850 means of signifying consent to a payment transfer. I am sure that is already in place. But again, we will look at it with those affected or impacted by it over the next 12 months.

Mr Speaker: Next question.

Q586/2022
GHA clerks –
Employment company

1855 **Clerk:** Question 586/2022. The Hon. D J Bossino.

Hon. D J Bossino: Which company is employing clerks at the GHA?

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

1860 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the GHA has contracted specialist skills support through a local firm. This is specific and temporary. The GHA is not subcontracting clerks.

1865 **Hon. D J Bossino:** Can I drill down a bit further on the answer? He mentioned a specific firm. I said which company. Is it a limited company? And if so, can he provide details of the name of the limited company?

Hon. A J Isola: Yes, Mr Speaker, it is MBS, which is a limited company.

1870 **Hon. D J Bossino:** I have done research on a company called Micro Business Systems Ltd. Is it that one? Is MBS the trading name? Could I have the name of the company?

Hon. A J Isola: I assume; I do not know. I have been given the name MBS. I assume it is one and the same – I *assume*.

1875 **Hon. D J Bossino:** Maybe if I write to him, he can confirm the position.

Why is this arrangement being entered into? He referred to a specialisation, I think, but the information that has come to me is that it is not a specialised service which they are providing. Basically, there are young individuals who are acting as clerks specifically – and I put it to him so I can give him an opportunity to answer – in the children PCC. Can he comment in relation to that?
1880 I have some further information which suggests that one of them was then assumed as part of the employment core of the GHA – started off with this company and then employed by the GHA.

Hon. A J Isola: Mr Speaker, if somebody applies for a position – and I do not know this to be the case – and is working for someone else and then is successful in the position and moves over ...
1885 I do not know, but that would be a simple and logical explanation.

My information is that the people providing the support are doing things like scanning of medical records. There is a huge amount that requires to be scanned and that is why MBS – which is a technical company, I guess – is providing that support. That is my information.

1890 **Hon. D J Bossino:** So I imagine it is a bespoke service that they are providing. Can he provide further information as to ...? I assume there is some sort of contractual arrangement between the GHA and MBS. Can he provide details in relation to that – how long for, what the cost to the GA is, how many individuals are being employed to do the scanning jobs and for how long?

1895 **Hon. A J Isola:** Mr Speaker, I said in my answer that it was specific and temporary. I do not have any more details on that, but I will be happy to find out and write to the hon. Member to inform him of those details.

Hon. D J Bossino: I did not quite catch the last bit, Mr Speaker.

1900 **Mr Speaker:** He will be writing to you with the details.

Hon. A J Isola: I do not have [*Inaudible*] there is a contract in place for what period. I will write to him and give him those details.

1905 **Hon. D J Bossino:** What is the rationale behind this? Is it because – I think I offered it to him in one of my supplementaries – that expertise is not available? Scanning documents does not seem to be a particularly arduous task – or is it that the complement of individuals they have there are busy doing other things? What is the thinking behind employing the services of this company?
1910

Hon. A J Isola: Mr Speaker, the GHA does not have people who have free time on their hands to scan medical records, and obviously, rather than employ people and then have to keep them on after their job is finished, it makes much more sense to bring people in for a specific purpose for a short period of time under a contract and then move on.

Q587/2022
GHA vacant posts –
Number filled

1915 **Clerk:** Question 587/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many of the 54 vacant posts in the Gibraltar Health Authority arising from the answer to Q293/2022 had been filled at 13th December 2022?

1920 **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 further to Q293/2022, nine of these vacant posts had been filled. Additionally, a further nine posts have been advertised and 36 posts remain vacant with a view to progressing these in January 2023.

1930 **Hon. K Azopardi:** I am grateful to the Minister for giving me that answer. He gave me a long list, a helpful list – because he did not have it last time when I asked him that question – broken down by speciality. I am not going to go through all of those, because of course they are quite detailed. I just wonder how much he has got in front of him. For example, one of the pending vacancies on the list that he gave me in the letter in November was a diabetes nurse specialist, and I understand that ... Obviously, all of those posts are important functions, but in particular there is quite a need for that. Is that one of the posts that has been filled now?

1935 **Hon. A J Isola:** Mr Speaker, I am delighted to say yes, one vacancy has been filled and two vacancies have interviews scheduled for 10th January 2023.

1940 **Hon. K Azopardi:** Do I take it from that answer that the GHA intends to have three trained diabetes nurses in post by January 2023?

Hon. A J Isola: I am talking about within the Department. I am not sure if they are all diabetes nurse specialists. The diabetes nurse specialist vacancy has been filled and there are two others being interviewed on 10th January 2023.

1945 **Hon. K Azopardi:** I see, but does he have further information on that? On the list of 54 I could only see one diabetes nurse specialist. It was not obvious to me that anybody else fell into that category – although there might be, obviously. Does he have any information that would expand on that answer? And does he have any other information in relation to the filled posts that would help me also understand what exactly is being filled right now?

1950 **Hon. A J Isola:** Mr Speaker, if the hon. Member wants me to write to him with which of them have been filled, I will happily do that.

1955 In respect of the diabetes nurse specialist, that position has been filled, but there are two others, which may have been called something else within that Department, that are being interviewed on 10th January. I think that is the answer.

Hon. K Azopardi: And do I take it from the original answer he gave me that the plan would be that all these vacancies would have been filled by January 2023?

1960 **Hon. A J Isola:** No, Mr Speaker. The GHA, by the very nature of its size, with over 100 employees, will always have vacancies. People move in and people move out. The vacancies that the GHA believe are necessary for them to fill will be the first ones they move in on, as they

1965 have done since we spoke last, when 18 of those have been ... not removed, because nine have been filled and nine are pending interviews, but the balance of those will continue to be recruited in the order of priority the GHA has set for them. So they will get on with that in January. Will they finish them all, the 36 pending, by January? I do not know, but progress will begin in January on those pending ones.

1970 **Hon. K Azopardi:** Yes, that is what I was asking. I was not making the point that there will not be vacancies in January. I appreciate that with an entity as large as the GHA new vacancies will arise. I was just asking the question whether by January they are expecting to fill the vacancies or they are putting the motion in place by January for the rest of the 36 posts but do not expect them to be filled until later. That is really what I was asking.

1975 **Hon. A J Isola:** Mr Speaker, I think if one reflects in the context of what we are talking about – we are talking about a GHA with over 1,100 people employed – to have 36 vacancies at any one time is actually a very small percentage and one that most HR people in respective businesses would think is quite a low number of vacancies or positions open.

1980 **Mr Speaker:** Next question.

Q588/2022
COVID self-isolation periods –
Review

Clerk: Question 588/2022. The Hon. the Leader of the Opposition.

1985 **Hon. K Azopardi:** Mr Speaker, does the Government intend to review the current COVID self-isolation periods?

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

1990 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the next Strategic Contingency Group meeting will take place on 31st January 2023, where a review of the current COVID self-isolation periods will be undertaken.

1995 **Hon. K Azopardi:** We will await, obviously, that review, but can I ask him, in advance of that review ...? There have been changes – for example in England, which now has quite distinct ... there are different periods now, clearly. That review took place months and months ago. What was the advice that was being received by the Government in relation to the factors in Gibraltar that withheld that review until late January next year?

2000 **Hon. A J Isola:** Mr Speaker, I am not familiar with the exact details of what those may or may not be, but the hon. Member may be aware that, for example, we have reintroduced masks to be worn within the Hospital. I think the situation, especially now, with the traditional winter, with the blend of influenza, the traditional influenza, with COVID and with other elements which we will discuss shortly ... there is reason to be a little bit cautious, and so I think the timing of this Strategic Contingency Group, on which I do not sit ... will consider all of the advice of the professionals and come back with their recommendations to Government as to what they think should be implemented. I do not want to pre-empt what those discussions may be by opining that we should or we should not. I think it is very much up to them and for us to be driven by what they advise us to do.

2005

Q589-90/2022

Strep A –

**Number of cases diagnosed;
measures to increase awareness and actions when cases arise**

Clerk: Question 589/2022. The Hon. the Leader of the Opposition.

2010 **Hon. K Azopardi:** Mr Speaker, how many strep A cases have been diagnosed in Gibraltar by Gibraltar Health Authority personnel at 13th December 2022?

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

2015 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 590.

Clerk: Question 590/2022. The Hon. the Leader of the Opposition.

2020 **Hon. K Azopardi:** Mr Speaker, what measures are the GHA taking to make the risks and symptoms of strep A better known in the community and what is it doing to deal with any cases that arise?

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

2025 **Hon. A J Isola:** Mr Speaker, as at 13th December 2022 the Gibraltar Health Authority has diagnosed 55 cases of strep A.

2030 All strep A information has been made public by the Director of Public Health in relation to the signs and symptoms of streptococcal infection, including advice to parents. Information has also been sent to head teachers of schools, so that they are also aware of the signs and symptoms and exclusion periods required from school. The Care Agency have been briefed by the Director of Public Health, so that those caring for children in care are aware of the signs and symptoms also. The Director of Public Health has been working closely with many Departments across the GHA to ensure that all staff are aware of the signs and symptoms of group A streptococcal infection. This includes staff working in A&E, 111, the Primary Care Centre and Paediatrics.

2040 **Hon. K Azopardi:** Mr Speaker, I am sure the hon. Member has seen there has been quite a lot of discussion in the UK about strep A, and some cases are mild but there have been a minority of very serious cases and, indeed, fatalities. I am sure he will join me in wishing that we ensure that information is disseminated in the community on the issue and that we do the utmost possible to make sure that all these cases are diagnosed and kept under control as much as possible.

2045 Can I ask him, does he have information about the age groups of the 55 cases? Does he have that information? Can he say whether, in addition to the steps they are taking, perhaps a campaign of public awareness on the symptoms would be useful?

2050 **Hon. A J Isola:** Mr Speaker, I think it is important to recognise that strep A is a common bacterial infection. Its impact on children is more regular because of the mixing that the natural children's behaviour will lead to, social mixing, and also because of the climate – we are in the winter. But I think, again to put it into perspective, there are zero cases in Gibraltar of invasive group A streptococcal, which is the infection that is so dangerous, and a key part of that, as he will know from what he has seen in the United Kingdom, is early intervention, looking at this and catching it early, which is why I mentioned earlier that the Director of Public Health has taken the steps she has to engage directly with all the different agencies, including the Department of Education and the Care Agency, that deal with children, to ensure that we can spot this early. In addition to that,

2055 press releases have already been issued informing the public and raising awareness within the public of what those symptoms are, so that parents also can be aware of what these are, to make sure we spot it early and ensure that we carry on to enjoy the good record of zero cases of invasive strep.

2060 I think we are doing well. I do not have any of the details of the ages, but most of them, I think, are younger. From January to August, so eight months of this year, there were 31 cases, and from September to December, a far shorter period, there have been 24, so the propensity in the cold of winter is far higher than it is in the rest of the period. I hope that helps.

Mr Speaker: Next question.

Q591/2022

Emergency response –

Measures under consideration re Coroner's recommendations

2065 **Clerk:** Question 591/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what measures are being considered by the GHA in response to the recommendations made by the Coroner in relation to the recent case of an emergency response in a case where a 36-year-old man died?

2070

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):

2075 Mr Speaker, as confirmed by the Director General in his interview with GBC last Friday, I can confirm that further to the Coroner's recommendations, these have been welcomed and will be adopted by the GHA. The Director General is currently considering the steps required to give effect to these recommendations.

2080 **Hon. K Azopardi:** Mr Speaker, I am sure the hon. Member will agree that this was a serious case. Some of the facts that emerged in the Coroner's inquiry were that the first responders sent were not trained to fully assist the patient in cardiac arrest, the second ambulance was dispatched and sent to the wrong address, and then, by the time paramedics attended, 22 minutes after the collapse, the person had suffered irreversible brain damage. I am sure everyone in this House joins me in saying that this is an incident we would not want to be repeated and we would want the recommendations of the Coroner to take effect as much as possible. With the seriousness of the case in mind, has the Minister spoken to the CEO about the importance of the immediacy of any recommendations being implemented?

2090 **Hon. A J Isola:** Mr Speaker, as I mentioned in my answer, the work the GHA will do and the strategy they are preparing will go beyond the recommendations of the Coroner.

2095 I think ever since this incident happened, the GHA has been working very closely with the Gibraltar Fire and Rescue Service to make improvements immediately, but of course the improvements are more fundamental than at first blush. It will require a number of steps to be taken to get to where we want to get. Hence my mention of the strategy being designed by the Director General, because we are going to be working in a slightly different way moving forward with GFRS, with the GHA, with those answering the phones and those responding, as well as the use of technology in how these are recorded, to ensure that there is a more efficient system of communicating with ambulances to avoid, precisely, wrong addresses being given. So there are a significant number of steps that require to be taken, which the GHA is working with the GFRS and

2100 the Police to put in place, which will address all of the Coroner's recommendations and go beyond them as well.

At this moment in time I do not want to go any further than that in terms of what those details could be, but I would be very happy to share them with the hon. Member as and when we are in a position to firm these up in very early January.

2105

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

2110 I would just like to pick up a point that the Hon. Minister just made, that obviously they are talking and working with the GFRS, because clearly the GFRS is the agency that takes the calls initially, from what I understand. My question is: is it on the cards that they might extract this extra layer of GFRS? From what I understand, this extra layer can tend to cause inefficiency, so if we did not have this extra layer, would we be more efficient and more robust as an emergency service?

2115

2120 **Hon. A J Isola:** Mr Speaker, the system we have in place has been operating well for many years. I do not think anybody should draw any conclusions from what the hon. Lady has said, that anybody has or has not done a good enough job or has not been doing what they are meant to have done. What I am talking about is accepting the recommendations of the Coroner and going beyond those to revisit everything in how we manage, from the call to the collection of that patient in an ambulance and delivery to hospital, to ensure that we get a far better service than we have had in the past with the use of working close together, using technology and getting everybody around the table to find what is the best possible service for Gibraltar. I do not want to go into what the details of that will or will not look like, for the reasons I have already explained to the Hon. the Leader of the Opposition, but as and when we are ready I certainly will.

2125

2130 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I could just clarify for the hon. Gentleman, I never said that people were not doing their job or delivering a good service; I just know that it is an ongoing debate that this extra layer can add to the time lapse and inefficiencies. I just wanted an update, because I have asked in the House before as to whether it is a live consideration. I am not suggesting that anybody is doing a bad job. On the contrary, I think these are the restrictions that we have, despite everybody doing a good job.

2135 **Hon. A J Isola:** Mr Speaker, we will adhere closely to the advice of the professionals in coming to the best conclusions we believe are appropriate for looking after this very important facility in Gibraltar.

Mr Speaker: Next question.

Q592/2022

Digital services –

Money spent in each year from 2017 to 2022

2140 **Clerk:** Question 592/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how much money has been spent on (1) hardware, (2) software, (3) personnel, (4) equipment, (5) contracted services and (6) consultants in connection with the computer or information technology infrastructure of the Government or its digital systems or

2145 e-Government services over each of the financial years 2017-18, 2018-19, 2019-21 and 2021-22, broken down by financial year and by each of the six individual items in the question?

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

2150 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, it is not possible to answer the question to the level of detail requested by the hon. Member in the time available. I will revert to him with an answer as soon as the information can be compiled and he has clarified the heads of expenditure requested in order to provide a full answer, because of the overlap it causes in terms of the six items he has detailed. The work requires the Department to go through each and every single head over that period of time, and
2155 to have a clear understanding of the heads requested I would require to speak to the hon. Member to get clarification.

2160 **Hon. K Azopardi:** Mr Speaker, I would be happy to give that clarification. I do not understand what I need to clarify but I will speak to the hon. Member and do that, and perhaps he can indicate to me, once we have that conversation behind the Speaker's Chair – I suppose in the tea break – how long he needs to do that process. Not long, he says. Okay.

2165 **Hon. A J Isola:** Mr Speaker, I think if you look at contracted services and consultants, a consultant is a contracted service, so there is an overlap. If you look at equipment, you can have hardware equipment, so there is an overlap. Bearing in mind we need to trawl back and find out into which of those heads each item of expenditure may drop, if that is not clear then we have not got a chance.

2170 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am conscious that you have been in the Chair without moving for three and a quarter hours, and I wonder whether this might be a convenient moment to take the tea break that the Hon. the Leader of the Opposition has just referred to, for 15 minutes until 6.30.

Mr Speaker: The House will now recess to 6.30.

*The House recessed at 6.15 p.m.
and resumed at 6.32 p.m.*

Q593-95/2022

AquaGib –

**Plans re staffing levels; permanent solution re supply;
maintenance of reserves following Power's Drive tunnel fire**

2175 **Clerk:** We continue with Answers to Questions.
Question 593/2022. The Hon. Ms M D Hassan Nahon.

2180 **Hon. Ms M D Hassan Nahon:** What plans does Government have for staffing levels in AquaGib once it renationalises water supplies locally in the form of taking the company into public ownership next year?

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

2185 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, I will answer this question together with Questions 594 and 595.

Clerk: Question 594/2022. The Hon. Ms M D Hassan Nahon.

2190 **Hon. Ms M D Hassan Nahon:** When will a permanent solution to the water supply be completed?

Clerk: Question 595/2022. The Hon. Ms M D Hassan Nahon.

2195 **Hon. Ms M D Hassan Nahon:** Has Government carried out an investigation into the maintenance of water reserves following the Power's Drive tunnel fire?

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

2200 **Hon. A J Isola:** Mr Speaker, Government has no plans to change anything at AquaGib at this time and will review all operational matters with management as and when it completes its purchase.

The Power's Drive tunnel has now been made safe for the permanent pipework to be installed. This will commence in January 2023 and be completed by March 2023.

2205 AquaGib is preparing a strategic proposal to the board for its quarter 1 board meeting, detailing its plans for the long-term future of its water reserves. The water reserves as at the day of the question stood at the maximum level of 72 million litres, which demonstrates a significant improvement in the position since last summer's incident, when they fell to 12.7 million litres.

2210 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can just pick up some supplementaries – they are all over, because of the three questions. Firstly, why did the Government decide to renationalise in the first place, even before it could place a figure on the cost of renationalisation?

2215 **Chief Minister (Hon. F R Picardo):** Mr Speaker, for the reasons I set out in detail in my Budget speech. The issue of price is a calculation, it is not a negotiation issue. I also set out some parameters of that in respect of my address at the time of the Appropriation Bill.

Hon. Ms M D Hassan Nahon: Is the Chief Minister saying that these figures have been laid out already and I may have missed them, or that it is not possible to divulge them?

2220 **Hon. Chief Minister:** No, Mr Speaker, that it is an accounts issue. It is a calculation based on accounts. The hon. Lady has to go back and look at what I said.

2225 The contract with AquaGib has come to an end. It was a 30-year contract and at the end of that contract the structure of the contract was such that the assets returned to the Government. There is a calculation to be done as to how much has been invested or has not been invested by AquaGib in keeping with the terms of the contract and based on the accounts of the company. So it is not a straightforward negotiation like a horse trade – what is this worth or what is that not worth – it is that all of the assets come back to the Government as a result of the operation of the contract from 30 years ago. In fact, it was extended for a short period, I think, because of COVID. We made the decision to not further extend, to take back the assets and to therefore buy those shares which
2230 are in the company – the assets are separate from the company – and the price is based on any investment that has been made over and above the assets that are available. This is set out in the contract. It is a calculation that has to be done between the parties, not so much a horse-trading negotiation.

2235 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Chief Minister for his explanation.

Can I just ask the Hon. Minister if he actually answered the question about an investigation into the maintenance? I know he said they are at top level now, but has there been an investigation to date, or will there be one?

2240 **Hon. A J Isola:** Mr Speaker, I am not sure what the hon. Lady means by an investigation. What I have said in my answer is that the works in relation to the tunnel are now safe to be able to start, as a result of investigations we have made into the tunnels, in January. It will be finished by March. I have also said that AquaGib is preparing a strategic proposal to the board for its first meeting in Q1 of next year, detailing its plans for the long-term future of the strategic reserves of water in
2245 Gibraltar. The question is about investigation into the maintenance of water reserves. *(Interjection by Hon. Ms M D Hassan Nahon)* Yes, but I think I have answered that question. If it is something that I have not, I would be happy to have another go. Can I just add, are you referring to lessons learnt?

2250 **Hon. Ms M D Hassan Nahon:** Yes.

Hon. A J Isola: Okay. That will happen, but that will happen when we have dealt with all of the issues arising from the incident itself. There are claims with insurers and stuff which would get in the way of having a full and frank lessons-learnt exercise carried out, which will happen later down the road when that is completed.
2255

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.
2260 Can I ask the Minister ...? He mentioned the figure of 12.7 million litres. I presume that was just before the fire. I am happy to be corrected.

Hon. A J Isola: Twelve point seven is the lowest it reached.

2265 **Hon. R M Clinton:** Right. That would have been after the fire, yes?

Hon. A J Isola: Yes.

Hon. R M Clinton: And does he know what the level was before the fire?
2270

Hon. A J Isola: I think we have answered that question before in Parliament, Mr Speaker. I think it was around 24 million or 25 million litres.

2275 **Hon. R M Clinton:** I am grateful to the Minister. And is there, or was there a recommended minimum level of reserves for AquaGib to maintain at all times?

Hon. A J Isola: Mr Speaker, I think we have been through this before because I have actually detailed to this House that in previous years over the summer we have watched very carefully the level of water reserves to ensure that we had sufficient capacity. This year we were on track, as
2280 we had been in previous years, to have no issues at all during the summer. Obviously the knockout of almost the entire production of water during that time is what caused the problem with insufficient water to lose pressure, which is what caused the problem.

2285 Mr Speaker, only this week it was on the news, yesterday evening, that ... I think Tunbridge Wells is basically having seven days without any water at all. So I think this thinking that we should never, ever have a difficulty with water is a desire but in the real world it is not always possible, and although we have to work to attain that by ensuring we have better reserves and perhaps more diversified production of water, which is where the January Q1 board meeting of 2023 will

2290 go, I think we will be in a much more resilient position. But perfection, unfortunately, does not exist, so even in the UK this week there are areas that have zero water, and in fact the complaint was that they were not even providing the community with bottled water, which obviously we did very successfully and I am grateful to AquaGib and all the other teams that managed to do that during our difficulties in the summer.

Mr Speaker: Next question.

Q596/2022
Ocean Views –
Structured activities

2295 **Clerk:** Question 596/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What programme of structured activities is in place for patients at Ocean Views?

2300 **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, there is a much varied programme of structured activities for patients at Ocean Views. These services aim to improve and decrease reliance on medication and substitute with exercise, mindfulness, yoga and patient-specific activities designed to meet assessed needs. These activities vary from time to time based on the needs of the users.

2305 A wider range of other social activities include bowling, swimming and attending GFA football matches; social gatherings for morning coffee and lunch at restaurants, where the patients are able to order their food and manage their expenditure, which is part of their rehabilitation; arts and crafts; cooking, working towards being self-sufficient when discharged; cinema outings and attending our community social events, for example the Christmas lights, Calentita Night, the fair, National Day events, etc.

2310 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I think the Minister has described a reality that the user certainly has not experienced. I even suspect that the Minister himself may actually think that this has taken place, but I can assure him it has not because a user has reported, unfortunately, one activity, of all the ones he mentions, in two months. So my question is, what has happened with the activities co-ordinator the Authority was supposed to hire to be in charge of organising these activities? I can assure him they are not taking place and I am sure I do not have to tell him how crucial these activities are for the sake of these patients' mental health.

2320 **Hon. A J Isola:** Mr Speaker, that particular user has had one activity within the last two months, which is what the hon. Lady is being told. That does not mean that nobody else has had any other activities which they may have chosen to do. If the hon. Lady chooses to write to me and give me details of that, I will very happily look into it.

2325 Some of the activities I describe are only possible at certain times. For example, there are not GFA football matches every day, we do not have the Christmas lights every day, we do not have the Calentita Night every day, we do not have National Day events every day, but they occur at different times of the year. They are available as and when they occur, but obviously not every day.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I have to say the Minister is always very helpful to me for my constituents whenever I write, and I am grateful for that.

2335 This information came to me very recently and I just want to ask him ... I appreciate what he has come back with, but if you take this average user who has been there for two months and that user has experienced one event, one activity, it is pretty poor. I want to ask the Minister again for the answer to a question that he has not answered, which is are we getting an activities co-ordinator? I think that is key in order for the delivery of these activities to actually take place.

2340 **Hon. A J Isola:** Mr Speaker, it is very difficult to conclude from one user what happens at Ocean Views. We do not know what the circumstances are of that user, we do not know what activities that user can or cannot do, we do not know if there are any restrictions in respect of that user, so I do not think it would be helpful to label the entirety of Ocean Views with not providing activities at all because one user has had a particular experience in the last two months.

2345 I would repeat what I said to the hon. Lady. If the hon. Lady writes to me with specifics, I will very happily look into it and come back to her with either an explanation as to what has happened or could have happened, or other information that may be of use to my hon. Friend in respect of her dealings with her constituent.

2350 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker, and I will write, but can I please ask the Minister, for the third time, about the co-ordinator for activities?

Hon. A J Isola: Mr Speaker, I have answered the question. I am not sure what co-ordinator the hon. Lady is referring to.

2355

Hon. Ms M D Hassan Nahon: Mr Speaker, I am sorry if this does not sound like a question, but I accept his comment and I will write to him in due course. Thank you.

Q597/2022

Vaccination programme – By whom delivered this season

Clerk: Question 597/2022. The Hon. Ms M D Hassan Nahon.

2360 **Hon. Ms M D Hassan Nahon:** Is this season's vaccination programme carried out directly by the GHA or has it been outsourced?

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

2365 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the GHA practice nurses from the Primary Care Centre have delivered this season's immunisation programme for children, the clinically vulnerable, long-stay GHA and ERS patients, as well as healthcare workers. To assist in the delivery of the major vaccination programme in the short window of time available, for healthy individuals over 50 years of age the GHA has sought temporary support from a local service provider.

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The GHA will next year seek to commence the vaccination programme at an earlier date, as the combination of cold and influenza vaccinations has delayed the process considerably – and COVID, obviously.

2375 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I ask the Minister whether there was a tender process for the outsourcing of the vaccination drive this season; and also, if there is a cost, if he can give us how much it has cost us to do so?

2380 **Hon. A J Isola:** Mr Speaker, I will happily give that information to the hon. Lady. I do not have information as to whether it was put out to tender. I know the firm that was used is one that assisted us with the COVID vaccinations, the same firm that we contracted after a tender to do those vaccinations, and I think it is the same firm. I am thinking it ceases on 22nd December, which is tomorrow. I would need to come back to her in terms of what the cost of that has been. I will happily write to her and give her that information.

Q598-99/2022

**Primary Care Centre appointments –
Number of new appointments and whether being filled**

2385 **Clerk:** Question 598/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many new monthly appointments are being rolled out at the PCC and are they being filled?

2390 **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 599.

2395 **Clerk:** Question 599/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: In the last three months, stating month by month, how many PCC appointments have been obtained (1) by phone, (2) online or (3) in person?

2400 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, as was stated in the GHA press release announcing the new booking system, 2,123 new monthly appointments are being rolled out at the PCC. All appointments offered are normally taken up.

2405 In the last three months, the number of PCC appointments obtained can be broken down as follows. Online, in September there were 644, in October there were 944 and in November there were 1,604. In respect of telephone, in September, 8,874; October, 8,906; and November, 9,270. The GHA does not offer booking GP appointments in person. However, if a patient does turn up needing urgent medical care, the GHA would accommodate their healthcare needs.

2410 **Hon. Ms M D Hassan Nahon:** Mr Speaker, just to pick up on the last thing the Minister said about emergency needs, now that there is not an on-call GP doctor, what actually happens when somebody has to be seen outside of hours – palliative patients who need medication, elderly people who do not need hospital, people who need to be sectioned in mental health, and deaths? How is the lack of GPs on call impacting on the appointment system and on the general calling system for patients?

2415

Hon. A J Isola: Mr Speaker, I do not have that information available with me, but what I would say is the suggestion that we have fewer GPs is plainly wrong. I think we have now 33 GPs

2420 providing appointments at the Primary Care Centre. In 2011 I think there were close to 40% or maybe even 50% fewer, so the notion that we have fewer GPs now than before is simply not true.

I am very happy to get those numbers and those details and write to her, as well as answer the substance of the question as to how the GHA operates in terms of offering those services outside the primary care appointment system.

2425 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister just confirm ...? Is he saying that there are on-call GPs or, from his new system, there are not – which is what I understood, and that was the concern – as well as to ask him why we still have complaints about users not being able to access appointments? I would like him to confirm if we do or do not have an on-call GP.

2430 **Hon. A J Isola:** Mr Speaker, I believe we do, but I am not able to confirm that now. I would need to check that with the GHA.

Mr Speaker: Next question.

Q600/2022
Rheumatology and orthopaedics waiting lists –
Current status

Clerk: Question 600/2022. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: What are the current waiting lists at the GHA for (1) rheumatology, clinics and operations; and (2) orthopaedics, clinics and operations?

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, as at the end of November 2022 the waiting lists were as follows. Rheumatology: clinics, 103; operations, zero. Orthopaedics: clinics, 926; operations, 473.

2445 **Hon. Ms M D Hassan Nahon:** Mr Speaker, it is my understanding that only a week ago, a patient came into the Hospital with a broken bone, needing theatre, and was delayed for two days because of the lack of orthopaedic surgeons. I understand a surgeon could not even be located at the time. I know that this is under investigation. I am not actually blaming the GHA, but I would ask the Minister if he thinks we could actually reduce waiting times by making sure that we had a better rota for the orthopaedic surgeons.

2450

I am genuinely trying to be constructive here with my question. Is the Minister aware of this situation? Does he think that perhaps orthopaedic surgeons who have a contract with the Hospital should be working a full day? From what I understand, a lot of the time they cannot be found, and that is quite a concern for patients and for the users and is something that leads to complications and ends up costing the Health Service a lot more.

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2460 **Hon. A J Isola:** Mr Speaker, the waiting list is too long. I accept that and I think we have had an exchange with the Leader of the Opposition, on behalf of the Hon. Mr Phillips when he was not here on the previous question, in the last couple of months. I also told the Hon. Leader of the Opposition at the time that we were hoping in the first quarter of next year to have reached some form of conclusion as to how we propose to tackle waiting lists, not just in orthopaedics but across all other disciplines in the Hospital.

2465 Plainly – again, putting it into context – there is not a single hospital in the world, I do not believe, that has not got waiting lists longer than they would like, because we would not like to have any, but as a result of COVID the waiting lists are much higher than they would normally have been before COVID. So there is a lot of work to be done, and that is what we are doing now, seeking to understand what is the problem and how we can improve going forward, but dealing with waiting lists almost like a separate ... In other words, how do we come up to date and then how do we work better moving forward? Those are the two exercises that are ongoing at the moment, and I hope to be able to report to this House in Q1 of next year on how we propose to start to do that.

2470 I accept that the waiting lists are too long. I am not aware of the incident the hon. Lady has referred to, but again, if she writes to me, I would be happy to look into it and come back to her with a response.

2475 **Mr Speaker:** Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q601/2022

Learning support assistants – Number and distribution

Clerk: Question 601/2022. The Hon. E J Reyes.

2480 **Hon. E J Reyes:** Mr Speaker, can Government provide details of how many learning support assistants are engaged in all schools, providing statistics showing their distribution among schools together with details of criteria used for allocating these learning support assistants in each school?

2485 **Clerk:** Answer, the Hon. Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the number of special needs learning support assistants broken down by schools on the morning of 15th December was as follows. I will be giving two numbers for each school. The first will be the number of permanent SNSLAs and the second will be the number of non-permanent SNSLAs as of that morning: St Martin's School, 22 and 64; Notre Dame, 14 and 8; Governors Meadow, 15 and 11; St Paul's, 5 and 11; Governor's Meadow, 5 and 11; St Paul's, 4 and 3; St Bernard's Lower Primary, 3 and 3; St Mary's Lower Primary, 2 and zero; St Joseph's Lower Primary, 5 and 4; Hebrew Primary School, 1 and 3; St Anne's Upper Primary, 8 and 24; Bishop Fitzgerald Upper Primary, 10 and 14; St Bernard's Upper Primary, 4 and 6; St Joseph's Upper Primary, 1 and 7; Bayside 14 and 9; Westside, 6 and 16; Gibraltar College, 3 and 2.

2495 SNSLAs are deployed to support identified pupil needs. Allocation of SNSLAs is determined by the multi-agency gazetted Special Education Needs Assessment Panel.

2500 **Hon. E J Reyes:** Mr Speaker, I am grateful that the Minister has ended by saying that the criterion is that the special needs LSAs are deployed when they have identified the need.

So I am certain I am not confused, is there a difference between special needs learning support assistants and just learning support assistants? Are they two different categories of people, or are they all one? If he answers that first, then I can carry on with something else.

Hon. Prof. J E Cortes: Mr Speaker, they are one. The learning support assistants are engaged when there is a special need. The special need can range over a wide spectrum of needs, but they are all needs. So it is just one category that we are talking about.

Hon. E J Reyes: I am grateful for that clarification.

Mr Speaker, I am told by some members of the teaching profession that they had been led to believe that there were going to be special needs LSAs to assist in cases where a concern may have been raised by a teacher and the student may be going through the process of being identified and classified if there is a particular special need and whether they will need a full-time special needs LSA or not. Wishful thinking would be one learning support assistant per class at least, but they have been led to believe there will be one floating support assistant per year in each of the schools, so that the head teacher could, as and when activity arose, deploy the teacher. Can the Minister confirm that that is not the case and that there is not a pool that reports to the head teacher and can then be assigned for a particular class or activity on a particular day? Or is it just identified pupils who will receive that? And what happens in the process whilst they are being identified and classified as requiring a special needs assistant?

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Hon. Prof. J E Cortes: Mr Speaker, a couple of things here. Clearly, the head teacher has discretion on a short-term basis to redeploy the SNLSAs within the school, should they have to cover a particular need on a particular day. That is definite.

I would love to have at least one, if not more, learning support assistants in every class, but that would simply not be affordable. However, what is important is that those children who are identified as having these needs do have the support. The process may or may not be long. It is certainly a process by which, if a child is found to have a situation which urgently needs addressing – for example, may develop a series of meltdowns on a particular week – then clearly that support would be provided quickly and then the special needs panel would assess that retrospectively. We would not wait for the next meeting. They are monthly meetings, but we would not wait for the next meeting if we have a particular crisis. That would be done on the day and the special needs panel would then see whether that support is one that has to continue or not. The main thing here is the need of the child.

Hon. E J Reyes: Mr Speaker, in the statistics that the Minister kindly provided, he put it into two columns. He was identifying those who are permanent and those who are temporary. Is there an explanation? Is there a reason why there are two different categories?

Hon. Prof. J E Cortes: Yes, Mr Speaker. The ones in the first column are those who were – I will say why I say ‘were’ – on the morning of 15th December within the permanent complement, and the second column is those who are non-permanent or are called in on a supply basis. Often it is long-term supply, particularly for children who need the continuity. Within a day or two of the figures being given to me, the increase in complement of permanent SNLSAs which was agreed at the Estimates session earlier this year was increased by, I believe, 120. So if I were to give him the figures now, there would be a shift from the right-hand column to the left-hand column because there are more permanent, and fewer on a supply basis.

Mr Speaker: Next question.

Q602/2022
Wellbeing Support Team –
Number of teachers accessing services

Clerk: Question 602/2022. The Hon. E J Reyes.

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Hon. E J Reyes: Can Government provide a breakdown for the last three academic years showing the number of teachers who have accessed the services provided by the Wellbeing Support Team, indicating the school sector in which these teachers are or were employed?

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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, the breakdown of those teachers who have accessed the services provided by the Wellbeing Support Team is as follows: 2019-20, eight in secondary, seven in primary; 2020-21, 30 in secondary and seven in primary; 2021-22, 31 in secondary and nine in primary.

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Hon. E J Reyes: And the Minister, Mr Speaker, would not happen to have any ...? The secondary I can understand. When he says primary, we often can subdivide that into lower primary and upper primary, because they can be totally different schools in totally different locations with a different type of children undergoing a different key stage in education. If he happens to have it, I would be grateful.

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Hon. Prof. J E Cortes: Mr Speaker, I do not have that information. We are talking about small numbers, so it is not going to be significantly different. I can ask for that information, but I do not have it here.

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Hon. E J Reyes: I know the Minister quite often has certain information. I see that the numbers tend to be very similar from one year to the next, except for a huge jump in the secondary sector, where in the academic year 2019-20 we had eight who accessed the services, and then in the year 2020-21 there was a big jump to 30, and in the year 2021-22 the number stays about the same, 31. Has the Department of Education identified any particular reason why there should be that big jump? I know it is sheer speculation, but does it coincide with the movement of the secondary schools to new buildings, or something? One never knows what hypothesis you can come up with.

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Hon. Prof. J E Cortes: Mr Speaker, I obviously do not have access and do not want to have access to the specific reasons why these teachers have sought this support, but our thoughts are that it is related to lockdown and COVID. We have seen similar increases in the number of pupils who access the counselling services. Without being able to give detailed information because I am not privy to the reasons why, I suspect that the aftermath of the pandemic may have something to do with it, but it is very hard to pin down. Hopefully, the numbers will decrease in years to come.

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Hon. E J Reyes: I am grateful for that, Mr Speaker. If it helps the Minister, because he has been useful with his answers, I purposely worded my question by asking the number of teachers indicating the school sector. I did not want to ask, on this occasion, per school, because in secondary school ... There are a certain number of students in the College but they are included in Year 12 or 13. If in his analysis he has some information without necessarily having to identify the school, but within the school sector or whatever, even if it means he has to give me some information behind the Speaker's Chair, I would be grateful, just to help to identify the figure. I am sure Mr Speaker would not object if we got some information behind the Chair, if it is sensitive.

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Hon. Prof. J E Cortes: Mr Speaker, delighted. This is something that I am very happy to share. Clearly, there is concern at the numbers, which the school is looking at addressing and obviously the Wellbeing Support Team is supporting.

2600 As the Clerk knows, whenever I am asked questions I usually copy him into any correspondence so that there is a record that I have provided the additional information. I do not mind being reminded, Mr Speaker, if the hon. Member does not receive it soon; in fact, I appreciate the reminder.

2605 **Mr Speaker:** Next question.

Q603/2022
Alternative learning programmes –
Number of pupils accessing in mainstream schools

Clerk: Question 603/2022. The Hon. E J Reyes.

2610 **Hon. E J Reyes:** Can Government provide statistics showing the number of students ordinarily enrolled in our mainstream schools for whom alternative learning programmes have been provided, indicating the reasons why?

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

2615 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, there are 226 pupils in alternative learning programmes. Such programmes are delivered through personalised learning plans, personalised timetables, higher staff-to-pupil ratios, therapeutic or alternative interventions and nurture. These programmes are set up to deal with significant social, emotional and mental health needs, significant communication and interaction needs, significant cognition and learning needs, or significant sensory and physical needs.

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Hon. E J Reyes: I did not specifically ask him in my question, but would he happen to have an indication, of those 226, which school sectors they pertain to?

2625 **Hon. Prof. J E Cortes:** Mr Speaker, again, I am a bit wary of giving all the detailed information here because you could identify the pupils. What I can say from the breakdown that I have available – which I am happy to share behind your Chair, Mr Speaker – is that of these pupils, we are looking at 24 in secondary alternative learning centres, 56 in secondary learning support facilities, and then remember that we have learning support facilities not in all schools but in some of the schools and they average maybe between 30 and 40 in those primary schools which have learning support facilities, which I believe are full. More information I am happy to share, with more detail.

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2635 **Hon. E J Reyes:** I am extremely grateful. Yes, Mr Speaker, I think the Minister has, across the floor, given as much as he can without divulging anything. I certainly look forward to receiving that information behind the Speaker's Chair, which will be kept, as agreed, on a confidential basis between us. I am grateful for that analysis.

Q604/2022
Drama-related studies –
Provision of non-traditional courses

Q605/2022
Courses delivered at non-secondary school or College sites –
Breakdown of expenditure

Clerk: Question 604/2022. The Hon. E J Reyes.

2640 **Hon. E J Reyes:** Is the Department of Education planning to offer courses in drama-related studies other than the traditional GCSE or A-Level courses which have been provided in our secondary schools?

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

2645 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 605.

Clerk: Question 605/2022. The Hon. E J Reyes.

2650 **Hon. E J Reyes:** Can Government provide a detailed breakdown of all expenditure associated with the delivery of the BTEC-level National Extended Certificate in Music, Technical Certificate in Hairdressing and any other courses being partly or wholly delivered at sites other than our secondary schools or College of Further Education, showing to whom payments are made and in respect of what specific services or other costs?

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

2660 **Hon. Prof. J E Cortes:** Mr Speaker, in answer to Question 604, the Department is considering a range of vocational options over a spectrum of subjects.

On the costs incurred, for the Technical Certificate in Hairdressing, payments are made to Mayfair on Main: vocational hair and beauty courses, £114,855.96 in the last year, obviously; supply of equipment and consumables, £6,756.31.

2665 For the BTEC in Music Performance, payments are made to the Gibraltar Academy of Music and Performing Arts: BTEC Music Performance, £30,696; supply of equipment and consumables, £1,687.68; registration fee, £1,750.

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

2670 In respect of Question 604 I was asking mainly prompted by the explanations we had last month from the Minister on why certain courses like music were not taking place in the schools and so on. This is why I asked. I know the schools, at least since my teaching days, have always been offering drama, but given the popularity among some students perhaps to take on BTEC, and so on, courses in drama ... The Minister, in his answer, said they were looking at a range of vocational courses. Does he classify drama as part of a vocation and are they seriously considering offering drama in alternative places? And if it is, would the schools then no longer offer GCSE and A-level? I am homing in more on drama in this question, because to me it seemed to be the natural transition after music, being one of the performing arts.

2680 **Hon. Prof. J E Cortes:** Mr Speaker, I know exactly what the hon. Member is referring to and exactly what he is getting at. I might just say that we did take part in a school play in our primary school together quite a few years ago, so our love of drama is clearly there.

2685 We are looking at a range of vocational courses. The alternative to the traditional GCSE or A-level would be vocational. We are looking at the wet trades. We are looking at some of the digital courses, which are less academic and more work related. There is a possibility that there would be other vocational options in the performing arts. These are currently under consideration and discussion.

2690 I held a meeting recently with representatives of the drama and dance departments of both secondary schools, together with the College, and we are looking at broadening the opportunities available to young people, but absolutely without doing away with traditional GCSE and A-level courses. The discussions continue and I am looking forward to being able to diversify options for our young people throughout the whole spectrum of courses that we can make available in our educational institutions.

2695 **Hon. E J Reyes:** Mr Speaker, I thank the Minister, above all, for his explanation that he has had those meetings with the heads of department of the schools. Because I need to pose a question, will the Minister assure us that he will keep on meeting up with the heads of those departments so that the best range of products within suitably accredited qualifications end up being provided for our students?

2700 And before I sit down, Mr Speaker, for the curiosity of those who may be listening, if I am not mistaken it was Christmas 1968 when the Hon. Minister and I performed that same play, which I believe was perhaps even written by him. We are over the 50-year mark, so we might even be issued with a special medal to commemorate the event.

2705 **Hon. Prof. J E Cortes:** Indeed, Mr Speaker, for general information I believe it was Christmas 1968, and I did write that play, absolutely – bringing back old memories of the Christian Brothers Preparatory School.

2710 Of course I will carry on these discussions. Only today, I was in Bayside School watching their Christmas performance and chatting to some of the drama teachers there. There is no question at all, we will progress this in a way that will benefit all three institutions and, clearly, as I said earlier, the young people we are responsible for.

Mr Speaker: Next question.

Q606/2022

Provision of hot meals for school pupils – Update

Clerk: Question 606/2022. The Hon. E J Reyes.

2715 **Hon. E J Reyes:** Can Government update this House in respect of their intentions to provide hot meals for pupils in schools?

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

2720 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Government is currently in advanced discussions with a preferred bidder but cannot disclose details at this moment, for commercial reasons. There is no definite start date, but all parties are working for a commencement that is practical and convenient for all stakeholders to ensure students enjoy a quality service. We should hopefully be in a better position to announce something in the New Year.

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

2730 It is obviously work in progress, so at some stage we can follow it up. Can I just, at this stage, ask the Hon. Minister: if it is successful and we are able to offer hot meals for pupils in schools, for those students who may wish to use the current type of facilities whereby it does not have to be a hot meal – they take their own meal but still have the facility to be able to stay in school – will that continue, or will it just be a hot meal or you are out?

2735 **Hon. Prof. J E Cortes:** Yes, absolutely, Mr Speaker, this would be an additional option. They would be getting these meals, but the current facility for children to take their own food, or, in the case of the older students in the secondary sector, often they just go out and maybe get themselves some something in a nearby establishment ... Those options will all be there, absolutely.

2740 **Hon. E J Reyes:** Mr Speaker, is it too early at this stage to ask the Minister, would these meals be provided at a reasonable cost to students or will the school provide it because you are an enrolled student and therefore it becomes free of charge?

2745 **Hon. Prof. J E Cortes:** No, Mr Speaker, these would be paid for. This is the system we used for about a year before, unfortunately, the entity that provided the meals went into administration, which is one of the reasons why this is taking so long, because there are issues about the equipment and so on and so forth. But the intention would be that the parents would pay for the meal at a cost that we would have to agree is reasonable, and this is also part of the discussions with the preferred entity.

Q607/2022

Governor's Lookout Scout Activity Centre and Campsite – Update re works undertaken and costs incurred

2750 **Clerk:** Question 607/2022. The Hon. E J Reyes.

2755 **Hon. E J Reyes:** Can Government provide an update of works undertaken and costs incurred so far in this financial year in respect of the approved £50,000 expenditure under the Improvement and Development Fund, head 102 Projects, subhead 4(k) Governor's Lookout Scout Activity Centre and Campsite?

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

2760 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, this is becoming very intimate: we were also in the Scouts together!
The works are under the direction of the Scouts Association, so I do not have that information. No costs have as yet been incurred by the Government.

2765 **Hon. E J Reyes:** In accepting that some of the details of the works and so on are under the direction of the management of the Scouts Association, when the Minister says no costs, have they paid like an advancement, or on production of invoices made any payment, or the amount drawn down is still zero but there is an approved £50,000 expenditure which is valid until 31st March? Where are we in that respect?

2770 **Hon. Prof. J E Cortes:** Mr Speaker, the allocation is in the Book. We have not yet paid any invoices, nor do we have a detailed update of how much work they have carried out in this

financial year. That is where we are at the moment. Things could change within weeks if invoices come in and we are informed of the work that has been carried out, but at the moment no costs have been incurred and I do not have the details of how much work has been done in recent months.

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Mr Speaker: Next question, please.

Q608/2022

**Gibraltar University courses commencing in February 2023 –
Availability of discretionary funding**

Clerk: Question 608/2022. The Hon. E J Reyes.

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Hon. E J Reyes: Will the Department of Education be accepting and considering applications for discretionary funding towards the recently announced course being offered by the University of Gibraltar with lectures to be delivered in February and March 2023 leading to a Professional Certificate of Competence in Blockchain and Smart Contracts?

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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, the Department of Education will accept and consider new applications for discretionary scholarship funding when the next scholarship window opens. The window for Government scholarship funding opens on an annual basis in anticipation of the forthcoming academic year. The window typically closes in June with the results of the applications established prior to the start of the next academic year, usually September. The next window for applications for discretionary scholarship funding awards will open in the second quarter of 2023 for the funding of courses in academic year 2023-24. The window for applications for funding for discretionary scholarship funding awards for the academic year 2022-23 closed in June 2022. The results of the applications received were established prior to the start of this academic year, 2022-23.

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There is no process currently through which individuals can submit new applications for funding for courses starting in February or March 2023. If individuals have not already secured funding for courses taking place during the academic year 2022-23, they will not be able to access funding at this time.

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

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The Minister has given us an answer which, for financial accounting reasons, has a lot of logic behind it. Would the Minister please consider perhaps liaising with the University of Gibraltar, because this course has been advertised by the University of Gibraltar after the closing date for applications. I do not think it has been done with a bad taste, but it is misleading information on behalf of the University of Gibraltar to advertise the course by saying it may attract funding under discretionary scholarship. As you say, it cannot attract funding under discretionary scholarship, if we are being really honest, because the next window does not open, as the Minister said, until the second quarter of 2023, and these payments have to be made now because the lectures are delivered in February and March. You cannot even have a student saying, 'I will get a loan for this, and then when the second quarter comes ...' The Department of Education I think, traditionally, have said if you have already done a course, you cannot retrospectively ask for funding.

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Would the Minister commit himself to at least trying to liaise better with the University in the wording? Both sides of this House want to be supportive of courses being offered, especially in

2820 things that are extremely useful, but we have to think of our constituents who build their hopes up – ‘Oh, look, I could do this course,’ – but come across a civil servant at the Department of Education who unfortunately has to say, ‘No, I cannot take applications until the second quarter, after which will be willing to accept and consider them.’

2825 **Hon. Prof. J E Cortes:** Mr Speaker, the University, of course, is independent. The conversation on the point he has raised has been had. I dare say that if there were any students who were particularly put out by this condition or this reality, they would make contact and we would have a discussion to see what the steps were. But we have to be very careful that we do not open the floodgates and we are dealing with applications which could come at any time of year. That is just not sustainable and therefore we have to state what the policy is.

Mr Speaker: Next question.

Q609-10/2022

Dust emissions –

Number of complaints received; actions taken re breaches of regulations

2830 **Clerk:** Question 609/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many complaints it or the Environmental Agency has received in respect of dust emissions?

2835 **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 will answer this question together with Question 610.

2840 **Clerk:** Question 610/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what action the Government or the Environmental Agency has taken in respect of breach of the Environment (Control of Dust) Regulations 2010 by individuals or companies?

2845 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

2850 **Hon. Prof. J E Cortes:** Mr Speaker, officers of the Environmental Agency proactively visit and monitor construction activities at all construction sites around Gibraltar, as well as responding to complaints of dust emissions from members of the public.

2855 All companies that are engaged in construction-related activities are required to have a certificate of approval issued under section 5 of the Environment (Control of Dust) Regulations 2010. This follows submission of a dust control plan which must make sufficient provision for the prevention or reduction of dust for all dust-producing activities in which the individual or the company are involved. Officers check that those active in the industry have a certificate of approval issued by the Environmental Agency.

2860 If evidence is found that an individual or a company is not properly implementing their dust-control plan, a prohibition notice can be issued prohibiting the activity – for example, the use of machinery with insufficient dust suppression. The prohibition notice will set out the issues that need to be addressed and the time period in which remedial action is to be taken. Section 11(3)

allows for the Chief Environmental Health Officer to revoke a certificate of approval for non-compliance with a prohibition notice.

The number of complaints received are as follows: 2018, 33; 2019, 54; 2020, 43; 2021, 55; and 2022, 62.

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Hon. E J Phillips: Mr Speaker, I am grateful for the answer by the Minister in respect of the complaints, which was the nature of the question, and I understand that there are proactive attempts by the Agency, and indeed reactive responses by them in relation to complaints that have been made.

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He would agree with me, of course, that the complaints that the Agency is receiving and the growing number of complaints – and the trajectory is north, from 2018 with 30-odd up to 2020 with 66, so significant numbers of increases of complaints in relation to dust in our community. I do not know what is driving this; I suspect construction in our community, increased levels of construction and dust that irritates many in our community. I wonder whether he has any data relating to the nature of those complaints and what they generally describe, because it is important to understand the nature of the complaints and how we can mitigate them.

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Hon. Prof. J E Cortes: Mr Speaker, I do not have data, but from my own experience in the day to day they are generally construction sites and clearly there is quite a lot of construction activity going on now, for example, in areas which are frequented, where people might find it is a problem – like the schools we are building.

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What I can say is that over the last year or two there have been, from my information, 86 warnings issued and 45 prohibition notices, most of which have resulted in compliance, and six successful convictions. We find generally, though, that when they are tackled they do take remedial action. It should not lead to that. It is often as simple as spraying water over the site on a regular basis, but unfortunately sometimes they have to be told. The Agency is very much on top of this, and I obviously encourage them to be so.

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Hon. E J Phillips: I am very grateful for the response to that question. Of course, it is a public health consideration, is it not, that construction dust can lead to very serious health consequences for those breathing in that dust?

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I just wonder what the Minister's view is in relation to the resourcing of the Agency and particularly those inspectors who have to inspect construction sites for those complaints, because clearly the numbers are very high. That is reflective of construction in our economy and that movement, and I wondered whether or not he can clarify that, insofar as the numbers, he is satisfied with the number of people investigating these complaints.

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Hon. Prof. J E Cortes: Yes, Mr Speaker, I am. I believe that if this was something the Agency was not coping with, I would know, and I have not had any representations.

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Hon. E J Phillips: Just one further question, if I may. If the Minister cannot answer, that is fine, we can take it to another session, but insofar as construction more generally, it tends to be on our main thoroughfares as well, and obviously there are health consequences as a result of that. The recent asbestos issue at the old Westside School has raised its head with a number of constituents approaching Members on this side of the House. Does that involve a similar process? I appreciate it is very distinct and there are very distinct laws in relation to the control and management of this particular substance, but does that raise other concerns with the Government? And is the Government concerned about asbestos at the old Westside School site?

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Hon. Prof. J E Cortes: No, Speaker, it is very strictly handled and managed, so whenever there is any suspicion that there may be asbestos ... Remember that asbestos is inert and harmless unless it is dust in the air and is breathed in. There are specialists who deal with this. There is an

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asbestos register. I do not have all the detail here, but it is something that certainly the Agency is very much on top of.

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Hon. E J Phillips: Mr Speaker, I think probably to be clear – and I am very thankful for the answer – is it right, then, to conclude that asbestos has been identified at Westside?

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Hon. Prof. J E Cortes: Mr Speaker, I do not have that information. I am just responding to the theoretical presence of asbestos anywhere. I can answer a direct question if I am asked it, but I do not have that information. I am not commenting because I honestly do not know whether it has been found there.

Mr Speaker: Next question.

Q611/2022
Public Health Bill –
Payments to Benzaquen Associates

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Clerk: Question 611/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state why it has paid over £129,440 to Benzaquen Associates over eight months in 2022 with no Public Health Bill appearing before this House?

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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, the draft Bills are going through an extensive consultation process with all stakeholders and will be published in the coming months.

Hon. E J Phillips: Mr Speaker, just one further question: is the purpose of this Bill to consolidate existing legislation, or is this an entirely new panorama for public health in Gibraltar?

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Hon. Prof. J E Cortes: The purpose of these Bills – I think there are 12 or 13 – is to divide up a very old and out-of-date piece of legislation into sections and update it, so the hon. Member will realise it is a huge undertaking. The drafts exist and we are going through the process of considering all stakeholders. We are dealing with things from hotels to infectious diseases and rodents, so it is a huge area and we are dividing these up into, I think, 13 separate Bills, so it is a complicated process.

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Hon. E J Phillips: Just one further question. Insofar as the large number, 12 or 13 pieces of legislation, is that currently in final form as drafted by those the Government has sought externally to instruct to draft that legislation?

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Hon. Prof. J E Cortes: The process includes the first draft, then the discussion with stakeholders like the Environmental Agency, the Director of Public Health and the Environment Department. Those comments are incorporated into a revised draft, and then that draft is sent to the Gibraltar Law Officers for them to just consolidate and cast an eye over it. We are generally in the latter part of that process, so we do not have a final draft yet, but we have a draft which has already had input from all stakeholders and now the final drafting process is being undertaken.

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2960 **Hon. E J Phillips:** The view that the Minister came to is that we did not have within the Government legal service the available resource to conduct this drafting exercise and therefore it was considered by the Government that they should 'instruct out', as the term is used, to conduct this drafting exercise. Is that right?

2965 **Hon. Prof. J E Cortes:** Mr Speaker, the hon. Member will be aware that the Government Law Officers have been engaged for the vast majority of the time over the last few years – certainly when these drafts were being prepared – in Brexit and related legislation and therefore we have had to call on support of this nature.

2970 **Hon. K Azopardi:** Can I just ask on this issue, have I understood correctly? Is it that 12 distinct pieces of legislation have been prepared modernising 12 other Bills, or is it that the Public Health Act, which is a voluminous statute, has been broken up into 12 different pieces of legislation?

2975 **Hon. Prof. J E Cortes:** The latter, Mr Speaker. The big Public Health Act is being divided up into one on waste, one on contaminated land ... I am just going by memory, so I do not commit myself to those actual headings, but it is one Act that is being divided into separate ones.

2980 **Hon. K Azopardi:** And can I just ask ...? That really goes counter to the trend that ... Normally you do it the other way around. Normally you have consolidating legislation, and to actually have an act that has been around for a very long time ... It requires modernisation, I accept that by all means, but to break it up into 12 Acts is really going against the trend of legislative technique and it probably is unhelpful in terms of the user of legislation and indeed public awareness. Has the Minister considered whether... of course it should be modernised, but it should be kept as one consolidated Act?

2985 **Hon. Prof. J E Cortes:** Mr Speaker, there is such a wide range of often barely related subjects that I am quite comfortable in this approach and I think it will make the use and interpretation of the legislation easier and not more complex. That is my personal view.

2990 **Hon. K Azopardi:** We are still in time, so perhaps I would ask him to reflect on it because the public health legislation in Gibraltar is based on English sources, so it is similar kind of structure in England. I appreciate it is voluminous, but for example, when there has been an exercise done on the Companies Act or the Insolvency Act, the consolidating exercise of the financial services was a consolidating exercise, and here we would be going really against the grain of what ... We should be attempting to make legislation easier to use for someone picking it up. You can have a part on noxious diseases and a part on nuisance and a part on something else, but at least you know it is all in the Public Health Act. It would be perhaps a bit difficult for people to use in that form. I just invite him not to give an instant decision, but to reflect on that. And can I ask him to what extent there has been external consultation on whether that is the preferred option?

3000 **Hon. Prof. J E Cortes:** Mr Speaker, the Public Health Act is a mess – it is very complex to use, very out of date and therefore I repeat what I said earlier: I think that to compartmentalise it strategically and being able to focus on all the different aspects will actually be helpful. Clearly I will reflect on what the hon. Member has said, but I think that it is helpful and all the stakeholders – who are many, covering a range of Ministries and a lot of my colleagues here have supported me in allowing their heads of Department and so on to be consulted – feel that this is helpful. It may be against other trends, but I am not averse to going against the trends anyway.
3005 Certainly I will reflect on it, but I think it is the right move.

Chief Minister (Hon. F R Picardo): Mr Speaker, just to give a flavour of what we are doing, rates are provided for in the Public Health Act, and most young lawyers, when asked to check how rates

3010 are calculated, would not think that the place they would need to go to find the calculation as to
rates is the Public Health Act, and so you are combining issues which relate to what everybody
might associate with public health with issues relating to the cost of a particular hereditament for
a particular period. So in the context of public health, it would not make sense to continue with
the exercise of consolidation, because if we were to do so, public health covers such a wide
3015 panoply of issues at the moment that we might be persuaded to put financial services legislation
under the Public Health Act as well, because there are completely unrelated matters under the
Public Health Act. That is why we have taken the policy decision that it makes sense to strip out
from the definition, the headline of 'public health', many of the areas which are presently covered
by the Act, because the trend is to consolidate things under a subject heading which is in keeping
3020 with the issues that are dealt with in the legislation, and that is why here it does not make sense
to continue in that way.

Mr Speaker: Next question.

Q612-16/2022
Dog licences and dog fouling –
Checks, fines and convictions; DNA testing

Clerk: Question 612/2022. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, how many checks for unregistered dogs have there been since
1st January 2018 and how many fines have been issued?

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, I will answer this question together with Questions 613 to 616.

Clerk: Question 613/2022. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, how many convictions or fines issued have there been in each
of the last four years for failure to register or license a dog in Gibraltar?

Clerk: Question 614/2022. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, how many convictions or fines issued have there been for dog
fouling in each of the last four years?

Clerk: Question 615/2022. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, in relation to any convictions and/or fines for dog fouling, how
many have resulted from the Government's DNA testing programme?

Clerk: Question 616/2022. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, how many DNA samples of dog faeces have been tested since
1st January 2018 and how many fines have resulted from that testing?

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

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Hon. Prof. J E Cortes: Mr Speaker, I will now hand over a schedule with the information requested.

Answer to Question 616/2022

Table 1 Patrols and fines issued by the Environmental Protection and Research Unit in relation to unregistered dogs.

Year	No. of Patrols *	No. of fines issued
2018	Over 260	5
2019	Over 260	2
2020	Over 260	1
2021	Over 260	3
2022	Over 260	1

* The EPRU carry out on a minimum of 5 patrols a week, usually these are done daily with the possibility of more than one patrol a day.

Table 2 Number of samples collected and fines issued as a result of the DNA testing program by officers in the Environmental Agency.

Year	No. of Patrols	No. of samples collected	No. of fines issues
2018	No stats	144	11
2019	47	232	40
2020	41	118	1
2021	59	177	18
2022	50	174	15

Table 3 Number of yearly dog patrols carried out by the Environmental Agency for unregistered dogs

Year	No. of Patrols	No. of dogs checked	No. of fines issued
2018	29	No stats	No stats
2019	41	100	5
2020	27	42	1
2021	40	117	0
2022	54	149	15

Hon. D A Feetham: Mr Speaker, with your leave, may I suggest that you continue with the session and I will analyse the answers? Thank you very much, Mr Speaker.

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Mr Speaker: Next question.

Q617/2022
Mid Harbours garage –
Accumulated rubbish

Clerk: Question 617/2022. The Hon. D J Bossino.

Hon. D J Bossino: Piles of rubbish continue to present a problem at the Mid Harbours garage. When will the Government resolve this longstanding issue?

3065 **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 issue arose as a result of a broken door. The door has now been replaced and this should resolve the issue.

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Hon. D J Bossino: Mr Speaker, I have been there myself and, from what I have seen, that does not seem to be a reasonable explanation as to why there are piles of rubbish in the garage area. It may be a question of enforcement, it may be a question of having security cameras out there to monitor what is happening, but unless he can give me more information in terms of which broken door to what and why it is causing that issue ... I have been into the area where the rubbish is meant to be laid, but it is normally laid outside in the garage area, for example, in huge piles, and I am told that that issue has not been resolved after many ... I was going to say years, but I would not be giving him necessarily accurate information.

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Can he give me a bit more information and comment on what I have just said? It just does not make sense.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I agree with him. I have been there too. The Hon. Minister is right in the answer he has given, there was a broken door, but the door was not broken in a way that people could not open it. The Minister for Housing was there with me. What you have is a pristine, clean, rubbish-depositing area. Many of our compatriots open the door, put their rubbish inside the receptacles which are inside the room, and act – it is not even the civic way, Mr Speaker – in the normal way that a human being would behave. Some, and fortunately not very few, take their rubbish and deposit it just outside the door because they cannot be ... (**A Member:** Bothered.) ‘bothered’, I think, is the acceptable word in Parliament – thank you, Minister – to open the door and put it inside the receptacle, the broken door, the repaired door. They leave it outside and then somebody will come behind and see that there is a bag in front of the door and then not move the bag and not open the door and put another bag there. And then somebody will come and put another bag there and another bag.

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The hon. Gentleman will say to me, ‘Put in CCTV.’ I told him last time that one of the things we are doing in another area is experimenting with CCTV. When we put in CCTV, people, in order not to open the door, will turn up with hoodies on, so that the CCTV will give us only images of people wearing hoodies putting their rubbish outside the area with the receptacle. The hon. Gentleman will say to me, ‘Illegalise hoodies, or at least make it illegal for people to wear a hoodie when they are going to deposit their rubbish.’ We will get to a stage where they will say, ‘Employ a refuse disposal area monitor,’ and we will end up with 15,000 Gibraltarians employed to police 15,000 other Gibraltarians, one on one, to ensure that we put the rubbish where we need to put it. For goodness sake!

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I refuse to believe that the people of Gibraltar need to be mollycoddled in this way and that the few *guarroses* there are require us to police them in this way so that they can behave in a manner which is legitimate, proper and normal and put their rubbish in the area which is provided, so that they do not leave their rubbish in the way for anyone. This is the sort of problem that then creates a problem with rodents, that then creates a problem with monkeys, that then creates a problem with gulls, etc.. All of these issues – not in that area, which is covered, but in other areas – create the wider problems that we are dealing with. I refuse to believe that the vast majority of modern Gibraltarians require this level of supervision with cameras or mollycoddling, but if we are pushed to it we shall have the cameras, we shall illegalise hoodies and we shall employ the 15,000 Gibraltarians to take the other 15,000 Gibraltarians by the hand to open the door and put the rubbish in the bleeding receptacle.

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Hon. D J Bossino: Mr Speaker, one can observe and sense the levels of frustration from the hon. Member opposite, and I suppose somebody who has been directing the fortunes of this

community over the last 11 years ... You can see it. It is things like this which must get to him when he is dealing with other issues as well and people simply do not play ball.

3120 If I can go back to the initial reply given by the Hon. the Minister for the Environment, given the reply we have just heard, are we to assume that the door and the replacement thereof will not be the solution to all our woes in respect of this issue, and actually it is the wider and much more complicated and complex issue to resolve of uncivil and unsocial behaviour?

3125 **Hon. Chief Minister:** Well, Mr Speaker, it is something that gets to me, something that frustrates me. I think it frustrates every right-thinking member of this community. I am sure it is frustrating him. I would have thought that he wants to do politics which is different to this. Parliaments have to deal with issues that affect everyday life and macro-economic issues also, but I would have thought that he would prefer to ask us questions on a different issue. We would prefer to be able to visit the estates to deal with issues about how we are going to ensure that the
3130 estate has an extra 50 years of life rather than how we ensure that people comply with the most basic way in which we would expect people to behave.

Dealing with the door is to ensure that there is not any excuse. It was not an unopenable door, but it is now perfectly easy to open the door. There is no question of there being any problem with the door. There is no excuse. This is not about people playing ball. This is about people
3135 knowing how to live in community, and living in community is knowing how to live in a socially acceptable way that does not cause a problem for others, so that others can have peaceful enjoyment of their properties through your peaceful enjoyment of your own and your common care for the common areas.

Today we have people provided with *El Turno* in Government estates. My parents' generation,
3140 his parents' generation, our parents' generation would not countenance anybody coming to clean their front stoop. By the time somebody came to clean our parents' front doors, our parents' front doors would be so spick and span that the person who came to clean it could sit down and have a coffee with our respective parents because our parents would ensure it was clean and would be ready to give the person who came to clean the coffee.

3145 I refuse to accept that Gibraltar has deteriorated socially, morally and responsibly to a stage where it can be anything other than a minority that are doing this, and therefore we will deal with the minority, because otherwise we may as well pack up and go, and I refuse to ever say that we are ready to pack up and go. I will be the last man standing, putting the rubbish bags inside the refuse, even if it is him I have to take by the hand to put his in.

3150 I am sure that we will get there. I am sure that people will be shamed into understanding that this is not a Government problem, this is a problem that people are creating for themselves and others, that it is a few and that we, all together, should shame them and not give them the excuse that because the door might not swing open when you touch it and you might have to pull it, that is enough to then put your rubbish outside. On this we should all be united, we should not give
3155 anybody a way out and we should lead by example, and the example that we lead by should be in this place.

Mr Speaker: Next question.

Q618/2022
Museum –
Updated visitor numbers

Clerk: Question 618/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Please provide the total number of museum visitors by year and month since the last time this information was updated, on 11th December 2019, in table T3 of the online Government statistics.

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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, I now hand over a schedule with the information required.

Answer to Question 618/2022

Total number of museum visitors by year and month

Year	January	February	March	April	May	June	July	August	September	October	November	December
2019												504
2020	690	952	316	0	15	25	166	395	341	502	185	155
2021	0	0	137	157	442	817	587	753	597	678	908	355
2022	338	489	791	1,018	1,698	957	1,141	1,423	1,153	1,582		

Updated 11-Dec-2022

3170

Hon. D J Bossino: Mr Speaker, can I go on to the next question and perhaps go back to this one, so I have a chance to look at it? I do not think my hon. and learned Friend Mr Feetham will have any supplementaries in relation to his schedule, but if I can ask the next one ...?

Mr Speaker: Does the Hon. Daniel Feetham have any questions? No, all right.

Q619/2022
Tourism levy –
Amounts received since introduction

Clerk: Question 619/2022. The Hon. D J Bossino.

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Hon. D J Bossino: What amounts have been received since the introduction of the overnight stay tax of £3 per person since the measure was introduced?

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, I now hand over another schedule with the information requested.

Answer to Question 619/2022

Climate Change Act - Tourism Levy

Month	Total Invoiced	Total Outstanding	Total Received
APRIL	£ -	£ -	£ -
MAY	£ -	£ -	£ -
JUNE	£ -	£ -	£ -
JULY	£ -	£ -	£ -
AUGUST	£ 65,433.00	£ 204.00	£ 65,229.00
SEPTEMBER	£ 76,188.00	£ 1,045.20	£ 75,142.80
OCTOBER	£ 61,659.00	£ 14,154.00	£ 47,505.00
NOVEMBER	£ 7,071.00	£ 7,002.00	£ 69.00
DECEMBER	£ -	£ -	£ -
JANUARY	£ -	£ -	£ -
FEBRUARY	£ -	£ -	£ -
MARCH	£ -	£ -	£ -

3185 **Hon. D J Bossino:** Mr Speaker, is the hon. Member able to confirm ...? The title to the schedule suggests the answer, actually – (*Interjection*) sorry, to Question 619 – that ... Is he able to confirm, therefore, that the hotel levy is being paid into what was termed by the Hon. the Chief Minister, during the course of his Budget address, as the Climate Action Fund? So those amounts which are set out there have been ring-fenced in that fund?

3190 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, I can confirm that.

Hon. D J Bossino: Can I just ask on this one, the Climate Change Act tourism levy: why is the invoiced sum for November so different to those for August, September and October?

3195 **Hon. Prof. J E Cortes:** Mr Speaker, there could be two reasons. One is occupancy, and the other is that we may not have received all the information for November, as this was prepared a week or so ago, and so there is likely a time lag. I can find out whether it is one or the other, but it could be either or both.

3200 **Hon. K Azopardi:** So the mechanics of it are that it is invoiced later; it is not deducted at source by the hotel? Is that right?

Hon. Prof. J E Cortes: That is correct. We are provided with the information and there is always a time lag before we get the information and the funds.

3205 **Chief Minister (Hon. F R Picardo):** It probably is charged by the hotel to the individual, but then the hotel gives us the information and we send them an invoice for that amount.

3210 **Hon. D J Bossino:** It seems that in the first month the total outstanding amounts are very low, but then they seem to be creeping up in every single month. For example, in the last month the total outstanding is very high. I am not sure whether that is a timing – (*Interjection*) Is that it? Okay, but does that apply to October and September, which are much higher than the August ones? I do not know what the details are, in terms of how long they have to pay. It seems that ...

3215 **Hon. Chief Minister:** Mr Speaker, they should pay immediately, but sometimes they might not. The delay obviously relates to the period for which the invoice has been outstanding, so the August invoice that has been outstanding for longer is likely to have been paid, the September

3220 invoice has been outstanding for a month less than the August one, the October one has been outstanding for a month less than the September one, and the November one has just been sent, so it is very unlikely that you would see the full payment of the November one by December when you have not seen the full payment of the August one by December. So it is just the time lag that you would expect to see and the way that the payments are made. Of course, there is more of a percentage outstanding in the November one because it has just been sent and none of it has been paid. That is not reasonable, it is understandable.

3225 **Hon. D J Bossino:** How long do they have to pay? Is it a month?

3230 **Hon. Chief Minister:** The Government's business terms, Mr Speaker, are usually 30 days for people to repay us, but as he would tend to know, most people do not pay in that period; they get a first chaser etc. He can see that actually the record of payment is quite good because in August, of £65,000 invoiced there is only £200 outstanding. I call that a very good recovery rate. By September you had £76,000 invoiced and £1,000 outstanding, so the hit rate here is actually very good.

Hon. D J Bossino: Thank you.

Q618/2022
Museum –
Updated visitor numbers –
Supplementary questions

3235 **Hon. D J Bossino:** In relation to Question 618, the museum visits – this information had not been uploaded on the website and that is why we wanted updated information – does he have any comment to make in relation to these statistics? It seems that we are going back to pre-COVID levels, so I am sure he will be satisfied by that, although there are higher numbers in 2010-11. I would welcome his ... I cannot ask for his views because I am not meant to, but his comment in
3240 relation to that.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): The numbers are returning to pre-COVID. There will be fluctuation, it will depend on all sorts of things, but we are satisfied that they are consistently higher than they have been. The
3245 museum is a wonderful asset and I am sure it will continue to thrive.

Hon. K Azopardi: On the museum numbers – which I agree is a wonderful asset, although I may not agree that a lot of people are visiting it – does he know whether those numbers include school visits?
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Hon. Prof. J E Cortes: The Hon. the Leader of the Opposition's opinion on the numbers that are visiting it is not really relevant because we know the numbers that are visiting.

I am not sure whether they include these other statistics. I will seek clarification. I apologise for not having that information, but I will seek it. They may be separate because these are
3255 probably based on sales, whereas schools would go as groups, but I will seek that clarification.

Hon. K Azopardi: I would be grateful if he would because I was agreeing with him, it is a wonderful asset. What I am saying to him is that perhaps if he – (*Interjection by Hon. Prof. J E Cortes*) Yes, if he finds out that information, whether it includes schoolchildren or not ... Certainly
3260 if it includes school visitors I would say it is not a lot of people. Even if it does include

schoolchildren, given the importance that we give to tourism in this community and the asset that it is and the vehicle it represents to transmit and inform a visitor to Gibraltar of our history and heritage, we should try to create more public awareness of that wonderful asset so that more people visit it.

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Hon. Prof. J E Cortes: I must add, in order just to assist in this discussion, that the museum does have a virtual presence. I do not have the figures here, but I do know that they have many virtual visitors. Clearly, it is not the same visitor we would also welcome to Gibraltar for a stay and as part of the Gibraltar experience, but there is a lot of promotion of the museum and there are lots of hits on the website, and I will try to share that information as well when I respond on the matter of the schools.

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Q620/2022
St Martin's School –
Number of new pupils expected in 2023-24

Clerk: Question 620/2022. The Hon. D J Bossino.

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Hon. D J Bossino: How many new pupils are expected to be enrolled into St Martin's School in academic year 2023-24, broken down into ages?

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, although it is not possible to establish the numbers with certainty just yet, I would predict that approximately 16 new pupils might be expected to be enrolled into St Martin's School, into the pre-pre-school year in Early Birds Nursery for commencement in September 2023.

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Hon. D J Bossino: I appreciate that there will be an inherent lack of certainty, but again I would invite him to say something about that because ... The reason why I ask this question is because in the last exchange we had on this issue in the House I asked by way of supplementary ... Because of – how shall I put it? – the shock number that we had last September, when I think it was 24, or something in that region, which he said was, from the Department of Education's point of view, unexpected, I ask him do we know now, more or less, how many children ...? It seems that we have a number ... It is still, although a lesser number – oh, really, only about three? – than September, it is still a very high number compared to the averages we have had over the last 10 years and I would be grateful for his comments in relation to that.

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How do we cater, not just in the school, which in many respects, although only very recently constructed – and being as neutral, politically, as I possibly can – is now, in terms of size, not fit for purpose ...? The concern now is – going into the future, into the medium-to-long term – the effect that these numbers are going to have.

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He did mention on the last occasion ... I asked a specific question, by way of supplementary, how many children – and he mentioned it now – are going to be using the Early Birds Nursery facility. I can say from personal experience that, for example, when my son accessed that facility I think there were fewer than five, and if you take a snapshot of where we are now, we are talking about more than 40 as things are. So clearly that number is only going to go up and there is a very real potential of that number also going up in terms of the pupils and users who are going to be received at the St Bernardette's facility.

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3305 I am putting all of that in there because it is in my head and I just want to get it out there and give him the opportunity to comment on all of that. I suppose what I am asking is what planning the Government has in relation to what is coming.

Hon. Prof. J E Cortes: Mr Speaker, I am grateful for the largely conciliatory tone of that intervention, but I am not letting him get away with saying that St Martin's School is not fit for purpose. It is extremely fit for purpose. The facilities are excellent and are being very well utilised.

3310 I suspect that what he is referring to is the discussion we had last time, but he himself has confirmed the unpredictability at the time of designing the school that I was alluding to when we had this discussion, because from five, six, seven children a year we have had 19, I think, recently. Now it is 16 – it could be one or two more, so it could be around ... So it confirms the trend, but it also confirms that at the design stage we were looking at the statistics that we had available. I am confident that we will be able, as I have committed here before, to accommodate all these 16 new pupils – be it 16, 15, 17, 18 or 19 – in a school that is extremely fit for purpose.

Hon. D J Bossino: To clarify – and again, it is not that he does not need to let me get away with making the comment – it was only in respect of space. That is what I meant, and clearly the admission of these new 16 – possibly, as he said, a bit more – is going to be plus the same number that have been there now for this academic year, plus the other numbers, so we are going to have ... I would ask him what immediate plans he has in order to cater for these 16. I know there is the possibility, in terms of the construction of that building, of building an extra floor – I think he has said that in the past. Clearly that is not going to happen anytime soon, but in terms of creating space, are we looking at reconfiguring some of the facilities in terms of rooms that are available, for example, for Snoozeland, which is where the kids maybe relax, and maybe turning that into a classroom; or, indeed, as we had in the old St Martin's, the setting up of portacabins again? Obviously parents and users would rather not have to go down that route again.

3330 **Hon. Prof. J E Cortes:** Mr Speaker, as I said – I think it was at the last meeting or the one before that – we are looking at all options and we will ensure that these children are more than adequately provided for.

3335 **Hon. D J Bossino:** Will there also be an impact in terms of teacher and LSA staffing levels in terms of catering for these 16-plus new children?

Hon. Prof. J E Cortes: Mr Speaker, when I answered my first question today and I pointed out that St Martin's School, on the morning of 15th December, had 22 permanent and 64 non-permanent LSAs, it already shows the commitment. This is a school where you have to have the support, you have to have, sometimes, 2:1 staff-to-pupil support, as the hon. Member is well aware, and therefore these will clearly be provided. We have never stopped short of supplying all the staff that these children need and deserve.

3345 **Hon. D J Bossino:** Just one final question. I accept it was a bit of a long preamble to my first supplementary, but specifically what plans does his Department have in relation to the ...? This is going to be a feeder school for St Bernadette's into the future, so now that we know these are the numbers ... Hopefully, that number will decrease because some of these children will improve and go into mainstream schooling, but the unfortunate reality is that most of these children are going to be in the system, and so what are we going to do in relation to St Bernadette's and how they are going to be able to cater for that, now we can plan?

3355 **Hon. Prof. J E Cortes:** Once again, Mr Speaker, we are well aware of that situation and we are looking at various options in order to deal with it.

Mr Speaker: Next question.

Q621/2022
Programme of events –
Planned events for 2023

Clerk: Question 621/2022. The Hon. D J Bossino.

3360 **Hon. D J Bossino:** Please list which events, to include music concerts, the Government or its agencies is planning to hold, sponsor and/or promote during the course of 2023.

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

3365 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I hand over the schedule of proposed events for 2023. Events after 1st April will be subject to provision in next year's Estimates. I must thank the Hon. Minister for Sport and the Hon. Minister of Tourism for supplying information on sports.

3370 I have seen the schedule. I think you may have a previous version because I have seen that the Literary Festival, which I specifically added, has been omitted; so please, with my apologies, accept that there should also be a Gibraltar Literary Festival included.

Answer to Question 621/2022

Culture Events:

Three Kings Cavalcade
GibTalks
Cultural Exchange in Tangier
Young Art Exhibition
World Book Day
Drama Festival
Workers Memorial Day
Shakespeare for Kids
Spring Short Story Competition
Spring Art Exhibition
Spring Celebration of Opera
Book Crossing Day
Calentita Night
Gibraltar Fair
Our Gibraltar Exhibition
National Week Boat Procession
National Day Celebrations to include Jazz at Piazzella, Variety Show and Rock Concert at Casemates
Autumn Classical Concert
Autumn Zarzuela
Cultural Awards
International Art Competition & Exhibition
Autumn Poetry Competition
Autumn Bookmark Competition
Christmas Events (previously Christmas Festival of Lights and the Attractions at John Mackintosh Square)
Gibraltar Literature Week

Sports and Leisure Events:

International Backgammon Tournament
Eagles HC EuroHockey Club Challenge III
Squash International Open
GTSA Open Championships
Veteran Car Rally
Gibraltar Regatta
Harley Davison Motorbike Rally
European Table Soccer Championships
Eurafrica Trail
Junior Darts Corporation World Championships
Rock Masters Ten-Pin Bowling International

3375 **Hon. D J Bossino:** So just to be clear, and he can correct me if I have misunderstood it, when he says after 1st April, obviously he is talking about the financial year, so these are events which are catered for and have been approved in the last Budget – is that what he means? – but in terms of dates, they may happen after 1st April?

3380 **Hon. Prof. J E Cortes:** Mr Speaker, what I mean is these are the events that are planned and in a lot of cases they are standard events that happen every year, but we have a budget which is valid until 31st March. If you look at the cultural events, the Drama Festival is in March, so anything after that will be in the next financial year. And in the sports events, the International Backgammon Tournament I think is in February. The rest would be after the end of March, and therefore, although we expect them to be carried out, we do not have the funding voted in this Parliament in order to carry them out. That is a programme which is a fairly standard programme with one or two additional things added.

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Mr Speaker: Next question.

Q622-23/2022

Household waste –

Process re exportation, recycling, collection and treatment

Clerk: Question 622/2022. The Hon. the Leader of the Opposition.

3390 **Hon. K Azopardi:** Mr Speaker, can the Government set out the current process in respect of the exportation, recycling, collection and treatment of household waste?

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

3395 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 623.

Clerk: Question 623/2022. The Hon. the Leader of the Opposition.

3400 **Hon. K Azopardi:** Mr Speaker, how are articles of household waste that are able to be recycled treated in comparison with other non-recyclable articles, and where are they sent to once they are collected and leave Gibraltar?

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

3405 **Hon. Prof. J E Cortes:** Mr Speaker, Gibraltar's household waste, which is both municipal waste and bulky waste, is collected from bin stores around Gibraltar by Gibraltar Industrial Cleaners. It is temporarily stored at the Waste Transfer Station at Europa Advance Road and is then exported to Spain for recovery or disposal under the Transfrontier Shipment of Waste (TFS) regime by a licensed waste exporter.

3410 Mixed municipal waste currently goes to the plant at Los Barrios, where it undergoes mechanical and manual sorting with the residual waste going to landfill.

Separated recyclable waste is collected from kerbside recycling points by Britannia, taken to the Ecopark, sorted as needed, and then exported to authorised treatment facilities in Spain for processing. These exports happen under the Annex VII process of the Waste Shipment Regulations.

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Hon. K Azopardi: Can I ask the Minister: as I understand that process, the recyclables are never then mixed at Europa Advanced Road with the other articles – is that right?

3420 **Hon. Prof. J E Cortes:** That is correct. They do not even go to the same place. The recyclables go to the Ecopark in Devil's Tower Road, and the municipal waste, the common household refuse, goes to the pit at Europa Advanced. I called it the Waste Transfer Station, but I think we know exactly where we mean.

3425 **Hon. K Azopardi:** The Hon. Minister said that the first process, the non-recyclables, where they are exported under the Transfrontier Shipment of Waste regulations ... I think that comes from the EU regime – is that right? How are these arrangements on the exportation of non-recyclables and recyclables going to be affected? Are they going to be affected in relation to the negotiations being carried out now?

3430 **Hon. Prof. J E Cortes:** Essentially, the process has changed. The process used to be one in which the Department of the Environment – and particularly the Environmental Agency, which carries out the supervision and monitors the issuing of these permits – would engage with the authorities of the Junta de Andalucía in Seville. Post-Brexit, it now deals with MITECO, the Environment Ministry in Madrid. The hon. Member will recall the change in the process led to some delays at the beginning of the year of transition, but it is now working and we are now exporting. So the main change has been an administrative one from the permits issuing in Seville to issuing in Madrid.

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3440 **Hon. K Azopardi:** Can I ask, just finally, on that: even though the processes have changed, as the hon. Member has indicated, in terms of who you are liaising with, are those arrangements that are not giving us problems functioning on an ad hoc temporary basis? Would they be affected in the event of a no-deal scenario?

3445 **Hon. Prof. J E Cortes:** Mr Speaker, I do not believe so. We are now not working under the EU directives, we are working under the very similar Basel Convention and therefore that is the avenue by which these permits are being requested, so I do not foresee that that need necessarily be a problem.

3450 **Hon. E J Phillips:** Mr Speaker, just picking up on the recyclables point, around Gibraltar there are various places where there are recycle bins, depending on which recyclable article goes into which bin. How are they collected? I think it just feeds into this point. My understanding is that a truck pulls up, an arm comes out and picks up the respective bins and effectively puts the recyclables in this unit. So whilst the public are separating their recyclable waste into categories,

3455 this all gets reverted into a truck that then has to separate it again. Is that not how it works? I would be grateful if he could just clarify that, please.

Hon. Prof. J E Cortes: Mr Speaker, this is the myth of Gibraltar's recycling. I have been told that it is mixed for the last 11 years, and in these days of social media if it was actually happening we would have had a video showing it.

3460 No, the trucks go from site to site collecting from the different ones. One truck run will be the yellow bins, the next truck run will be the green bins and the next ... So they are different runs, they are not mixed. There have been allegations. We have never, ever seen evidence. If that was the case, then there would be serious consequences on both the company that does it and, I would assume, on the operator who does it. The routes are the same but the process is that they do all the yellows, all the greens and so on.

Hon. E J Phillips: Mr Speaker, that was very helpful. Just one further question that relates to recycling more generally. I noted from his recent public statements that there has been a significant decrease by the population in recycling, and I wonder how the Government, given its purported green credentials, is going to tackle the question and encourage members of our community to reinstate that recycling process.

Hon. Prof. J E Cortes: Well, one of the – (*Interjection*) No, absolutely. We are indeed, and one of the issues may be this myth, this lack of confidence in the system. Now that I have explained it, I hope we have allies on the other side of the House who will explain that that is not what happens.

3475 Clearly, there are people who do not respect the different receptacles and do mix them – that is a problem – and then it is separated in the depot. I am considering the possibility of legislating against that, something that perhaps may have to happen. But certainly we are actively encouraging in the media – you will have seen it on GBC television – recycling, and we do that in the schools. So hopefully it will pick up.

3480 One would like to think that the decrease in recycling is in fact because we are using less packaging. I am not convinced it is – it would be a wonderful story if that were the reason – but there we are. We have to promote recycling. It is clearly environmentally sound and I just hope that people will regain confidence in the process.

Q624/2022

**St Mary's School –
Annual rental cost**

Clerk: Question 624/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what is the annual rental cost that will be paid in respect of St Mary's School?

3490 **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 answer remains as provided in the last session of the House in answer to Question 487/2022.

3495 **Mr Speaker:** If I may interject at this point, Hon. Leader of the Opposition? I came across this question and I noted that it infringed the six months rule, but I used my discretion and allowed it

3500 because it was of public interest. Given that the answer remains as it was last month, I do not think it would be fair for me to allow you to ask any supplementaries.

Hon. K Azopardi: Mr Speaker, obviously I respect your ruling, but the question I was going to ask ... I will just explain it to you, Mr Speaker, and then you can decide.

3505 My recollection – and I know we had an exchange through the Clerk about my explanation on the issue of the six months rule – of the hon. Member’s answer last time was that when I asked specifically what the rental cost was he did not have the information with him, so the purpose of this question was for him to give that information. His answer cannot be like it was last time, because last time he said, ‘I do not have the information with me.’ I have filed the question so that he could then answer it. That is the reason for it.

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Mr Speaker: I understand the explanation.

Chief Minister (Hon. F R Picardo): I actually have the *Hansard*. Well, I have the note of our own internal transcript of what was said and, Mr Speaker, the hon. Gentleman said, ‘The figure is in the public domain, in which case, if the figure is in the public domain then the question should not be asked because it is in the public domain.’ And then the Hon. Minister said, ‘If it is in the public domain, it is in the public domain. I do not have it in my head, but if it is in the public domain, there it is.’

3515 Our position in respect of this has not changed. Our position in respect of this is that when the lease is finalised, that is when the actual figure is crystallised and that is when we can give them the actual figure. Everything else is the estimated figure, which is the figure that we were talking about last time, but that does not change and that is exactly the position as it was. If we are going to have the same debate every month despite the rules, then we are not going to be able to make much progress.

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Hon. K Azopardi: No, Mr Speaker, I was not intending to have the same debate. I had understood ... and we are all working from our own notes, his note, my note. My note indicated, yes, that there was that exchange, but also an exchange that indicated that the hon. Members did not want to commit to a figure because we had said there was something in the public domain but they were not sure about confirming it and I wanted to give them the opportunity to do so. If they are not prepared to do so until there is a signed document, we will file the question then, but that is the intention of the question. It was not a trap or anything like that. I thought I was responding to their position that they did not want to commit last time because they did not have it in front of them.

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Hon. Chief Minister: No, Mr Speaker, and what we have to be careful with here is that we could end up with a dispute as to the measurements etc. We do not want to be fixed with having agreed with the hon. Member across the floor of the House a particular amount, maybe the relevant one, if we are then, when it comes to preparing the lease, having a dispute with the landlord as to what the actual amount is, and he turns around and says, ‘Well, actually, the figure that you are disputing now is the figure that you accepted in Parliament is the right one,’ when the time comes and we have measured and we no longer take the view it is the right one.

3540 I want to be very clear that the Government has an estimation, which is the one that we have debated, but the amount will be the amount that is set out in the lease when the parties agree that the measurements are the accurate ones etc., and then that is what is in the interest of the taxpayer.

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**Procedural –
Question 625/2022 to be asked at tomorrow’s sitting**

Mr Speaker: The next question would have been posed by the Hon. Marlene Hassan Nahon, but she had to go off, and so I have agreed that she can put her question at tomorrow’s session.

DEPUTY CHIEF MINISTER

**Q626/2022
Rosia Bay expressions of interest –
Reason for short period allowed for submission**

Clerk: Question 626/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Why was the time for the submission of expressions of interest in respect of Rosia Bay so short?

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

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Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, Rosia Bay has already come out to expression of interest several times. The only new component was a decision this time to include the Alternative Fortress headquarters building as part of the EOI. The time given was therefore judged to be enough for interested parties to put their names forward.

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Hon. D J Bossino: I am sure the Hon. the Deputy Chief Minister is aware of the reaction that some of the NGOs have had to this expressions of interest. An interview was given on behalf of the Gibraltar Heritage Trust by Mr Keith Farrell, where, whereas I think he broadly welcomed the project he was critical of the short period of time in which expressions of interest had been allowed to come forward. In this connection, in his press release he said:

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We must however note some concern and reservation that the notice given for submission of any Expressions of Interest is only 2 weeks, which may not be sufficient time for well thought through and feasible proposals.

He then adds:

The Government should consider extending this period to allow more time for high quality proposals.

Do I take it from the hon. Member’s response that that is not being considered by the Government?

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Hon. Deputy Chief Minister: Mr Speaker, I was aware of the comments issued by the Heritage Trust – indeed, I have them here. Their concern was simply the narrow concern that it may not be sufficient time for well thought, thorough and feasible proposals. We have received well-thought, thorough and reasonable proposals within the time that was given, so that concern, although we understand and fully respect their views, is unfounded.

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An expression of interest only requires basic details of a very preliminary nature, literally expressing an interest, indicating the level of premium, indicating the land use. It may include layout plans or sketches or very basic concept design, but it is not a full engineering drawing or architectural drawings that are required for that, so it is possible to do them in a relatively short period of time. There have been five interested parties who have submitted an expression of

3580 interest. Two of them were of the basic type that I have described, but the other three were
actually very detailed and included more information than required for an EOI. So although I
understand the concerns that were expressed and the Government understands them, in fact the
basis for the concerns was not necessarily and I am happy to be able to allay their fears this
evening.

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Hon. DJ Bossino: Of course, ultimately that is a question of judgement, which I assume is being
exercised by the Government and him personally in relation to, if I quote the press statement,
whether the proposals are 'well thought through and feasible'.

If I can press him on one further point, the expressions of interest which have been ... As he
3590 says, there have been more than one and I think this may indeed be the third expressions of
interest; I was certainly aware of one of them. The difference with this one is that it now includes ...
I think it is called the AOH Centre, and there are certain requirements in relation to what they
should provide. It is the AHQ building and it is to be converted into a boutique hotel incorporating
an information centre. As I understand it, the original expressions of interests included and
3595 allowed for a residential area. That is not featuring in this EOI and I think the NGOs have
commented on that to the extent that they think the expectation is – and in respect of which they
are drawing comfort because they objected to that particular feature – there will not be a
residential area to be constructed. Can he confirm what the position is in relation to that aspect?

3600 **Hon. Deputy Chief Minister:** Mr Speaker, let me say, first of all, that the Government has not
had the opportunity to examine this in the detail that we would need to actually appoint a
preferred bidder. We have gone through them.

The fact that we have received substantial responses in the period of time given is not a
question of judgement, it is a matter of fact. The responses are there and we have received them.
3605 There have been several expressions of interest, as I said in the answer. There have not been
three, there have been five altogether and these go back to around 1999 when the whole thing
started, when Rosia Bay was put out by itself – that is to say only the bay. There was then another
one, which included the bay and the nearby Victualling Yard. Then, around that point, which must
have been 2000-02, the then Government took the view that it was really not economically or
3610 commercially viable to put out these two sites to tender or to expressions of interest without
some kind of residential component forming part of the overall package. Developers who had
made representations to them at the time had indicated that the project was not commercially
viable, that without some kind of residential element to it the whole thing was not viable.

What happened then, after that, in the next expression of interest, is that the then Government
3615 issued another one, which included the Grand Magazine site with the intention that the residential
project at Grand Magazine would be enough to finance the development of the bay and the
Victualling Yard. That went out to tender. It was a requirement of the tender that that should
happen. In the event, the development at Grand Magazine, which is there today and was
supposed to be a three-to-four storey, ended up being an eight or nine-storey development, being
3620 the residential element, but the development, refurbishment and restoration of the bay did not
happen because, at the time, the Government agreed with the developer that they would pay the
sum of £300,000 and with that sum get out of the commitment to refurbish and restore the bay.
So the residential, which is supposed to be part of the project to finance it commercially, went
ahead and the refurbishment/restoration of the bay sadly did not happen, and I say that ... Just to
3625 get to the residential point, some of the proposals the Government has received include a
residential element and some of the proposal received do not include a residential element, so
there are two types. Clearly the premiums involved are very different.

In terms of the AHQ building, the Heritage Trust was actually consulted in advance. My office
arranged with LPS to take them round the building to express views and opinions as to what they
3630 felt could and could not be done and to make that a part of the expression of interest process
before it was issued, so this is something which, as the hon. Member has said, the Trust has

3635 actually welcomed. They had also written to the Government before the EOI came out, indicating an understanding that, as a result of the pandemic, economic priorities had changed and there was a need to stimulate and encourage investment and that one way of doing that was putting out the AHQ building for potential use as a boutique hotel, which is what we have done. They also welcomed the holistic approach to the whole area, saying that the hotel would fit in very nicely with that kind of outcome.

3640 So, to answer the hon. Member's question, the Government has not, at this stage, selected a preferred bidder. There are several options and we need to sit down and analyse them properly.

3645 **Hon. DJ Bossino:** The hon. Member may not be able – it may not be appropriate for him across the floor of the House at this stage because he is going to be considering all five proposals – to indicate what the Government's view is in relation to the residential aspects of the development. He mentions the things which the NGO is happy with, but in fact, in relation to the residential development they perhaps rather naively thought, given the answer he has just given, that ... Well, they took encouragement that the invitation does not refer to residential development, which they describe as a very firm red line for them, as any building of significant massing at the sites, including [inaudible] the historical monuments at the site. Presumably at this stage the hon. Member is unable to assuage the NGO's concerns in relation to that, and it is actually within the realms of possibility, depending on which one he chooses, that there will be a residential aspect to the development.

3655 **Hon. Deputy Chief Minister:** And the next step probably would be that the Government would convene a panel to actually examine two bidders, for example, of the three – the most substantial ones, or indeed perhaps one of the others – in greater depth and greater detail. In the past, the Heritage Trust has formed part of those panels. Even though there have been Government bodies in some of these EOIs with a heritage dimension, they have been included in them to be able to put across their point of view, something they also do as a voting member of the Development and Planning Commission in the event that eventually there were to be a proposal and eventually that proposal were to go to Planning. So there are plenty of opportunities to provide an input in that respect.

3660 There is no preferred bidder, no final decision has been taken and it is a process which is very much at the beginning rather than at the end.

3665 **Mr Speaker:** Next question.

Q627/2022
Old airport terminal –
Plans

Clerk: Question 627/2022. The Hon. DJ Bossino.

3670 **Hon. DJ Bossino:** Does the Government have any plans for the area of the old airport terminal; and, if so, what are they?

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

3675 **Deputy Chief Minister (Hon. Dr JJ Garcia):** Mr Speaker, yes, the old air terminal site went out to expressions of interest and the Government continues in discussion with a preferred bidder.

Hon. D J Bossino: Maybe by way of comparison to the question and answer session we have had in relation to Rosia Bay, do I take it from that ...? I think this expressions of interest is quite dated and maybe he can ... The question is when was it issued. I know it is information which is publicly available. I do not have it in front of me, but how far ...? He says 'a preferred bidder', so
3680 presumably, of all the expressions of interest they have had, they have now alighted on one and he is now discussing the finer detail in relation to that one. Is he able to reveal any information as to what they are going to be doing there?

Hon. Deputy Chief Minister: Mr Speaker, yes, this expression of interest came out ... it must
3685 have been around 2014, around that time, because one of the reasons why the thing was frozen for a while was because the area needed to be used for border queues. Remember, this was a time when I think Margallo was Foreign Minister of Spain and we did not want to commit the site to any other use, given what was actually happening at that moment in time.

We are in negotiation with one preferred bidder. I think we are quite close to coming to an
3690 agreement, given the time it has taken. The intention is that the site would be for commercial use. There would be a pay-and-display multi-storey car park and there would also be storage facilities and a bus terminal, and commercial use generally, in terms of commercial units, retail outlets.

Hon. D J Bossino: Is he able to provide any further detail in relation to that, in terms of how
3695 many commercial units, parking spaces, the size, that type of thing? And does he know when he expects to be in a position to announce the launch of the project?

Hon. Deputy Chief Minister: Mr Speaker, we are not there yet. Obviously, some of this is
3700 commercially sensitive and I would not like to make any announcement – far from it – until we have actually concluded the negotiation.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.
3705 Can I ask the Minister whether this particular project would form part of the National Economic Plan?

Hon. Deputy Chief Minister: Mr Speaker, no.

Mr Speaker: Next question.
3710

Q628/2022

Midtown car park rooftop residential development – Expressions of interest

Clerk: Question 628/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many expressions of interest have been received for the
3715 residential development on the rooftop level of Midtown car park, and has the Government identified a preferred bidder?

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

3720 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, a total of 11 expressions of interest have been received in respect of a residential development at the rooftop level of Midtown car park. The Government has not yet identified a preferred bidder.

3725 **Hon. K Azopardi:** I guess these have arrived fairly recently, so you would want some time to consider, but does the Government have a view on breaking that down? Are they very diverse in their expressions of interest?

3730 **Hon. Deputy Chief Minister:** Mr Speaker, I can say that nine were in respect of residential developments of different types. Some had a greater density, others were smaller, single dwellings, and two were for leisure activities.

Hon. K Azopardi: Leisure mixed with residential?

Hon. Deputy Chief Minister: *[Inaudible]*

Adjournment

3735 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there is nothing that makes me happier than to hear hon. Members laugh at Joe Bossano, because he always gets the last laugh.

3740 Tomorrow is the fourth Thursday of December and we will come back at three o'clock for Chief Minister's Questions. The reason we did not meet on the third Thursday in December is because we had our welcome guests in the area of the foyer and the lobby, GBC, who were holding their GBC open day on that day.

I look forward to returning tomorrow and I now move that the House should adjourn to tomorrow at 3 p.m.

3745 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Thursday, 22nd December at 3 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 22nd December at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 22nd December at 3 p.m.

The House adjourned at 8.46 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.04 p.m. – 8.24 p.m.

Gibraltar, Thursday, 22nd December 2022

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The Gibraltar Parliament

The Parliament met at 3.04 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q635/2022
COVID-19 memorial –
Government plans

Clerk: Meeting of Parliament, Wednesday, 22nd December 2022.
We continue with Answers to Questions.

5 **Mr Speaker:** A slight correction: today is Thursday.

Clerk: Question 635/2022. The Hon. E J Phillips.

10 **Hon. E J Phillips:** Mr Speaker, can the Government state when it intends to erect a memorial to those who were lost to COVID-19?

Clerk: Answer, the Hon. the Chief Minister.

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is currently finalising plans for the erection of the COVID-19 memorial and expects to make an announcement early in the New Year.

Mr Speaker: Next question.

Q636/2022
Rt Hon. Alexander Downer –
Reason for payments re legal fees

20 **Clerk:** Question 636/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state why the Government is paying the Rt Hon. Alexander Downer £3,000 a month in respect of legal fees?

Clerk: Answer, the Hon. the Chief Minister.

25 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has contracted the professional services of the Rt Hon. Alexander Downer in respect of work related to the United Kingdom and Gibraltar's departure from the European Union and the establishment of commercial links with other Commonwealth countries.

30 Mr Downer is a former Foreign Minister of Australia, a post he held for 11 years, and a former Australian High Commissioner to London between 2014 and 2018. He is, therefore, well qualified in the areas in which he works with us.

Hon. E J Phillips: I am grateful for the answer. I was just slightly perplexed that the cost of this service that the Rt Hon. Alexander Downer was providing the Government was included in a legal services schedule, given the fact that I do not believe that this individual is legally qualified, and therefore I wonder whether the Chief Minister might investigate whether this amount might be more appropriately put in a different schedule, rather than for legal services.

40 **Hon. Chief Minister:** Mr Speaker, the Hon. the Deputy Chief Minister I think is right in saying that this is paid for through the office of the Attorney General because he is running that part of the negotiation and this cost has been assigned there. Like him, I too believe that Mr Downer does not have a legal qualification so it would not be a legal fee. I think it is being paid through the GLO office and for that reason may have been put on a legal expenses list, but I will go back and ask that it be removed from a schedule that relates to legal expenses.

45

Mr Speaker: Next question.

Q637/2022

Bullying claims against Government or GDC – Claims and settlements

Clerk: Question 637/2022. The Hon. D A Feetham.

50 **Hon. D A Feetham:** Mr Speaker, how many bullying claims have been made against the Government or the GDC, and how many has the Government settled and for what amount?

Clerk: Answer, the Hon. the Chief Minister.

55 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Employment (Bullying at Work) (Amendment) Act 2022 came into operation on 27th May 2022. This Act introduced vicarious liability of employers for their employees' conduct, as prior to its introduction there was no such liability.

There are currently 22 claims at different stages of the grievance process.

60 **Hon. D A Feetham:** Mr Speaker, how many bullying claims has the Government settled since the amendments were introduced?

Hon. Chief Minister: Mr Speaker, from the schedule I have before me, I think I can point to one that has been settled.

65

Hon. D A Feetham: Can he indicate what amount that claim has been settled for?

Hon. Chief Minister: From the information I have here, Mr Speaker, £5,000.

70 **Mr Speaker:** Next question.

Q638 and Q645/2022

GDC –

Number of vacancies; number of current employees

Q639 and Q648-49/2022

Government agencies and authorities, HM Customs, and Borders and Coastguard Agency –

Number of vacant posts

Q646-47/2022

Administrator posts in Government Departments –

Number of vacancies and number of acting or temporary post holders

Clerk: Question 638/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many vacancies are there within the GDC?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 639 and 645 to 649.

80 **Clerk:** Question 639/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many vacancies are there within Government agencies and authorities, identifying the agency and authority?

85 **Clerk:** Question 645/2022. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many people are currently employed within the Gibraltar Development Corporation at 13th December 2022?

90 **Clerk:** Question 646/2022. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many vacant administrative posts in Government Departments were there on 13th December 2022?

95 **Clerk:** Question 647/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many officers were occupying administrative posts in Government Departments on an acting or temporary basis at 13th December 2022, broken down by particular clerical grade?

100 **Clerk:** Question 648/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many vacant posts were there in HM Customs at 13th December 2022, including those filled by officers on an acting basis or on temporary promotion?

105 **Clerk:** Question 649/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many vacant posts were there in the Borders and Coastguard Agency at 13th December 2022, including those filled by officers on an acting basis or on temporary promotion?

110

Clerk: Answer, the Hon. the Chief Minister.

115 **Hon. Chief Minister:** Mr Speaker, successive administrations, including the one the Hon. Mr Feetham and the Hon. Mr Azopardi were a part of, have consistently told the House they take the view that the GDC is a provider of labour. Consequently, there are no vacancies within the GDC. The continuity of roles within the GDC is assessed on a case-by-case basis and there are currently six posts within the GDC ongoing recruitment as at 13th December 2022.

In respect of Questions 639 and 647, I now hand over a schedule with the information requested.

Answer to Questions 639/2022

Agency	No of Vacant Posts
Borders & Coastguard Agency	5
Gibraltar Electricity Authority	30
Gibraltar Health Authority	105
Gibraltar Industrial Cleaners Ltd	10
Gibraltar Port Authority	3
Gibraltar Sports & Leisure Agency	1
Housing Works Agency	17

Answer to Questions 647/2022

Substantive Grade	Substitution Grade	No of Officer
AO	HEO	4
AO	EO	31
AA	PS	2
AA	EO	1
AA	AO	37
EO	HEO	25
PS	EO	2
HEO	SEO	17
HEO	Accountant	1
GDC Gd 1	AO	8
GDC Gd 1	EO	2
GDC Gd 1	GDC Gd 2	5
GDC Gd 2	EO	1
GDC Gd 2	GDC Gd 3	1
GDC Gd 3	GDC Gd 4	1
SEO	SO	5
Assistant Director	Director	1
TYPIST	EO	1
Clerk/Word Processor	AO	1
Stats Lvl2	Stats Lvl4	1

A total of 273 persons were employed with the Gibraltar Development Corporation as at 13th December 2022.

125 There were a total of 72 vacant administrative posts within Government Departments as at 13th December 2022, of which eight vacant posts are within HM Customs, two of which are covered by acting officers and six of which are vacant posts for customs officers.

There are five vacant posts within the Borders and Coastguard Agency.

130 **Hon. K Azopardi:** Mr Speaker, while I look at the schedule and put any appropriate supplementary to the Chief Minister, can I first start by asking him, given that he says that there are 72 administrative posts that were vacant in Government Departments – I think that is the number he gave me – is it the view of the Government that they will commence or undertake the recruitment in respect of those posts, and how many of those posts are being currently recruited or filled?

135 **Hon. Chief Minister:** Mr Speaker, that process ... it is not a question of it having begun or not begun, it is a process which is constantly ongoing. There are vacant administrative posts and the process in the Civil Service, as he will recall from when he was in government, is that you start to fill the ones at the top, and as a vacancy becomes open at the top you fill it and that leads to another vacancy below. And so that is an ongoing process. There are boards ongoing for SO and 140 SEO, then there will be boards for HEO and EO etc. So that is an ongoing process.

It is not a large vacancy rate in the context of the Civil Service. It is a 2.6% vacancy rate, and that is not vacant posts at the bottom; that is promotions which are being provided for almost all the time.

145 **Hon. K Azopardi:** Mr Speaker, the reason I ask that question ... and obviously I hear what the Chief Minister has said, but his Minister for Economic Stability has indicated in the press on a number of occasions that it is not necessarily the case, given the current situation, that vacant posts will be filled. Is he saying that the policy of the Government will be to fill those vacancies?

150 **Hon. Chief Minister:** Mr Speaker, the position of the Minister for Economic Stability is a little bit more complex than that. What we are embarked on, for example, in the filling of vacancies throughout the hierarchy of the Civil Service, is ensuring that the resources of the public sector more generally are properly applied. So, if you are paying for someone in the wider public sector, then the fact that they are brought into the Civil Service to fill a vacancy, if they fill the criteria for 155 that and they go through the proper process of application, is not going to affect financial stability because you are paying for that person in any event.

I think it is not possible to extrapolate from the statements of the Minister that there is anything which contradicts what I am saying in respect of the Civil Service, because the hon. Gentleman has not asked about the public sector, he has asked about the Civil Service. In terms 160 of the wider public sector, which is the Civil Service, the GDC, the companies and all of the agencies and authorities, we do not want to see that grow any further, but that does not mean that each of those constituent elements of the public sector should not, where appropriate, have their vacancies filled in the Civil Service as one of those where we are doing that and we are constantly doing that.

165 **Hon. K Azopardi:** My understanding of the answer, then, is that they will do so on a case-by-case basis, depending on which department requires it or does not require it. I think that is how I have understood the answer, but he can clarify perhaps when he gets up whether that understanding is correct.

170 Can I ask him also, if he has the information in front of him ...? I have asked about the vacant administrative posts and he said 72. Does he have information as to which departments those arise in?

175 **Hon. Chief Minister:** Mr Speaker, the information I have does not break down where those posts are. Usually that is information that I would see at the time of the preparation of the Estimates Book in the event that there were any vacancies that had not been filled at that time, and then the assessment can be made about whether or not a vacancy has been kept vacant because it is not considered by a head of department, for example, to be necessary to fill it, or a wider discussion is required about filling it. But I have not got that information broken down by department.

180

Hon. K Azopardi: Will the Chief Minister provide me with that information if I write to him to request that information? Otherwise, I am happy to file a fresh question on that basis.

185 **Hon. Chief Minister:** Mr Speaker, I think it probably better to file a fresh question, because in any event we are about to go into a break now, which will take us to more or less the time when I will be calling the next meeting of the House in January, and I think it will be helpful for all of us if the information is provided into *Hansard* rather than simply by exchange of letter in respect of this, as it is a follow-up about this particular number.

190 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. K Azopardi: Can I just ask, on the answer to Question ... Oh, it is my hon. colleague Mr Feetham, so I will not – (*Interjection by Hon. D A Feetham*) No, you can ask that.

195 Mr Speaker, on Question 647, which is my question – I will keep to mine, if I may, at this stage – I see that there were 37, I think, AAs acting in AO posts. Am I reading this table correctly? That is that is how I understand it, the answer to Question 647. As I understand the breakdown, the first column presumably is the grade that the officer has and the second column is the grade in which they are acting. I am assuming that is how it works. There are quite a number of AAs, as I understand the table, acting as AOs – 37, if I am reading it correctly – and 25 EOs acting as HEOs. Again, I ask the same question: is the Government taking steps to substantively fill these posts?

200

205 **Hon. Chief Minister:** Mr Speaker, the answer to that is yes, as part of a process that I have provided for. When there are those vacancies, there is not always ... The words 'vacant post' do not mean necessarily that there is no one there. It means that there is somebody acting up into the post. He will recall that we had a recruitment of a large number of AAs – time is a little bit elastic now; I do not know whether it was just after the pandemic or just before, and I do not want, on my feet, to speculate about the date – and so at the bottom we had more people than we had vacancies in order to be able to ensure that as we filled the vacant posts they provided the number of people required below as well from the pool that was available, already recruited. That does not mean the post is not vacant. The post is vacant until the PSC nominates the individual who is going to fill it and the Governor signs off in that respect, but there is a person acting in the post and at the bottom you have more than you had provided for, and therefore everything should settle into the complement being filled.

210

215 **Mr Speaker:** The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, thank you very much.

220 In relation to Question 639, the Gibraltar Health Authority, the number of posts is 105. Last night, the Hon. the Minister for Health indicated that there were 1,100 employees within the GHA. That is 10%, I make it. (*Interjection*) Well, even if it is ... Let me just ask the question, because it may well be that we have got the figure wrong. I have asked my colleagues and they have heard the same thing. In any event, the question is this: does he consider that 105 vacancies within the GHA, on the information he has, is unusually high? And, if so, what is the reason for that high number? It does appear, to me, to be high at 105.

225 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, yesterday I had an exchange in Parliament with my hon. Friend the Leader of the
Opposition and I undertook to get him some further information and breakdown in respect of the
vacancies. Remember, there were nine filled, nine in the process of interviews and a further 36
which were going to be taken up in January. I promised to write to the hon. Member and give him
230 some more details. This morning, as I have been going through those numbers I have been told
that there are more than the number I disclosed yesterday to the hon. Member, and I have now
seen the 105 in this answer, so I will pursue the answer to give correct information if what I gave
yesterday was wrong. If that was wrong and this is right, then that requires a different answer. If
my information yesterday was right and this is wrong, that it is not 105 but closer towards 50
235 something, which is the number that I gave yesterday, 36 plus nine, plus nine ... I think with the
GHA, as I mentioned yesterday in two different interventions, there are certain areas where –

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

240 **Hon. A J Isola:** Yes, of course.

Hon. K Azopardi: If the hon. Member will give way, I think all the figures may be correct,
because if he recalls, when he gave me the figure of 54 it was at a different point in time, and my
hon. colleague has now asked a question subsequently in terms of the numbers of current
245 vacancies, so the situation will have moved on because when he gave me that figure, 54, I think it
was probably about a month or six weeks ago. So it may be that yes, the figure he gave me was
correct yesterday in relation to the figure of 54 – how many posts had been filled and how many
were ongoing in terms of recruitment – but since that time there is now a much bigger number of
vacancies. If that is helpful ...

250 **Hon. A J Isola:** I am grateful for that. The information I was disclosing yesterday was the current
position. In other words, the information as to how many interviews are actually in progress now,
how many we are going to be working on in January. So there is a difference in numbers and I
realised when I saw this answer that there is a discrepancy and we will need to revert.

255 What I was going to say was, as I also disclosed yesterday in answer to questions, there are
certain services that we have actually subcontracted in, to get help. Those will be in areas where
we have not been able to fill some of the vacancies. So the jobs are being done. The numbers of
vacancies ... It is not that that work is not happening, the work is happening. Is that number higher
than I would like? I said yesterday I thought 50 in an organisation of some 1,100 – I think it is just
260 over – is a relatively low number. If it is 100, then it is a little bit more – it gets closer to 10% rather
than 5%. I will undertake to revert to the hon. Member with more details and clarity in respect of
what is the actual position in respect of these numbers of vacancies at the GHA.

Hon. D A Feetham: Bearing in mind that he is going to revert, could he also perhaps provide a
265 breakdown of where these 105 – if it is 105, or if it is 54 – vacancies actually lie? That perhaps will
then allow us to analyse the figures and ask further questions next time, Mr Speaker.

Hon. A J Isola: Yes, Mr Speaker.

270 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: Thank you, Mr Speaker, sir. You may recall during the course of this current
calendar year I have had, at times, questions to the Hon. Minister for Sport in respect of the
staffing at the Gibraltar Sports and Leisure Authority. I think there is a typing error in the Chief
275 Minister's schedule, because by legislation it is Sports and Leisure Authority.

The Minister was telling me at the time that he was in the process of undergoing discussions in respect of the staffing and so on. Seeing that the Chief Minister, in his answer, has put that there is one vacant post, does that mean the staffing exercise is now completed and therefore one post will be subsequently advertised, or is the Chief Minister basing these figures on what had
280 been previously agreed, which may or may not result in the advertisement of one post?

[A mobile phone rings]

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, it happens to be my mum. *(Interjections)* Yes. Hi, Mum. Sorry.

Mr Speaker, in relation to that vacancy, it is one where somebody has probably retired and will
285 be replaced automatically. We are still going through the process of looking at staffing levels in the GSLA, but the information that the Chief Minister would have got, rightly, is one vacancy.

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

Then, in Question 638 my hon. colleague Mr Feetham asked about vacancies in the GDC, to
290 which the Chief Minister explained that there were zero because those are on a case-by-case basis. Last month, in exchanges I had with the Father of the House, he was telling us that the process was ongoing because the adverts had gone out in respect of the Construction Training Centre – one post for centre manager and I think it was two, if not three, instructor posts – and applications were invited to be sent to the GDC. Because the Chief Minister said it is on a case-by-
295 case basis, does he have any more information in that respect? I believe, sir, later on the Order Paper you are going to allow me to ask about the Training Centre manager, but not ... I had not filed a question in respect of the other vacancies because I know it was only asked a month ago. Given that this has arisen now, maybe the Chief Minister does have some information in respect of the instructors, not the Training Centre manager, in this GDC vacancy.

300

Hon. Chief Minister: I do not, Mr Speaker.

Mr Speaker: Next question.

Q640/2022
Chatham Views –
Changes to plans and designs

Q641-42/2022
Bob Peliza Mews, Chatham Views and Hassan Centenary Terraces –
Construction costs

Clerk: Question 640/2022. The Hon. D J Bossino.
305

Hon. D J Bossino: Please state whether the plans and designs for Chatham Views have been changed in order to accommodate current residents of the old Westside School. I think Westside Mews is probably appropriate.

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 641 and 642.

Clerk: Question 641/2022. The Hon. D J Bossino.

315 **Hon. D J Bossino:** Why has the Government not already negotiated the construction prices for Bob Peliza Mews and Chatham Views?

Clerk: Question 642/2022. The Hon. D J Bossino.

320 **Hon. D J Bossino:** When were the construction costs agreed in respect of Hassan Centenary, broken down in respect of each phase?

Clerk: Answer, the Hon. the Chief Minister.

325 **Hon. Chief Minister:** Mr Speaker, the design for Chatham Views has not been changed in order to retain the Westside Mews building. The easternmost block has been shifted slightly south but the layout and configuration of the apartment blocks and the apartments has not changed.

The tenders for Bob Peliza Mews and Chatham Views were issued over three and a half years ago. During this period, there have been major changes in construction costs due to external factors such as COVID-19. In order to ensure that HMGoG receives value for money, a decision
330 has been taken to retender the projects on a competitive basis rather than negotiate with a preferred bidder.

The construction costs for Hassan Centenary Terraces were established through the tender process carried out for the entire project. These costs were agreed in December 2019, albeit there
335 were some commercial points to close out.

Hon. D J Bossino: If I can take the last point first, in relation to Hassan Centenary, Mr Speaker, he refers to one date, which is the December 2019 date, and in fairness to him, in answers to supplementary questions that we had in the last session he said that as far as phase 1 was
340 concerned the contract price had been fixed before COVID, I think he said, so that is before March 2020, and I am assuming that that is the date which applies, but that in relation to phase 2 it was fixed before, I think he said, the war in Ukraine, which would have been February this year.

Can he give a bit more information – because I have not been able to take a full, detailed note of his answer – in relation to the date? He has only provided one date. Is that the date when the
345 construction costs were agreed in respect of both phases? Is that his position now?

Hon. Chief Minister: No, Mr Speaker. In fairness to me – and I am surprised that the hon. Gentleman gets up to say that he is going to preface things ‘in fairness’; I do not think there is any other way in which we should be addressing each other, other than in fairness – what I have said
350 is that in December 2019 the constructions costs were established through a tender process but there were commercial aspects to provide for, and those commercial aspects included some elements which relate to aspects of the price. Those had not been resolved until, I think, May 2022, when we were able to start the second phase, and the second phase included the work on the revetment, not just the work on the towers.

355 **Hon. D J Bossino:** Let’s put it in simple terms. In relation to phase 2, the costs were fixed in May 2022, as I understand it, once the commercial aspects had been provided for, he says, in relation to the price. In relation to phase 1, at what point in time were the construction costs in relation to that development fixed? The concern here – and I raised it at the last session of the House – is that the information I have received is that construction started before there was a
360 fixing of a price and that that in itself has resulted in an over-expenditure to the tune of ... I have been provided with various figures of between £30 million and £50 million. If we had had a fixed price earlier, that would not have happened. That is the concern that we have on this side of the House insofar as the management of this particular development is concerned.

365 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is wrong, the information that has come to him is wrong and the figures that have been given to him are entirely wrong because the basis on which they have been provided to him is wrong. I checked the dictionary definition of the word 'drivel', which he used yesterday: it means nonsense, and what he has said is drivel.

370 **Hon. D J Bossino:** Can he answer the specific question that I required clarification on, which related to when the price was fixed in respect of phase 1? He has given me a lot of dates. He has mentioned December 2019, no doubt in order to provide as confusing an answer as possible, but can he ...? He says that May 2022, as I understood it, was the date of the fixing of the price in respect of phase 2. When was the fixing of the price in respect of phase 1 arrived at, contractually signed?
375

Hon. Chief Minister: Mr Speaker, I do not think I have given him a lot of information in order to confuse him, but of course that betrays the principle that when faced with a lot of information he believes he might be confused, which is a worrying aspect for somebody who purports to want to do a ministerial job, because in a ministerial job you will find that you face a lot of information a lot of the time.
380

Hon. D J Bossino: *[Inaudible]* and I do not think that is parliamentarily acceptable and he should be called to order.
385

Hon. Chief Minister: Mr Speaker, I am not casting aspersions on anyone's character. The hon. Gentleman has said that I have given him a lot of information in order to confuse him. That suggests he is a person who, when faced with a lot of information, is potentially confused. He may have cast an aspersion on his character if he believes that putting a lot of information to a person leads them to confusion. It is a matter for him, but in fact I do not seek to cast aspersions on his character. I think his character speaks for itself and there is no need for me to characterise his character in any way. If he wants the information, I have a date here: 18th December 2019.
390

Hon. D J Bossino: Mr Speaker, are you going to give a ruling in relation to the point of order I have just raised? *(Interjection)* **(A Member: Wow!)** *[Inaudible]*
395

A Member: You give me a lot of information to confuse me.

Hon. Chief Minister: If I get all the information, I may be confused.
400

Mr Speaker: I think Members need to settle down after lunch and just get stuck in and dig into the answers given by the Government, and both sides should refrain from using words which cast aspersions on individuals. I would ask you to continue with the way that the questions were being answered and put before by other Members of the Opposition and let's continue in that vein.
405

Hon. D J Bossino: Mr Speaker, in relation to the answer the hon. Gentleman provided in relation to Question 641, I think he talked about retendering. The point is – and this ties in with the response he gave at the last session of the House, which is that construction prices had as yet not been arrived at or indeed fixed because they had not been negotiated yet in relation to Bob Peliza Mews and Chatham Views – we also have information from the hon. Gentleman, in answer to questions that we posed, that the prices in respect of those flats which have been allocated will remain fixed insofar as those purchasers are concerned. Given the rise in inflation and given, therefore, the reported rise in construction costs in the region of 30% or 35%, according to the international press, will that not result in the Gibraltar taxpayer having to foot the excess bills?
410

415 **Hon. Chief Minister:** I could not hear what you said because the expression seemed to have been tangled on your tongue.

Mr Speaker, the things that are said in the international press about construction prices –

420 **Mr Speaker:** The Hon. Chief Minister, as I mentioned before, should just get on with the question without making any remarks that might upset other people.

Hon. Chief Minister: Well, Mr Speaker, if I am not going to make any remarks that might upset the hon. Member opposite, then my answer will be in words of one syllable: no.

425 **Hon. D J Bossino:** Mr Speaker, he carries on and does it. He has completely ignored your recommendation.

430 **Hon. Chief Minister:** Mr Speaker, I begged the hon. Gentleman's pardon because I did not hear the last phrase. He made a barbed comment from a sedentary position, so I responded in kind. The hon. Gentleman is the typical who can give it but cannot take it. He needs to learn just not to give it so he does not have to take it, or to give it and take it.

435 **Hon. D J Bossino:** Can the hon. Gentleman be stopped? What is he talking about, giving it and taking it? Again, he is casting aspersions on my character. He keeps on doing it. He is not following your recommendation.

Hon. Chief Minister: How am I casting aspersions on your character *[inaudible]* give and take?

440 **Hon. D J Bossino:** *[Inaudible]*

Mr Speaker: The Chief Minister was supposed to answer a question posed by the Hon. Damon Bossino. Can the Hon. Damon Bossino repeat the question?

445 **Hon. D J Bossino:** I think he has answered.

Mr Speaker: Right.

450 **Hon. K Azopardi:** Can I ask in relation to the answer that they are going to retender on Bob Peliza and Chatham Views, is that a recently arrived-at position?

Hon. Chief Minister: Mr Speaker, it is one we have informed the House of some time ago, already.

455 **Hon. K Azopardi:** I welcome that clarification. It is just that, if he recalls, I had asked about Bob Peliza and Chatham Views and he said, 'Ask me in February and I will be able to give you ...', so I thought that perhaps there had been, now, a new decision to retender. That is not the case?

460 **Hon. Chief Minister:** No, Mr Speaker, the answer I gave him was that we were tendering, that we would be fixing the prices in that context and that that process would not be finished until then, and that is when I expected to be able to give him the numbers.

465 **Hon. D J Bossino:** Just by way of clarification, in relation to the answer the hon. Gentleman gave in respect of Question 640, which dealt with Chatham Views, did he say that it is the ...? As I understand it, there are two blocks and one is on the eastern side and that is the one that is being shifted slightly – I think he used that term – in a southerly direction, and that is presumably to make space for the residential area which is now being kept. It was not going to be kept in the

original plans; there was an open space there. Is that the position? Have I understood his reply correctly?

470 **Hon. Chief Minister:** Mr Speaker, that is an accurate comprehension of the first answer I gave.

Hon. D J Bossino: Mr Speaker, are purchasers aware of the change of plans? I am told that there are individuals who will be expecting to find an open space on the northern side of that particular block, and now they are going to be faced with a building. Are they aware of the change
475 of plans? Is that known to the purchasers?

Hon. Chief Minister: Well, Mr Speaker, it appears from the way that he has structured his question that the answer can only be yes.

480 **Mr Speaker:** Next question.

Q643/2022

Flight diversions to Malaga – Arrangements for Gibraltar passengers

Clerk: Question 643/2022. The Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, what measures are in place for passengers on flight diversions to Malaga to be able to cross the Frontier to catch flights there and leave the aircraft to return to
485 Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, HM Government of Gibraltar has been in
490 contact with the Spanish government following the difficulties faced by air passengers diverted to Malaga airport from Gibraltar last week. I have received assurances directly from the Spanish Minister of the Interior, Sr Fernando Grande-Marlaska, that the Spanish authorities at the border will continue to accept a boarding pass for a diverted Gibraltar flight departing from Malaga as a valid reason for entering the Schengen Area. Additionally, passenger manifests will be provided
495 to ensure accurate data is available containing those who are coming into Schengen because they are booked on a diverted flight.

Any suggestion that British citizens require any sort of visa to enter the Schengen Area for less than 90 days is nonsensical and has no basis in European law.

500 May I add that in all my communications with him, Sr Grande-Marlaska has always sought to be helpful and has shown a regard for the well-being of people who may have to cross the Frontier for all legitimate reasons, although his very positive attitude may not always filter through to the front line.

Hon. D J Bossino: Mr Speaker, can he assist the House, perhaps by way of explanation, in
505 connection with the requirement that ...? As I understand it, the implementation of this measure affected only British nationals and other non-Schengen nationals. It did not affect British nationals who are eligible residents and were able to produce a red ID card. Why is there a need for the boarding pass?

510 I know of individuals who were there at the relevant time and the question that was being put to me was why haven't the immigration authorities on the Spanish side of the Frontier allowed British nationals who are not residents of Gibraltar simply to cross over and stamped them in the

usual way? So they would be stamped going into Schengen and then stamped again leaving Malaga. Why the need for that extra layer?

515 **Hon. Chief Minister:** Mr Speaker, this Government is not answerable in this House for the actions of the Spanish immigration authorities.

Mr Speaker: The Hon. Daniel Feetham.

520 **Hon. D A Feetham:** I was on that flight and I can tell the House what actually happened because I was at the very front. Essentially, we crossed the Frontier from the Gibraltar terminal and Spanish police officers set us to one side. One of the Spanish police officers then came round asking for those with Spanish passports. Those with Spanish passports were then allowed to cross. I then intervened and said, 'Well, I have a Spanish passport and a Gibraltar ID card.

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Two Members: A British passport.

Hon. D A Feetham: A British passport, sorry. I beg your pardon. *(Interjections)* That's right. We are in the Christmas and generous spirit here, so I will give them ammunition for their next grubby podcast.

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Hon. Chief Minister: Mr Speaker, I am sorry, on a point of order –

Hon. D A Feetham: I am going to ask a question.

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Hon. Chief Minister: Mr Speaker, how can we not have aspersions cast on our character and, indeed, our production facilities if our podcasts are referred to as grubby?

Hon. D A Feetham: I will withdraw then – their magnificent podcasts. So they can use that in their magnificent podcast. *(Interjection by Hon. Chief Minister)*

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I showed my passport and the ID card and they allowed me to cross. One of the things that I regret not doing at the time is saying to the Spanish police officer, 'Hang on a minute, it has nothing to do with a boarding pass – British passport holders are perfectly entitled to cross and then,' as the hon. Gentleman, my hon. Friend has said, 'get stamped going into Schengen and then get stamped in Malaga airport coming out of Schengen.'

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Is that the understanding from the Government of Gibraltar's point of view, that nothing should have prevented them from actually going into the Schengen Area? They could have been stamped and they could have been stamped coming out at Malaga when they left.

This not designed to be contentious, by the way, so I hope the hon. Gentleman does not take it in that way.

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Hon. Chief Minister: No, Mr Speaker, I do not believe that the hon. Gentleman is being contentious by factually telling us what happened to him, and I am grateful that he has shared that with the House, but I must tell him that what he is wrong about is his interpretation of the Schengen rules. A British citizen is not entitled to enter Schengen. Those days are gone. We were entitled – No, whether we are stamped or not. We are not entitled to enter Schengen. You have to understand that, because it is fundamental to understanding how we resolve issues that British citizens, whether they are resident in Gibraltar or not, may have crossing the Gibraltar-Spain Frontier into Schengen.

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We are able to access the Schengen area without a visa if we can prove what we are going to do and we have evidence that that is what we are going to do. Therefore, in some instances one may need proof of a reservation to go and do a thing, and one may need proof of one's ability to sustain oneself within the Schengen Area for that period. So if you say, 'I am going to catch a

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565 flight,' and you do not have evidence that you are going to catch a flight, in particular because you do not have a booking for a flight that leaves Malaga airport because your flight was not ever intended to leave Malaga airport, you may be asked to prove that you are on a diverted aircraft and that you have a boarding pass for that diverted aircraft.

570 It is a complete misnomer to think that because we are not visa-requiring nationals, because British citizens are not visa-requiring nationals, we are entitled to enter Schengen. Those days are gone. Brexit did for that. We are no longer European citizens. We do not have the right to access the Schengen immigration zone.

Mr Speaker: Next question.

Q644/2022
ITLD –
Resolution of dispute

Clerk: Question 644/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, how is the Government going to address the dispute with civil servants in ITLD?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, HM Government of Gibraltar continues to liaise with ITLD through its representative union, the GGCA. The Government has tabled a series of measures further to the concerns expressed by the workforce. We are optimistic that there will be a favourable resolution very soon.

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Hon. K Azopardi: Mr Speaker, does the Government recognise there is a dispute with ITLD?

Hon. Chief Minister: Mr Speaker, the Government does not declare a dispute. The Government has not declared a dispute with ITLD. The structure of our Trade Union and Disputes Act allows a union to declare a dispute with the employer, in this case the Government.

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Hon. K Azopardi: Mr Speaker, the union appears to have declared a dispute, but the Government appears not to recognise that there was a dispute. Hence my question: does the Government recognise there is a dispute with the GGCA in relation to ITLD?

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Hon. Chief Minister: The union has declared a dispute. The Government is seeking to resolve any issues that we may have with the members of the union who are responsible for ITLD. If I may say so, Mr Speaker, despite attempts extraneous to the union, to ITLD and to the Government to create more problems, I am very happy to say that both the leadership of the union, the leadership of the Digital Services Ministry, the Industrial Relations Ministry and my office, with the people in ITLD, have been able to assess what the issues between us are and have worked very well to try to resolve them, trying genuinely to understand what may be causing difficulties and how those can be resolved and those concerns can be assuaged. I think that is the best way to continue to try to work together going forward.

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Hon. K Azopardi: Mr Speaker, does the Government accept that ITLD was set up to fail?

Hon. Chief Minister: No, sir.

Hon. K Azopardi: He has talked about measures that are being ... that he is engaging with the GGCA, or at least the Government is engaging with the GGCA, in respect of a resolution of the dispute. Can he give us a bit more information about how the Government thinks that dispute will be resolved?

Hon. Chief Minister: No, Mr Speaker, the Government does not believe that whether one is dealing in a negotiation with ITLD or whether one is dealing with the negotiation of a treaty between two high contracting parties, it is in the interest of any of the parties to put the issues that are being discussed into the public domain and to put positions into the public domain. It is better to put solutions into the public domain. Otherwise, one ends up having the negotiation in the public domain. That can only lead to each party needing to satisfy an audience rather than just satisfy its criteria.

What I would ask the Leader of the Opposition to do is allow us the space to resolve the issues in a way that is satisfactory to the excellent civil servants in ITLD and the excellent civil servants in Digital Services and Industrial Relations, so that we can ensure that we move forward together in a way that provides the service that the public and other civil servants beyond ITLD require – something which I am very confident we will be able to do.

Hon. K Azopardi: Finally, Mr Speaker, can I just ask – without asking how the matter will be resolved, giving him the space that he says he wants – is resourcing one of the issues at the heart of the discussions that the Government is having with ITLD? Does he think ITLD have been properly resourced?

Hon. Chief Minister: Mr Speaker, I know the Hon. the Leader of the Opposition has a slightly thicker skin than Mr Bossino, so he will not, no doubt, spring to silence me if I say that it is a little bit like doublespeak to say he will give me the space to do what I have asked him to permit me the space to do, but at the same time ask me details about what is ongoing in the negotiation, which might do the opposite of what he has suggested he would do by giving me space. So he will forgive me for keeping my counsel in that respect, because I think it is important that we do not put our respective positions out there. We did that when the matter was raised into the public domain when the issue first arose. We are now trying to resolve matters, and I think it is better that we continue to try to resolve matters and not seek to exacerbate them further.

Mr Speaker: Next question.

Q650/2022
Dialysis patients –
Arrangements re treatment whilst in EU member states

Clerk: Question 650/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, are there any current arrangements in place or proposed arrangements being contemplated in the event of a EU-UK treaty on a future relationship in respect of Gibraltar that would allow Gibraltar dialysis patients to obtain dialysis treatment while away temporarily in EU member states?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there are currently no reciprocal healthcare arrangements between Gibraltar and the member states of the European Union. The

655 arrangements with Spain came to an end on 30th June 2020 and with the rest of the EU on
31st December 2020. This means that, absent other arrangements, patients from Gibraltar on
holiday or otherwise in the EU need to avail themselves of private medical insurance as part of
their travel insurance scheme, much as would be the case if a Gibraltar dialysis patient were
traveling anywhere else.

660 **Hon. K Azopardi:** Mr Speaker, that answer deals with part of the question, if I may say so, which
was what are the current arrangements in place? He has given me that, but are there any
proposed arrangements being contemplated? Perhaps he could comment. I have asked generally
on other occasions as to whether there is a healthcare dimension to the discussions should a
665 treaty emerge. Are there any arrangements being contemplated which would benefit these
patients?

He will understand the thrust of the question. Clearly, dialysis patients who are having to
undergo treatment several times a week are rather limited in terms of their options for travel and
so on. When we were members of the EU, it was easier, of course, to come up with some kind of
reciprocal treatment when you were away, but this has now ended, as he says, and they will get
670 relief if they know that it is within contemplation of the Government to provide for them within
the context of a new treaty.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman and I, I think, both care just as deeply
and equally about dialysis patients in Gibraltar who may want to travel to Spain or beyond in the
675 European Union. And not just dialysis patients, there are many other classes of individuals who
have health issues, who nonetheless want to be able to travel and during our period of
membership of the European Union had protections which enabled them to travel in that respect.

I do not want to get into the detail of the negotiation in respect of the treaty between the UK
and the EU, either directly when I answer a question about it, or tangentially by answering a
680 question about any particular aspect. If I do, I may prejudice my opportunity to negotiate
something for dialysis patients or for other patients, because by putting out there that something
is important and matters to Gibraltar, the price that one may have to pay for that in the context
of a negotiation would obviously go up. Not least because a Chief Minister may have told the
Leader of the Opposition that this something which he agrees is important, should be on the table
685 and he will try to achieve, immediately the cost of that is multiplied in the negotiation because
there is a public commitment, which then there would be a loss of face in not achieving. He will,
no doubt, understand that, and for that reason, Mr Speaker, expressing my sincere concern to
ensure that our dialysis and other patients are able to continue travelling freely throughout the
world, as we have always sought to achieve, I would pray that the Hon. Leader of the Opposition
690 ask me no further in respect of this particular subject.

Q651/2022
Tax returns –
Online registrations

Clerk: Question 651/2022. The Hon. Ms M D Hassan Nahon.

695 **Hon. Ms M D Hassan Nahon:** How many online registrations have there been for this year's
tax returns?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, to date, 18,705 online users have registered with the Tax Office for the purposes of submitting their tax returns.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for that answer. Can I ask if there is any information on the split – how many were via email and how many on the actual e-Government portal?

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Hon. Chief Minister: Mr Speaker, those are all on the portal. Additionally, 7,866 have come in via email. So the 18,705 are the portal, 7,866 are email, and 32,735 people have registered for all e-services.

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Hon. Ms M D Hassan Nahon: Mr Speaker, if my information is correct, there were 18,705 on the e-Government portal and 7,866 on email, which represents about 30% of the entire subscription being email. Can Government explain to us why perhaps, after an average of £20 million spent, most of this year's returns – if not most, a good part of them – have been on email and not the portal? Can we understand when that might migrate more towards a fully online service instead of people having to resort to email, which is effectively a pretend e-Government service, really?

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Hon. Chief Minister: Far from it, Mr Speaker. To be clear, what that represents, given that we expect approximately, from the information I have, 41,000 returns, well more than half have come in through electronic means and almost half have come in through the portal, which in the context of the process which is being undertaken seems to me to be an extraordinarily successful number. Of course, we would all wish that everybody would come in through the portal, but this seems an extraordinarily successful number given the difficulties we have had in the period when we have been going digital. It is moving only in one particular direction.

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I would say that some of the issues that prevent people from submitting digitally have nothing to do with the portal. They have more to do with fear of the portal and not being confident in going in to do the return in this way, which seems to me to be by far the easiest method for the submission of a tax return that I have come across. So I do not think that there is any reason for the implied criticism that the hon. Lady has proposed. There is a cause for celebration.

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Hon. Ms M D Hassan Nahon: Thank you for that answer.

Mr Speaker, while we celebrate, can the Hon. Chief Minister tell us if the Government has any ideas or plans to encourage a bigger uptake generally on the portal for next year?

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Hon. Chief Minister: Yes, Mr Speaker.

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Hon. Ms M D Hassan Nahon: Can I ask in what form these ideas might be planned to be?

Hon. Chief Minister: Yes, Mr Speaker, they will be announced closer to the time.

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Mr Speaker: Next question.

Q652/2022
Airport terminal –
Anticipated opening date

Clerk: Question 652/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government give the people of Gibraltar a date by when the Airport terminal will be completed and open to the public?

745

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Yes, Mr Speaker, I have. As I already said during my most recent *Direct Democracy* before the time for filing questions, we expect the tunnel to be operational by the end of the first quarter of 2023. The Airport tunnel site has now been handed over to the Government and we are currently in the process of ensuring that we exercise all of the systems and instruments in the tunnel and do all the things that we need to do in order to achieve final certification. Therefore, I fully expect that, as I already announced publicly, the tunnel will be operational by the end of the first quarter of next year.

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The best way to describe this project colloquially is as having had the gestation period of a mule. Thankfully, we now expect to be able to see the tunnel operational. I will say more about the frankly abysmal performance of the contractor in the near future. Our job, however, has been to ensure that we got the right product for the taxpayer.

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

I did want to put this question here in the House to the Chief Minister for the record of *Hansard*. Have there been any additional costs to the project due to this delay of the gestation of a mule?

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Hon. Chief Minister: Yes, Mr Speaker, considerable costs have arisen as a result of the failure of the contractor. We have had to take the contractor to litigation. We have recovered a lot of our costs, but not all of them. We have supervisory costs in respect of changes required to the tunnel works from the original plans, and I think I have shared schedules of those costs in this House in the past.

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

Is the Brexit outcome likely to have any bearing on the deployment of this infrastructure in the next few months with the ongoing negotiations and talks?

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Hon. Chief Minister: Yes, Mr Speaker, it may just have a very big roundabout at the end of it.

Mr Speaker: Next question.

**SOCIAL SECURITY, ECONOMIC DEVELOPMENT, ENTERPRISE,
TELECOMMUNICATIONS AND THE GSB**

Q544/2022

**Construction Training Centre Manager –
Breakdown of costs**

Clerk: Question 544/2022. The Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, can Government update this House in respect of the selection process for the vacant post of Construction Training Centre Manager?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

785 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Yes, Mr Speaker, the successful candidate for the Construction Centre Manager post has now been identified.

Hon. E J Reyes: Thank you, sir.

790 Having identified the successful candidate, does the Hon. Father of the House know if he is already in post or will be taking up post shortly in the New Year – a start date?

795 Mr Speaker, last month, the Hon. Father of the House explained to us that he had not yet finalised training courses to be offered during 2023. My logic tells me it makes a certain amount of sense to wait for a new centre manager to be appointed. I am asking so he gives me a guideline of when to next pose a question about trades courses being offered in 2023. That is why I seek that information – not just being petty but to plan ahead and keep tabs on the development of the Training Centre.

800 **Hon. Sir J J Bossano:** I am not involved in that kind of detail, but since the person selected is an internal candidate, yes, I think the question of making arrangements for the post that is being relinquished and then taking over the post in the Construction ... I would expect it to be happening in January.

805 **Hon. E J Reyes:** And just seeking clarification ... The answer is that there has been an internal candidate. By that, does the Member mean internal within the Training Centre itself or internal within the Government, the GDC, or whatever set-up it is going to be?

Hon. Sir J J Bossano: Internal within the Government.

Mr Speaker: Next question.

Q545/2022
Modular units –
Financial arrangements

Q546-47/2022
Public finances –
Update

Q548-49/2022
GBIC Ltd –
Directors' remuneration; National Economic Plan projects

Q550-53/2022
Community Supplies and Services Ltd –
Fees paid to directors as directors or lawyers;
purchase of loans notes and security given; charity registration

Q554-56/2022
National Economic Plan –
Role of Gibraltar Properties Ltd and GSBA Ltd; cost to date and proportion financed by GSB

Q557-59/2022

Victoria Stadium –

Loan notes and security given; financial analysis re viability

810 **Clerk:** Question 545/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the manufacturers of the modular units in China, or any other entities, are providing any special financing arrangement for the purchase of these modular units; and, if so, what are the financing arrangements?

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Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Questions 546 to 559.

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Clerk: Question 546/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st November 2022?

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Clerk: Question 547/2022. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise the balance on the General Sinking Fund on the following date: 1st November 2022?

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Clerk: Question 548/2022. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise the remuneration paid to each of the directors of GBIC Ltd?

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Clerk: Question 549/2022. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise why GBIC Ltd is the preferred contractor on building projects in its National Economic Plan?

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Clerk: Question 550/2022. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if the directors of Community Supplies and Services Ltd have been paid any fees as directors or lawyers; and, if so, please identify the amount since incorporation?

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Clerk: Question 551/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Can the Government advise which Government-owned company or companies, Gibraltar Savings Bank-owned company or companies, or Gibraltar Development Corporation-owned company or companies have purchased loan notes from Community Supplies and Services Ltd and in what monetary amount and for what tenure and interest rate?

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Clerk: Question 552/2022. The Hon. R M Clinton.

860 **Hon. R M Clinton:** Can the Government advise what security has Community Supplies and Services Ltd given in respect of loan notes purchased by Government-owned company or companies, Gibraltar Savings Bank-owned company or companies, or Gibraltar Development Corporation-owned company or companies?

Clerk: Question 553/2022. The Hon. R M Clinton.

865 **Hon. R M Clinton:** Can the Government advise why Community Supplies and Services Ltd has not registered as a charity?

Clerk: Question 554/2022. The Hon. R M Clinton.

870 **Hon. R M Clinton:** Can the Government advise what role does Gibraltar Properties Ltd play in the National Economic Plan?

Clerk: Question 555/2022. The Hon. R M Clinton.

875 **Hon. R M Clinton:** Can the Government advise what role does GSBA Ltd play in the National Economic Plan?

Clerk: Question 556/2022. The Hon. R M Clinton.

880 **Hon. R M Clinton:** Can the Government advise the estimated cost to date of the National Economic Plan and how much of this will be financed by the Gibraltar Savings Bank?

Clerk: Question 557/2022. The Hon. R M Clinton.

885 **Hon. R M Clinton:** Can the Government provide the details of the monetary value, interest rate and term of the loan notes to be purchased by the Gibraltar Savings Bank in respect of the proposed Victoria Stadium development?

Clerk: Question 558/2022. The Hon. R M Clinton.

890 **Hon. R M Clinton:** Can the Government advise who conducted the financial analysis of the viability of the Victoria Stadium development and has this been subjected to independent expert review?

895 **Clerk:** Question 559/2022. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise what security will be given in respect of the loan notes to be purchased by the Gibraltar Savings Bank for the Victoria Stadium development and what loan-to-value ratio does this represent?

900 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

905 **Hon. Sir J J Bossano:** Mr Speaker, neither the manufacturer of modular units in China nor any other entity is providing any special financing arrangements for the purchase of the modular units.

The gross public debt and the aggregate debt after the application of the Sinking Fund to gross debt, cash reserves and net debt figures were, on 1st November 2022: gross debt, £872.7 million; aggregate debt, £846.3 million; cash reserves, £84.6 million; net debt, £761.7 million.

The balance on the General Sinking Fund on 1st November 2022 stood at £26.4 million.

910 The directors of GBIC are not remunerated.

GBIC is the preferred contractor for the delivery of the National Economic Plan projects because, as the GSD Government told Parliament at the time when they placed their delivery of their £1 billion-plus programme of construction projects in the hands of a consultant, the construction sector generally charges higher prices when they work directly on Government
915 contracts than for private sector projects.

The Government has not paid CSS any fees as directors or lawyers.

Gibraltar Community Projects is purchasing loan notes at 4% for three years from CSS. The total sum is £22 million to date and the use of most of these funds has been to meet the construction cost of the new Rooke residential home. The security provided by CSS is the value of the assets
920 that have been created by GBIC.

I am not aware whether CSS has registered as a charity or not, but if the hon. Member knows that it has not and from the nature of the questions thinks it should be, I will pass on his advice to the owner of CSS, that happens to be registered as a charity.

At present, Gibraltar Properties Ltd plays no role in the National Economic Plan.

925 GSBA invests in real estate in Gibraltar and in some instances will sublease land for the purpose of delivering a project in the National Economic Plan.

At this stage it is not possible to say what interest rate or terms the loan notes will be subject to in the future funding of the Victoria Stadium complex. These matters will be dealt with when the issue of the loan notes is required. The funding to be provided to the National Stadium
930 company whilst it is in the ownership of the Savings Bank will represent 100% of the required expenditure for the construction of the project unless some parts of the project are sold off plan to outside investors.

The financial analysis of the viability of the Victoria Stadium complex development has been conducted as an exercise with input from people with expertise from the property market and
935 assessed by a former partner of EY and has had input in terms of the technical features which lead to assessing the viability financially from experts in construction of stadiums, including the person who was the project manager of a stadium with 60,000 seats who happens to be currently a member of the staff of GBIC, and the design team that produced the concept that has been made public which has had an input from the construction of a number of stadium projects in Portugal.

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Hon. R M Clinton: Mr Speaker, with your indulgence, given the number of questions, it will take a bit longer to analyse the Hon. Minister's answer. I am grateful.

If I could just ask the Minister to repeat his answer in respect of the ... I think he said £22 million or 4%. I did not quite catch the name of the company. If he could just repeat that bit, I would be
945 grateful.

Hon. Sir J J Bossano: Of the money that has been used for the construction of the residential people's home? Well, the company that is building the home is GBIC. *(Interjection by Hon. R M Clinton)* The entity that is financing, with a loan, the building is CSS.

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Hon. R M Clinton: Sorry, Mr Speaker, I think the Minister misunderstands me. What I asked was specifically who had purchased the loan notes, and I think he gave us the name, but I did not quite catch it.

955 **Hon. Sir J J Bossano:** The loan notes are CSS and the cash obtained from the issue of the loans is paid to GBIC, which is building the home.

Hon. Sir J J Bossano: Mr Speaker, I understand that perfectly, but my question related to who had purchased the loan notes from CSS. If the Minister recalls, we had this discussion at the last
960 session of Parliament and he could not recall which Government company actually had bought the loan notes issued by CSS.

Hon. Sir J J Bossano: The loans are purchased by Gibraltar Community Projects.

965 **Hon. R M Clinton:** And Gibraltar Community Projects is owned directly by the Government – is that correct? – following on from what he had said in the last session of Parliament.

Hon. Sir J J Bossano: Not the GDC, but one of the two.

970 **Hon. R M Clinton:** And if I may, Mr Speaker, it is £22 million, if I understood correctly, at 4%? I am not sure that I heard the tenure of the notes over what period.

And if I may ask the Minister, where does Community Projects obtain its funding from?

975 **Hon. Sir J J Bossano:** The tenure is three years, but it is not ... That is to say the money is provided as it is needed, and therefore the three years is not the whole £22 million from the same date. As the project has been developing, loan notes have been issued, and therefore the three years starts when the loan notes are issued, so the money is not ... The money comes from money within the companies or money that has been obtained from the Savings Bank. The hon. Member knows, because I give him a breakdown every House, that there are loan notes issued by Government companies to the Savings Bank.

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Hon. R M Clinton: Mr Speaker, yes, I understand what the Minister is referring to, but as he knows, there are a number of entities of that description that have borrowed money from the Savings Bank and I would be grateful if the Minister could indicate which one of those it would be that is the primary supplier of funding to Gibraltar Community Projects. I can give them a list, or at least... For the benefit of the House, is it Credit Finance Company Ltd? Is it the Gibraltar National Mint Ltd? Is the GSBA Ltd? Is the Gibraltar Properties Ltd? Is it Gibtelecom Ltd? Which one of these entities would it be?

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Hon. Sir J J Bossano: Some of it will be the GSBA. Credit Finance is principally funding, as the hon. Member knows, the purchase of annuities for civil servants.

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Hon. R M Clinton: Mr Speaker, I really must beg your indulgence because this is a quite complicated topic, although I am sure it is quite simple for the Minister.

Looking at the last schedule that I had from the Minister, on 30th September, GSBA, so far, had issued £40 million worth of debentures to the Gibraltar Savings Bank, which have tenure of five years. Of that £40 million, I assume £22 million has been earmarked for the Rooke project. How much of that £40 million remains to be earmarked? One of my later questions is about the cost of the National Economic Plan to date. How much, does he anticipate, of that £40 million is going to be used for other projects within the National Economic Plan?

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Hon. Sir J J Bossano: The way the National Economic Plan will work, Mr Speaker, is that the Savings Bank, as we stated in the manifesto, is financing the delivery of projects, and then, after the projects have been finished, we expect that the project will be invested in by private investors and therefore the money can come back and be recycled. The original programme in 2019 provided for an investment of up to £500 million. I do not think we will be able to invest that much in the time that there is left of our term office, but the fundamental methodology is that it is to make the projects happen that the funding is ... although there may be some that appear to be particularly attractive and the Savings Bank may want to take a long-term part in any project that it thinks it is worth having its money invested in. But fundamentally what will be happening will be that as new projects come in the investment will be provided, and as projects are completed and then sold, or other people invest in the finished product, the money will then be used to repay the loan notes and will come back to the Savings Bank.

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1015 **Hon. R M Clinton:** Mr Speaker, again, your indulgence. If the Minister could perhaps just clarify
my mind as to the actual financing arrangements, we all now understand that GSBA Ltd is the
main funder for the National Economic Plan. How does it transfer the money to Gibraltar
Community Projects? Does Gibraltar Community Projects in its own right issue loan notes to GSBA,
or under some structure of loan which obviously will then pay an interest, I guess to GSBA, and
1020 Gibraltar Community Projects in turn then buys the loan notes issued by CSS Ltd? Is that correct?
What is the mechanism in between?

Hon. Sir J J Bossano: That is exactly how it happens, Mr Speaker.

1025 **Hon. R M Clinton:** So Gibraltar Community Projects then issues loan notes to GSBA. Will they
match exactly the tenure of the loan notes issued by CSS Ltd – i.e. are they back to back? So if
there is £22 million of CSS loan notes bought by Community Projects, Community Projects issues
exactly the same amount and for the same period – I do not know if it takes a margin on the rate –
to GSBA Ltd.

1030 And just to confirm the rate, because again I may not have heard him correctly, was the rate
4%?

1035 **Hon. Sir J J Bossano:** Mr Speaker, the 4% for three years is the rate that is higher than the
Savings Bank pays on the investments. The matching is not 100%. There may be times when the
money may have moved into Gibraltar Community Projects and not yet been used to buy loan
notes and therefore there may be a situation where the loan notes that are next bought are
bought from money that has already been obtained. So it is not that it has to happen strictly
synchronised 100%, but ultimately the flow of money is as he has described it, and the rate of
interest eventually is the one that provides the 6% return to the Savings Bank, which is what
produces the profits of the Savings Bank.

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Hon. R M Clinton: Again, Mr Speaker, your indulgence. Does Community Projects keep any
margin on this transaction? Does it, for example, charge CSS Ltd 4% and pay, say, 3½% to the
Savings Bank? Does it retain any margin?

1045 Also, what security does Community Projects itself give to the Savings Bank – it is not the
Savings Bank, sorry, it is GSBA Ltd, which is obviously owned by the Savings Bank – in exchange
for those loan notes? You have described how the loan notes issued by CSS Ltd would be secured
on, albeit unfinished, construction projects, but what security does GSBA Ltd get in return for the
loan notes issued by Community Projects?

1050 **Hon. Sir J J Bossano:** Mr Speaker, I have already told the hon. Member that when it goes into
being used, the money is secured on the building that is being delivered by a joint venture
company of the Government. The hon. Member knows that all the companies pool their cash,
which was a system invented by the former Government, and therefore if all the companies pool
all their cash, what you have is a net figure of available cash, which itself consists of companies
1055 that are in surplus and companies that are in deficit. That is what was happening before 2011 and
has continued happening since. There has never been any attempt to say the ones that are in
deficit have to produce some security for the ones that are in surplus, because they are all owned
by the same entity.

1060 **Hon. R M Clinton:** Mr Speaker, I understand what the Minister is saying but I think he misses
my point because GSBA Ltd is not a Government-owned company, as he knows, it is owned by the
Savings Bank, so what I am asking is what security does the Savings Bank have through GSBA on
Community Projects? Full stop.

1065 **Hon. Sir J J Bossano:** The security that the one that guarantees the solvency of the Savings Bank is the owner of the company. I would not have thought that it needed more security than the fact that the company from which it is buying the loans is owned by the Government, and the Government underwrites the whole of the Savings Bank according to the Act – so why should the Savings Bank be afraid of lending money to a Government company?

1070 **Hon. R M Clinton:** Mr Speaker, I was not suggesting that there is any notion of fear in lending to a Government company, but if it were a normal commercial transaction I am sure he would accept, and in fact he would demand, that there be security for any money effectively advanced from the Gibraltar Savings Bank through GSBA Ltd. But effectively what is telling the House – and
1075 I am happy to be corrected by him – is that this is de facto Government borrowing and there is nothing backing up the borrowing by Community Projects. Is that correct?

Hon. Sir J J Bossano: Not only is it wrong, it is complete nonsense. He may want to call it Government borrowing, but in fact the borrower is the entity that is financing the construction project, and that is not a Government company, and that is where the money is used. Before it reaches that point, the money is unused. So if Gibraltar Community Projects borrows £2 million and lends £1 million, the security it has on the £1 million is the security of the structure of the building that is going up, and that security obviously is available to the Savings Bank because it is available to the borrower from the Savings Bank. The £1 million that has not been passed over is
1085 not a debt of the Government because the Government is not using that money. It is there until it is needed. It is just that clearly CSS is not going to be issuing loan notes and having to pay interest unless it needs the money, because it would otherwise be incurring a liability to pay interest when there was no asset being created. Therefore, the timing is driven by the pace of the construction project.

1090 **Hon. R M Clinton:** Mr Speaker, I am sorry to labour this, but I really need to understand the methodology.

Given that he is comfortable that CSS has security, and on that basis anything that Community Projects lends it should, by logic, also be secured, would it be the case that if I did a search on Gibraltar Community Projects I would find there has been an unlimited charge registered against it by GSPA Ltd? At the end of the day, they are completely different entities in terms of control. And also, by parallel reasoning, why is it that when you do a search on CSS Ltd there are no charges registered against it, given that he has already issued £22 million worth of loan notes?

1100 **Hon. Sir J J Bossano:** We are talking about what is happening with the development of the National Economic Plan as if we were giving money to people in another country or people who might disappear over the horizon, where we therefore need to be concerned about the risk that is being taken. We know exactly where every penny that is being borrowed is finishing up, because fundamentally the work is being done by a company which is 50% owned by the Government. So
1105 we know where the money going. There is no question of not being able to track it and, therefore, what other assets do they have to be secure. All the concern for security that people have is because they are dealing with people where they may not be able to be confident about what they claim to be, and therefore they need to have something solid if something goes wrong.

In this situation we have created a mechanism that enables us to mobilise the funds of the Savings Bank for investment in creating assets in Gibraltar that will produce income and wealth and therefore, at the same time, generate an income for the Savings Bank which we cannot get by having it sitting in bank accounts, cash, or having it invested in London by the Crown agents, where the returns would not enable us to maintain the level of interest rate that we have consistently paid in the last 11 years to our investors, principally to the pensioners, who have been
1115 getting a very favourable rate. We are able to do these things because we have to make ... and the more money we have in the Savings Bank, the more we will need to find ways of reinvesting

1120 it profitably. The Savings Bank has now got a total amount of deposits of £1½ billion. We are not going to have the £1½ billion sitting there doing nothing. What we need to do is put it to work, to make money for the bank – which ultimately is good for Gibraltar because it is the rainy day fund of the future – and create activity and help us to restore financial stability in Gibraltar, which is part of my responsibility. The mechanism in which it works, he may think, is risky. I do not think it is risky, and therefore I am satisfied that the guarantees that are there by de facto being within our sight all the time is sufficient. That is how it is. He may not agree with it – he does not have to agree with it; it is information that I am providing.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer, and yes, I am purely seeking information here.

1130 Can I turn, if I may, to the answer he gave to Question 549 when I asked why is GBIC the preferred contractor on building projects in the National Economic Plan? He referred to some agreement with which I am not familiar, but he did not actually answer why GBIC itself. He talked about the costs to Government contracting directly being higher, which again is something I fail to understand, why that happens in Gibraltar. But why GBIC? There are a multitude of other contractors. Why is there not a tender put out for each and every project for this particular plan, the National Economic Plan? It just seems to be that GBIC always appears in every project to do with the National Economic Plan. I could be wrong and I am happy to be corrected.

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Hon. Sir J J Bossano: The role of GBIC is to deliver the National Economic Plan in terms of construction projects. That is what it exists for. It may also obtain work for our people, but principally it will be working on the delivery of the National Economic Plan, and there is, in fact, an agreement between the Ministry for Economic Development, which has the responsibility for making the plan happen, and GBIC to be the one that delivers it.

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1145 Why don't I go out to tender? Well, Mr Speaker, the possibility of other companies coming in cheaper would be difficult to assess because what tends to happen is that, whereas in the case of GBIC there is a situation where we are 50% owner and we therefore know exactly what the cost of the things are, what invariably happens in Gibraltar is that the companies that sometimes come in cheaper at the beginning tend to come in very expensive at the end. There is a long history of that, which can be studied. Sometimes the tender process produces the most expensive results because there are people who put in prices that other people say are below what is reasonable in the market to make a profit, but then, along the line, all sorts of things happen to be discovered or not discovered or added or taken away, and then it finishes up becoming very expensive. So the kind of things that happen in the construction company which sometimes make things take a very long time ... The tunnel is a spectacular example, which the former administration had many occasions of experiencing. Sometimes, companies that were the most competitive at the beginning disappeared over the horizon without paying anybody anything in Gibraltar and leaving a whole host of debts. Eventually, the former Governor had to engage GJBS to finish half the projects that they had put out to tender in the private sector. That is the kind of experience we have had with Government projects in Gibraltar and I am sure that the delivery of the projects that are going to be done in the National Economic Plan are not going to be affected by any of those possible risks, because in fact the delivery is by a company that is there for that purpose.

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Hon. R M Clinton: Mr Speaker, again, I thank the Hon. Minister. He mentioned an agreement between the Ministry for Economic Development and GBIC. If I may ask him a couple of questions on this, I assume that if I were to ask for a copy of the agreement he would say it would be commercially sensitive, so I will put that question out there, but I would not be surprised if he does not answer.

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Also, what is the timeframe for the agreement? Is it solely in respect of the delivery of the National Economic Plan and does it have a value ascribed to it in terms of value of projects? Has

that in any way affected the pricing of the modular units – i.e. are the purchase of the modular units and the signing of this agreement in any way linked?

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Hon. Sir J J Bossano: No, Mr Speaker, the only link with the pricing of the modular units is the fact that our partner is a very important company and a very large company in China and therefore they are able to use their purchasing power to help us buy. That is the only advantage we gain in terms of the sourcing of the material.

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In terms of the quality, we have an advantage, where if we did not have the partner we have it would probably be risky to buy in China, in the sense that everything we buy in China that is now on its way to Gibraltar has been supervised by high executives from our partner's company, to be sure that what is coming is what is supposed to be coming. In a situation where you do not have a presence there, you run a risk that the product you bought and the product you get may not be the same. Because of the relationship we have there, we have been able to have a level of confidence in what we are buying. And of course we have, in the United Kingdom, as our architects, a UK company that is very experienced in dealing with modular building, and with the immediate owner of shares of a joint venture, which is the Manchester company, which is the headquarters of the international branch of the company.

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So those are the safeguards we have, which makes us confident that we are going to be able to deliver this at the most competitive price possible. Obviously, the interest of the Government is not to get the product at a lower price at the cost of the quality. We are happy that everything we are going to be delivering in the next six months is British standard. We are going to have British craftsmen from Manchester coming here to put the final building together. They are familiar with the technology, but they are working for the Manchester company and therefore time will tell, but I am confident that we will be proving that we have got something that is very good value for money and that we will be providing a facility that is needed and would not have been delivered, in my judgement, in any other way.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer, but I asked him specifically about the agreement between the Ministry for Economic Development and GBIC: (1) would he be willing to provide a copy; (2) what is its total value, if there is a value, in terms of committed projects, or is it an exclusivity agreement for the National Economic Plan included in there; and (3) what would be the timeframe this agreement covers?

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Hon. Sir J J Bossano: The timeframe is for as long as we are in government, unless, if they ever get into government, they see the merits of what has been done and decide to continue it.

There is no value because the National Economic Plan is open ended. That is to say we identified in the manifesto a number of things that we already expected would be needed. That was in 219. Some of them are being included, but, for example, the stadium did not feature in 2019 and if somebody else had been able to find a way of delivering the stadium, it probably would not have featured at all. The reality is that the National Economic Plan is going to be delivered on the basis that things that we think are needed or that we think are worth having because they will be profitable, or things that will help us to be self-sufficient will be added as we become aware of them or as people approach us with ideas and we think it is worth supporting those ideas and it will be at no cost to the Government's capital or recurrent expenditure and the activities will generate some revenue for the Government and at the end of the day we will have facilities that we would not otherwise have had. That is the concept. The hon. Member has to understand that that does not mean that there is a written agreement that says all the things I have just told him. There is an agreement that they will be the entity that will assist the Ministry for Economic Development in turning into reality what is written on a piece of paper, but there is no specific list of items there.

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1220 **Hon. R M Clinton:** I thank the Minister, sir. If I understand correctly – and, again, I am happy to be corrected – the agreement is basically an agreement which, as he says, is open ended but effectively ... Just to get this absolutely crystal clear, it effectively has an exclusivity agreement with the Ministry for Economic Development in respect of anything to do with the National Economic Plan. Would that be a correct characterisation of the agreement?

1225 **Hon. Sir J J Bossano:** Exclusivity to the extent that it is the preferred construction company, which was the hon. Member's original question, and that therefore the Ministry will use GBIC in preference to anybody else to do the delivery unless what we are going to be doing is something that GBIC does not have the capacity to deliver or something which is very specialised that requires a company with different set skills to deliver. But if it is possible for GBIC to be the one that delivers a product, then GBIC will deliver it.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister again. I will move on now, just slowly ticking off the questions as we go along.

1235 In relation to Question 555, in respect of GSBA, Ltd I think he mentioned something about real estate and subleasing, although we also now understand that it plays a role in purchasing loan notes. Can he expand on what the real estate angle activity of GSBA Ltd is, specifically in the context of the National Economic Plan? As he knows, I am aware that, for example, it owns the Treasury building.

1240 **Hon. Sir J J Bossano:** The Rooke plot of land currently is owned by GSBA and when the building is finished it will sublease the land for a shorter period than the head lease that it has purchased.

1245 **Hon. R M Clinton:** Is this the same mechanism? I imagine the Minister has a blueprint as to how each individual element of the National Economic Plan is undertaken. Is this the methodology that was used, for example, in the Jewish Home project? I presume CSS must have issued loan notes to Community Projects, who in turn issued loan notes to GSBA, and GSBA would have somehow acquired an interest in the lease of the Jewish Home. Is that the same kind of methodology?

1250 **Hon. Sir J J Bossano:** The Jewish Home lease is related to the trustees of the McIntosh Trust, whereas the Rooke site was Government land that was on sale, so the GSBA bought the land from the Government in the Rooke case, and in the other, the actual lease arrangements with the trustees have not yet been finalised in the case of the Jewish Home. It could be that we have a similar process, that it passes through the GSBA first, but that has not happened.

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Hon. R M Clinton: On that particular project, just to follow that last thread, the financing structure – has that actually occurred in terms of the Jewish Home, in terms of GSBA providing the financing for the Jewish Home project, or is that something that has yet to be finalised, given the lease etc?

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Hon. Sir J J Bossano: Construction was originally financed, but it has not yet been filed. The whole thing has not yet been finalised.

1265 **Hon. R M Clinton:** I may, Mr Speaker, later on, file an additional question, in the next session, about the financing arrangements and how that structure is organised for the Jewish Home.

I am trying to get through them as fast as I can, but there is a lot of material here.

In Question 556, when I asked about the cost to date of the National Economic Plan and how much is financed by the Savings Bank, I think it would be safe to say that all of it would be financed by the Savings Bank, but I was not quite clear as to the estimated cost to date of the Economic Plan.

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Hon. Sir J J Bossano: I have told the hon. Member the bulk of the money that has been used in the financing of the plan is the investment in the Rooke plan, so that has taken up the bulk of the £22 million. That might be £20 million on the Rooke and then a couple of million spread in three different things. I gave the hon. Member a list, in the last meeting of the House, of the number of projects at this stage, other than the Jewish Home, which is now completed.

Hon. R M Clinton: Does the Minister have an idea ...? He mentioned before the sum of £500 million. Is that, in his mind, the total facility that he would like to make available for the National Economic Plan? Does he have a limit in mind, in terms of how much the Savings Bank would advance under the plan?

Hon. Sir J J Bossano: No, Mr Speaker, because this is demand driven. The £500 million was a ballpark figure in 2019, and it was on the basis of a level of activity of £125 million a year over a four-year period. Given what happened in February 2020, we lost the first two years and we started late in the third year, so it is highly unlikely that, however much I try to catch up, I will be successful in spending £500 million, I regret to say.

Hon. R M Clinton: But certainly – if the Minister could confirm – £500 million was the number I think he ... I remember we had a discussion about it during the election campaign and this is the amount of money he would have originally envisaged to utilise from the Savings Bank for his National Economic Plan. Is that correct?

Hon. Sir J J Bossano: As I have just told him, yes, that was the plan in 2019. The rate of delivery would have been roughly £125 million every year over a four-year period. It has not happened and it will be difficult to deliver that much activity, but the projections, for example on the GDP and so on, are all tied to that activity happening. That activity happening is part of how it would be possible in a post-Brexit situation to continue to maintain a level of activity, notwithstanding the negative effects. That is why when we had the last election we came up with a post-Brexit plan, and what we have today is something that is still capable of being a post-Brexit plan if we find ourselves in that situation in the next few months.

Hon. R M Clinton: Thank you, Mr Speaker. I would remind the hon. Member that when we did discuss this at the time of the election I had understood him as I understand him now, but then I was told later that I had misunderstood him and that he was talking about £500 million of GDP growth. Obviously we misunderstood each other. I think we now understand what we are talking about here.

Mr Speaker, if I can move on a bit, to the Victoria Stadium, I asked specifically in Question 557 about the financing and the issue of loan notes, and I think his answer was it is not possible to say at this stage, but he must have in mind a number in terms of how much he is willing to advance from the Savings Bank in respect of the Victoria Stadium. If I can then combine that with his answer to Question 558, which was who conducted the financial analysis, I think if I heard him correctly, he mentioned a partner from EY. If I could ask him was that a partner from EY Gibraltar or from another office? And if so, presumably they charged professional fees for that review.

In summary, if he could give us an indication of what value of loan notes the Savings Bank would be willing to purchase in respect of the Victoria Stadium and which office from EY conducted the review and was it on a paid professional basis?

Hon. Sir J J Bossano: Mr Speaker, I think the problem we have with the hon. Member's questions, and not his alone, is that the moment we mention something they expect us to be at the end of a process when we are at the beginning. Since I made the announcement, being totally transparent in the middle of the stadium, not much has happened that has defined anything beyond the original concept, which we had been talking about for several months.

1325 When we have something concrete that is reliable in terms of the accuracy, I will provide the information that the hon. Member is seeking, but I think it is wrong to speculate. When I was asked how much will it cost, I said it could be up to £100 million. That immediately no longer became *up to* £100 million. The maximum became the minimum. I am not going to give any numbers on anything until the numbers are solid and clear and are not going to be changed and I am not going to have other people say, 'But that is not what you said before.' So I am not going to say anything that may need to be changed.

1330 At the moment, the position is that we have done enough work to be confident that this a project that will produce a good return for the Savings Bank and will produce something that is very important for Gibraltar to have, not just for the many thousands of people who enjoy football – amongst whom I do not find myself – but also for those of us who want to see us having a strong economy and people coming here and spending money, amongst whom I do count myself.

1335 So the answer is that what I have given him is the state of play at the present. As it develops and there is more detail to provide, I will provide the detail.

Mr Speaker: May I interject? Are we getting close to the end of the questioning, or have you ...?

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Hon. R M Clinton: Well, Mr Speaker, it very much depends on the Minister's answers. I think you will appreciate that, given the number of questions that have been rolled up, I am trying to be as expedient as possible and keeping my questions short.

1345 The Minister will appreciate that from this side of the House and probably outside this House there is a degree of interest in the stadium, and the reason is that the £100 million number was the number first put into the public domain. It became £100 million investment, then it became £100 million value and now it is up to £100 million and there has also been the number banded around of £40 million, which is why there is so much public interest in actually what is the number.

1350 I think we on this side of the House and also the general public would appreciate some clarity as to what kind of number we are talking about. Is it tens of millions, hundreds of millions? Is it mid-range? He has to have some idea in his head how much he is prepared to put into this project, especially if this project has been reviewed professionally – there will be spreadsheets, there will be projections, there will be returns on investment. All these numbers must have been available to him for some time now before he made the announcement, so for him to say, 'We are at an early stage, we cannot say' ... With the greatest of respect to the Minister, he is the one who made the announcement. He must have had an idea before he made the announcement, otherwise I doubt he would have made such an important announcement.

1355 And then, lastly, I did not quite hear an answer in terms of the EY office that conducted the review.

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Hon. Sir J J Bossano: [*inaudible*] because he has just given me a good reason for not doing it. He was just saying there are all sorts of numbers floating about. I am not going to give him a new one to add to the ones that are floating around. I will give him the number when the number will not suffer any further change.

1365 As regards the EY input that we had, it was a former partner of EY. I am not sure if it was local or not, but I was told that it was a former partner of that company. He is retired and therefore it is not EY that was doing it, but the person who provided an input a person who had that accounting background, just like I might have asked him to give me advice in banking, having been a retired banker. It was not something that we paid for. It was something that was provided to us through the relationship that we build around the people who are interested in delivering this.

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Hon. R M Clinton: Mr Speaker, he will appreciate that when the name of a professional firm is mentioned, such as EY or any other firm, there is a degree of comfort that will come from hearing that professional firm's name being mentioned, but the Hon. Minister has just advised the House

1375 that the person who gave the ... why it was asking for an independent financial review ... I do not
know to what extent this person is independent of the project – he may have a tangential interest,
I do not know – but it is evident that it is not a professionally engaged review. It is not an arm’s-
length review from a professional services firm of accountants, for which there would be an
1380 engagement letter and standards and processes involved. What the Minister has told us, unless I
have misunderstood him, is it is a person who used to work for EY – I do not know at what level; I
think he said partner, presumably professionally qualified, but whether he or she holds a
practising certificate and is entitled to give such advice on such projects I do not know. I would be
grateful if the Minister could give the House some comfort that this particular individual actually
has the required experience to give this type of advice on this particular project. There are
1385 accountants and there are accountants – I do not claim to be an expert on everything under the
sun to do with finance – and all accountants have limitations.

Hon. Sir J J Bossano: If my thought process had followed the line of the hon. Member, the
National Economic Plan would never have got off the ground. As far as I am concerned, I give him
1390 the information and that is the information that I am prepared to give him on this. When I have
more information as to the next stage in the project, I will give it to him. That is the information I
am giving him in answer to his questions. That is information I have that I am willing to give him
now, and if I have something that is more concrete and more specific at a later stage, I am happy
to give that to him. Whether he gets comfort or discomfort is not what I am here to do. I am here
1395 to give him the information that I think it is possible to give with the confidence that I am not
saying something that is incorrect.

Hon. R M Clinton: Mr Speaker, this will be my final supplementary. I will ask him this question
and if he says no, I will accept it. Is he willing to identify the person, the retired EY partner who
1400 has provided the financial analysis?

Hon. Sir J J Bossano: He is right in thinking that he knows what the answer is: no.

Mr Speaker: Yesterday, there were a number of questions for which information could only be
1405 provided by the Hon. Minister Sir Joe Bossano and we said that you would be asking several
questions when he was here ... whoever it was.

Hon. K Azopardi: Before we do that, Mr Speaker, can I just ask on these questions, if I may?
On Question 557, I think the Minister has said he is not prepared, right now, to give detail in
1410 respect of that, but if I remember rightly, he did go on a GBC programme at the time of the stadium
announcement – he was wearing a suit, not a football shirt on that occasion – and I think he
suggested that the interest rate return would be something like 6% or 7%. Is that the kind of
ballpark figure, or is he saying that it is not fixed yet?

Hon. Sir J J Bossano: In the present climate of returns, that would be the minimum it would be
1415 reasonable to expect from a project like this, but of course when you are talking in a situation
where we do not know how far the Bank of England or the Federal Reserve Bank or anybody else
is going to go before they stop putting it up and start bringing it down, the timing of these things
will have an impact on the return that one expects. It is not a particularly good time, when interest
1420 rates are rising, to be borrowing money, because then you borrow long and they fall, but this is
where we are. I said it in the context of the current rates that there are.

Hon. K Azopardi: But to be clear, while in the Minister’s opinion that is a reasonable rate of
return to aim for in respect of the investment into the stadium project, is he saying that is not an
1425 agreed rate of return as yet, it is something that is still being negotiated or will be negotiated in
the future because of the explanation he gave earlier?

1430 **Hon. Sir J J Bossano:** The thing is that that is the minimum because it may have to be ... The rate of return will depend not on what the stadium produces but on what the complex produces. That is what will finance the rate of return, and that rate of return might need to go up if the market rates of interest go up. But in the context of the present market rate, everything we have seen suggests that we will be able to achieve that rate of interest at the moment. If, tomorrow, we have 12% inflation and the construction costs go up, then it might be that we have to say we need to be changing some of the things we had in the original plan to produce something that produces more money, to make sure that we are still getting money that is sufficient to service
1435 what we need to obtain to finance the project. If the project was happening today, we are confident we would be getting 6% to 7% and that that would be above the money we need to pay to finance the project.

**Q531/2022 Chilton Court youth club –
Source of funding for proposed development –
Supplementary questions**

Mr Speaker: Would the hon. Member quote the question number, if you can?

1440 **Hon. D J Bossino:** Mr Speaker, yes, I do agree – I think now is an appropriate time because the question dealt with the issue of funding, with which the Hon. Minister would be able to assist.

The question number is 531. For the benefit of the hon. Member I will just read the question out to him: who is funding the proposed development at the Chilton Court youth club? I think he has provided an explanation in answers to questions from the Hon. Mr Clinton as to how the funding structure works. I think the initial response was it is being funded by Community Services and Supplies Ltd. Then I referred to the full planning design statement, which referred to it being submitted by GBIC Ltd on behalf of CSSL Ltd. That is just by way of background so he understands the premise of the question. I asked is GBIC providing the funding and I think the answer to that is going to be no, because GBIC is the company which is delivering the projects, but that the funding is, as he has explained, with the various loan notes and moneys, in effect flowing from the Savings Bank down the drain to CSS Ltd. Can he confirm that that is how this particular project is being funded?
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Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): In all the projects, not just this one, the methodology is going to be the same. The only caveat to that is that there are people in the market – I mentioned them before, in the previous meeting – who are interested in working together with the Ministry for Economic Development on projects that are planned by us in the National Economic Plan. They have approached me. They have said, ‘Would it be possible to take part in this and put money into this?’ and I have said yes. And there are people who say, ‘I have a project. Would it be possible to discuss the opposite direction? That is to say the project that I have, the Government would be interested in sponsoring it and making it part of the National Economic Plan and either being involved in the construction phase or being involved in another.’ I have also said we are prepared to look at that because it would depend on the nature of the project.
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We are not in the business of entering the market, which is already well populated, of providing properties for which most of the population have not got the resources to buy. That market is well populated and well served, and I do not think there is a place for us to go there. The market we are looking at is the one that we are trying to create, which meets the requirements of people who have not got the financial capacity to meet what is now the going rate on many properties. This is why, for example, as I explained last time, the home in Laguna for homeowners who are pensioners is designed to meet a specific thing because they are in a property which has a higher
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1475 value and which is being underutilised, and if they sell that property they will probably have
difficulty in being able to buy another property for much less than they are getting, so it is difficult
for them to move. At the same time, because of the concept, rightly introduced by the former
administration, that homeowners are not eligible to obtain rental accommodation from the
Government, it means that homeowners who are now reaching retirement age are not eligible to
rent, from the Government, pensioner flats. That is the problem that we have tried to resolve, and
therefore we are entering the market to produce something at a level that will provide a profit
through this mechanism but will provide a product which will not be for the open market but for
1480 a specified identified sector of the market, who will be the only ones eligible to buy, with the
condition that no other property has that they would only be able to sell back to the charity they
buy the property from, so that it would remain for that market and it would not then eventually
go out, as has happened with all the earlier 50/50s, that they are no longer limited to a long-term
residents of Gibraltar where anybody can come from anywhere and pay a higher price and take
1485 that property out of the market.

That is an example of something where somebody else identified the existence of a problem
and brought it to my attention and therefore we came up with an answer which we think will
work, and the interest there is subsequently shows it will work. The same thing would be
happening in other areas with other entities. This is why the flexibility of the National Economic
1490 Plan is that although the volume is unlikely to be what was originally intended, because we have
wasted so much time because of COVID and other things, that does not mean we will not be able
to be doing more things, because it would be on a smaller scale and because other people are
coming forward and providing ideas to us, which is something that I welcome because the things
they provide are things that are pointing to something where there is a demand but there is no
1495 supply.

In the area where we are talking about the estate and what we provide for the estate, there
you have a situation where the Government is not in a position to invest in things like that when
it is in a situation of having to borrow to meet recurrent expenditure – that is self-evident – and
therefore, if we can find a way of producing what the Government would have liked to produce
1500 by making it part of a bigger development with profitable elements in it, then that is the win-win
situation that we aim for. It has to be able to produce a profit for all the parties, otherwise it will
not work, obviously. So the costings of these things have to be very carefully scrutinised because
at the end of the day, if we are committed to delivering it, we do not want to finish up with GBIC
or anybody else in a loss-making situation. That is not where we want to be.

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Hon. D J Bossino: Mr Speaker, I am grateful. I think the last part of his answer is the one I was
interested in, because it arises from the question I asked yesterday. As I understand it, it ordinarily
would have been a Government project, but because of the situation of the Government's
finances this route is being taken as available cash which can be sought and obtained from the
1510 Savings Bank.

In relation to this project, which refers to several community facilities, rented office space and
rented storage space, and I think there are also 26 parking spaces, is that where the profitable
elements will then go back to the Savings Bank, by the rental or sale of these? Is that where he is
seeing the profitable element with the sale of these units?

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Hon. Sir J J Bossano: *[Inaudible]* will be done by GSBA because that is the mechanism that we
have, and then, if in the process ... As we have more and more projects happening, there will be
times when the actual delivery of a project and the fact that there are funds coming in from sales
may mean that instead of repaying a note ... The notes are for three years because they are
1520 intended to be not for the long term but for the construction period. If a project is started and you
have three-year money and the project is finished in, say, nine months, then instead of saying I
am going to pay back early the three-year money and then go back a month later and ask again
for three-year money to do something else, there may be occasions when the time of the project

1525 goes from the initial phase to the finish phase and brings back cash. If that is within the three
years, it will probably make more sense to reinvest that money than to liquidate the original loan
note early and then have to go back and ask for another loan note. Other than that, the three-
year period is intended to be the longest the money will be available because we do not expect
projects to take more than three years from the initial funding to the end, so that is why the period
is short.

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Hon. D J Bossino: Mr Speaker, with respect to the hon. Member, I do not think he has answered
the question as to where he identifies, in respect of this particular project, the profitable elements
will emanate. I do not think he has answered that question. He has provided useful answers in
relation to the duration of the loan notes and what would happen should they be redeemed
1535 earlier, but not in relation to where he identifies, in respect of this project, the profitable elements
lie.

Hon. Sir J J Bossano: Mr Speaker, the exercise of determining the profitability takes place
before we actually get into doing the project. We do not start the project first and then discover
1540 whether it is profitable or not. Every project where we say yes, it is going ahead, and we put in for
planning permission and organise the delivery ... it is because we are confident that it is going to
make money. The only thing that we cannot guarantee is, in the market that we are in today,
where inflation is going to be in a month's time or in three months' time. Nobody in the world can
guarantee that. I cannot either. On the basis of present costs and on the basis of our ability to
1545 purchase what we need and pay the workers the current rate, these projects are profitable
projects that will be able to service the loan, produce a profit and provide a free facility to the
Government. That is the answer.

Hon. D J Bossino: And presumably it is simply too early to say what the cost of this particular
1550 project will be?

Hon. Sir J J Bossano: Mr Speaker, I do not like making speculative statements because if you
try to be helpful and produce a figure, other people seem to think it is an advantage they have if
it turns out not to be the eventual figure. When I am confident beyond any doubt that there is not
1555 going to be a change I will tell him what the figure is, but I do not think it is a good idea to speculate
because I do not want to add to the turmoil that there is out there about so many different figures
by producing new ones.

Hon. R M Clinton: Mr Speaker, thank you for your indulgence.

1560 I just want to pick up on something the Minister just said. It has just occurred to me and
perhaps he can shed some light ... Obviously he is talking about the duration of the financing and
the cashflow to service etc., but if you take the Rooke project and its £22 million loan notes at, I
think, 4%, he said, I am not sure whether that is 4% ... paid when? Is that 4% paid at the end of
the project or is it 4% paid monthly? The reason I ask is because during the construction phase I
1565 cannot see how the Rooke site could generate positive cashflow, so how would it be servicing its
loan notes to Gibraltar Community Projects, who in turn need to service their loan notes to
GSBA Ltd, who in turn need to pay the Savings Bank monthly, by the looks of it – monthly income
debenture. How is he managing that maturity transformation question on cashflow, where he has
money going into a project which obviously will take some time to complete, when meanwhile he
1570 has loans to service? And how are those loans being serviced in terms of cashflow? Or is it that
the loan notes are structured in such a way that the interest only becomes payable at a much later
date?

Hon. Sir J J Bossano: I am not 100% sure, but I do not think it is at a much later date; I think it
1575 is paid during the time of the loan. But of course both the construction company and CSS have

cashflow from other projects. The flow of cash only changes when it is needed. If money comes in because you have sold something and you have to pay the 4% of the money that was provided for the Jewish Home, you do not say, 'No, wait a minute, this not from the Jewish Home bit of the plan, this from another bit of the plan, so I cannot use that money.' It is not all in different pockets. 1580 The servicing of the loan I do not believe will be at the end of the three years. It will be during the course of the year, but I do not know at what intervals without going back and checking.

Mr Speaker: Next question.

Q560/2022
Government-owned companies –
Number of vacancies

1585 **Clerk:** Question 560/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many vacancies are there within Government-owned companies, identifying the company?

1590 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, there are no vacancies within Government companies.

1595 **Hon. D A Feetham:** Can he explain why there are no vacancies in Government-owned companies? Is it because there is some technical appreciation that I have not appreciated? Or is it that all the vacancies in Government-owned companies have been filled?

1600 **Hon. Sir J J Bossano:** Because Government companies function as Government companies and not as Civil Service Departments, and therefore they have the staff they need for the work they have to do. As I have already said publicly on a number of occasions, in the public sector we will scrutinise every vacancy to make sure that we need to fill it, or we do not need to be spending that money, or there is a more pressing need in some other direction for which the money could be better deployed.

1605 Part of my duty to deliver the restoration of financial stability is that we make sure that when there is something on which we are spending money, we stop spending money. Because the person who was doing that job is no longer there, we do not just say it is going to be filled because it was there before. It has always been the case that the companies do not have an establishment that appears to be written on tablets of stone. The companies take on more people if they have more work and tend to shed people if they have less work. There was a company the Government had in 2011 which had quite a lot of workers because of the projects they were working on then – it was a subsidiary of another company; it was a construction company – and when that company finished the work they just terminated the construction workers they employed, and that was done before the 2011 election.

1615 **Hon. D A Feetham:** Does the Minister agree that Government-owned companies advertise vacancies?

1620 **Hon. Sir J J Bossano:** A vacancy is created in a company either because it is undertaking something which requires more people or because it has finished doing something and the people

1625 who were doing it have no other work to do. Even when there is no work to do, people do not get sacked from Government companies, but when they retire and there has been a period when they have had very little work to do, there is no automatic filling of the vacancy. At the moment there is no company in the situation that there are vacancies, in the sense that there are fewer people today than there were six months ago and there is a vacancy there. A vacancy is created the day the person leaves and then a decision is taken by the management: do we really need to employ somebody else when in fact there is not enough work for the people we have here? That is how the companies work. It is how it worked when he was in government.

1630 **Hon. D A Feetham:** Therefore, the answer to my supplementary is yes. Given that the answer to my supplementary – (*Interjection and laughter*) Yes, it is. The answer to my supplementary is yes, because Government-owned companies do advertise for vacancies.

1635 I understand what the Hon. Minister is saying. The Hon. Minister is telling me we may advertise for vacancies but there is no complement – that is what he is saying – in the public service sense. But given that the answer to my supplementary is yes, does he therefore not agree with me that at any given point in time there must be vacancies in Government-owned companies – or not, as the case may be? It may be that there has not been any advertisement of any vacancies at that point.

1640 As at the date when I asked the question, were any vacancies in Government-owned companies advertised that had not been filled? That at least would have answered my question.

Hon. Sir J J Bossano: [*inaudible*]

1645 **Hon. D A Feetham:** Mr Speaker, bearing in mind that the Minister does not have the information and I do not want to be contentious, could I therefore, next time around, ask a more specific question that would allow the Hon. Minister to provide me with the answer? It is clear to the House what I am after. I know what the Hon. Minister is saying: no complement. I understand all that. I want to know, as at today's date, how many vacancies there are in the sense, at the very least, that those vacancies have been advertised. It may well be that the answer is zero, there have been no vacancies advertised, but may I ask it next time round?

1655 **Hon. Sir J J Bossano:** It is not clear what he is saying. Has any company that is owned by Government advertised vacancies? I am not aware of any. If he knows of some, then he knows more than I do.

1660 **Hon. D A Feetham:** The question is very simple. As at today's date when the question was posed, were there any vacancies in Government-owned companies that were to be filled? He is going to say to me there is no complement and therefore there are no vacancies. I am saying to him at the very least you can tell me whether, as at the date when I posed the question, Government-owned companies had advertised for any vacancy. That, at least, he can tell me.

1665 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman is driving us to a potentially very difficult situation. Have Government companies advertise vacancies? The answer to that is yes, they have, because the word 'have' is past tense. How many have they advertised? We would have to go back to the first Government company advertising of a vacancy to give an accurate answer. The first company incorporated under the Government was incorporated under the ACR. It was not the land reclamation, it was the one to do with the sands on the Eastside. Every time the bus company advertises for a bus driver, it would come within scope. So the hon. Gentleman may want to say to us – the Hon. Father of the House has given him the answer in respect of the day when he asked him – 'Were there vacancies in any Government company, although there is no complement but because they were driven to require somebody to be employed, on 1670 13th December 2022?' which is the date in respect of which he or the Leader of the Opposition

asked me questions about other aspects, and on that date, if a Government company has advertised for what they consider to be posts that they need filled, we will give him the answer.

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Hon. D A Feetham: That is the question, Mr Speaker.

Hon. Chief Minister: Well, okay, Mr Speaker, he has already got the answer to that question as at the date he asked the question. If he wants to ask it again, he can ask it again, and if on that day there is a vacancy that has been advertised, not because there is a complement but because there is a need for an individual to be employed by a company, we will say, 'Yes, here,' and if there is not, we will say no.

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Hon. D A Feetham: The Hon. Minister has told me, 'I do not know.' I think the question was clear. He has chosen to answer it in terms of 'Well, there is no complement and therefore there are no vacancies.' I understand that, but the question is clear: as at that date, either it is no, there are no vacancies – in other words, we have not advertised for any vacancies that are still pending to be filled on that date – or there are, and I am just asking for leave from Mr Speaker to ask it next time because he does not have the answer.

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Hon. Sir J J Bossano: It says 'how many vacancies are there within Government companies, identifying the company?' 'Within Government companies' is not 'Has there been a vacancy advertised today or last week?' 'Within' suggests that there are unfilled jobs which we consider, because they are unfilled, are vacancies that need filling. That is the only way I can interpret the question.

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Mr Speaker: I think if you pose the question next month, I will permit it.

Q561-62/2022

**North Mole Road parking facility –
Developer; intended users**

Q563/2022

**Workers' hostel –
Location, timing and developer**

Q564/2022

**Community Services and Supplies Ltd –
Role**

Q565/2022

**Wonderworks Media Ltd –
Employees in Government Departments**

Clerk: Question 561/2022. The Hon. D J Bossino.

1700

Hon. D J Bossino: Mr Speaker, who is developing the new parking facility at North Mole Road?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

1705 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer together with Questions 562 to 565.

Clerk: Question 562/2022. The Hon. D J Bossino.

1710 **Hon. D J Bossino:** For whose use is the new parking facility at North Mole Road being constructed?

Clerk: Question 563/2022. The Hon. D J Bossino.

1715 **Hon. D J Bossino:** Where and when will the workers' hostel be constructed and by which company?

Clerk: Question 564/2022. The Hon. D J Bossino.

1720 **Hon. D J Bossino:** What work does Community Services and Supplies Ltd do for the Government?

Clerk: Question 565/2022. The Hon. D J Bossino.

1725 **Hon. D J Bossino:** Are employees of Wonderworks Media Ltd working in Government Departments; and, if so, how many, in which Departments, the duration of their employment contracts and why are they working there?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

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Hon. Sir J J Bossano: Mr Speaker, the North Mole Road project was originally being done by GJBS in 2017 and is now being completed by GBIC.

The parking is for businesses in the area, in accordance with the original terms agreed in 2017.

The workers' hostel proposed for the Eastern Beach site is currently on hold.

1735 Community Services and Supplies Ltd is not currently providing any services or supplies to the Government.

No employees of Wonderworks Media Ltd are working in any Government Department.

1740 **Hon. D J Bossino:** In relation to the first one, which relates to the parking facility at North Mole Road, he said it is now being done by GBIC Ltd. Is the funding arrangement in respect of that particular project the same one he has described in relation to the National Economic Plan this afternoon? In other words, funding through CSSL and so forth?

1745 **Hon. Sir J J Bossano:** Except for one element, which is the materials that were purchased already by GJBS, or by the Government, which had been unused. For those materials, we have asked the people involved and benefiting from this to provide the funding. So the funding of the actual work is being done through the normal media, but the reimbursement to GJBS of the materials that were already provided is being done by the users in the area who will be the beneficiaries of the scheme being finished.

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Hon. D J Bossino: In other words, the businesses in the area that he talked about in answer to the second question, which is Question 562, for whose use the new parking facility is being constructed.

1755 Is he able to give me numbers as to how many parking spaces are available and what the take-up has been? Probably 100%, I imagine.

Hon. Sir J J Bossano: I do not have that detail because I am not directly involved in these areas, but I can get the information and send it to him.

1760 **Hon. D J Bossino:** Just to be clear, it is those businesses which are going to be paying for the materials that were used but came from GJBS?

1765 **Hon. Sir J J Bossano:** The businesses that are in the area, but again I do not know which those businesses are. I know that in the process of looking at the funding that was required we have not funded the purchase of what had originally been put on site by GJBS way back in 2017 when they were engaged in doing it, because we thought it would not be something that ... The system in place is not designed to do that, so we went to the people who had been originally involved in the negotiations and said to them, 'Since GJBS is not going to be doing it and we have to acquire this from GJBS, we expect you to pay for this up front,' and then that will not form part of the cost of the development because they will have paid for it.

1775 **Hon. D J Bossino:** In relation to the next question, which related to the workers' hostel, he said it was on hold. May I ask why that is the case? The project was designed specifically to alleviate the demand for temporary housing for locals who are experiencing difficulties prior to being allocated a permanent home. Given the delays which are going to be experienced in connection with the affordable homes projects, it would seem that it is a highly relevant demand and need. Or is it that the Coaling Island project is going to be meeting that need? I know in the last session it was slightly controversial because I think the hon. Member was not willing to answer any questions in relation to the purpose behind the Coaling Island project, but I just wanted to understand why a project which is going to be addressing such an important social need is currently on hold.

1785 **Hon. Sir J J Bossano:** I am not sure that the project was going to meet what he thinks it was going to meet, Mr Speaker, because it was predominantly a project to be able to develop the areas where we now have the hostels and, of course, to give the people in the hostels something which is better, because the hostels are really not up to scratch and those places should have been replaced a long time ago. That was the primary aim and I think it said it would also be available for people who became homeless or when families separated and they have not got the ability ...

1790 There is a concept that I am pursuing, but I have not yet got to the stage of being able to announce something specific, which is to try to come up with what I would call transitional housing for people who are in the process of purchasing and not in Government housing and are therefore having extreme difficulty, having down-payments and paying private sector rents. I am looking at the possibility of producing transitional housing, which would have a specific market, which would be people in that category – that is to say people who would be renting. It would be using the same mechanism of the GBIC/CSS funding but they would be renting the property on the basis that when they bought they would move out, so it would not be a permanent thing, and their rents would be below the lowest that is available in the market, maybe half of what the market is charging, because it would still have to be capable of being self-financing. It is not subsidised but it would not be producing big profits, because we are not in the business of investing in real estate to make big profits.

1800 What he has identified, which I think exists and has to be addressed, I do not think would have been addressed by what we are doing there, and what we are doing there cannot go on because

of the complications dealing with where the roundabout is going to go, coming from the tunnel. We were stopped initially by the Planning Department from doing anything there because at that
1805 time, six or nine months ago, it might have meant doing something that would have affected the
works in the tunnel, and the experience we have had is that anything that affected works with the
tunnel is immediately used by the other party to say, 'You are doing something you shouldn't be
doing.' Given the unhappy relationship we had with the party that was doing the tunnel, I was told
that I should not go anywhere near it, so we put a stop to it and we concentrated on doing other
1810 things. That is the only reason for it.

I think when mention was made of providing for families, it was more for people who are not
adequately catered for by the hostels we have, which are for single men who are workers and not
for anybody else. For the people who are buying, I think you would need to have something that
would be really home and not a hostel. The people who are buying and renting simultaneously I
1815 think would only move from where they are if they got something perhaps equivalent in size and
so on at an unsubsidised rent but just a rent that barely covers costs, which is what I am hoping
to be able to deliver. I am not sure that it is possible to do, but I think if I am able to deliver it, it
will meet the problem that he identifies, which I agree with him exists.

Hon. D J Bossino: The way I understood it is the way he has just explained is the temporary
1820 housing for those people who are waiting for affordable housing. That is the way I understood it,
but it is possible that it is open to the interpretation that he is giving it, because if you read on it
says it will act as a stepping stone for those who may be experiencing a sense of homelessness
before being moved into adequate housing by the Gibraltar Government. So it is possible, but he
1825 has explained the position and that there is no connection with the Coaling Island project.

Just to confirm, because the planning application was filed on behalf of CSSL, again is the idea
that once this gets off the ground – and he has explained that the reason why it is on hold is that
it is, in effect, as a result of planning considerations, if I can put it in those general terms – the
funding for that project is going to be the same model that is used for the National Economic Plan?
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Hon. Sir J J Bossano: At the moment, that is the only model available. If we are not doing this,
it will not happen. I am at an early stage of talking to potential local developers who have
expressed an interest in being involved. It may not lead anywhere because maybe they are looking
for profit margins. That is not what I am producing, so they may not want to come in, and maybe
1835 they only want to come in where there is the possibility of bigger profit margins, given that the
market seems to operate, from what I see as an outsider, as people buying something off plan and
then reselling it when it is still off plan and there are resales several times before the first brick is
laid. That is not the kind of situation that the National Economic Plan is going to be producing. But
there may be some areas where people see the potential of buying to resell, expecting
1840 revaluations, and therefore, if the funding that comes in is something that adds value to what I
am trying to do with the National Economic Plan, I am willing to listen to it. But until that happens,
it will all be either from the origin of the Savings Bank or from retained profits that are being
reinvested, which would be a very small part because the profit margins are not the normal profit
margins of normal commercial property developers.
1845

Hon. D J Bossino: And may I ask him, finally, in respect of this point, Mr Speaker, when he
thinks that ...? Presumably the planning considerations have been addressed and resolved, and if
that is the case, when does he think this particular project will get off the ground? I hear what he
says about the possibility of an outside investor providing the finance for this. Presumably, he
1850 wants to explore that. If that is exhausted and it comes to nowt, he will then use the funding, as
he has described to my hon. Friend here to the right, from the Savings Bank?

Hon. Sir J J Bossano: I think we would be in a position to revisit the project if the tunnel reaches
the final stage in three months' time. We will have to wait and see. There have been a few previous

1855 dates when it was supposed to be finished and it has not been finished, but if it finishes when it is
supposed to be finished this time, which is in the first quarter of next year, then we will go back
to looking again at that project after that.

Mr Speaker: I think the Hon. Damon Bossino should continue with his supplementaries and
1860 then – (*Interjection*) Yes. Go ahead.

Hon. D J Bossino: Continue with the supplementaries in respect of the questions posed? It is
just that the Hon. Mr Clinton had a supplementary in relation to this particular question.

So continuing with Question 564, which dealt with Community Services and Supplies Ltd, the
1865 hon. Member's answer was that this company is not providing services – I cannot remember what
he said; my note is not very good (*Interjection*) – or supplying work to the Government. In fact, as
far as the latter point is concerned, he was very clear on the last occasion that this company is not
1870 hiring labour to the Government. He was very clear about that. But if I can quote him ... I do not
think the *Hansard* is out, but I have watched the video online. Can he provide some further
information in relation to this by way of assistance? He said that we do not hire labour from CSS,
which addresses the point I have just made, but he says we may give them work to do with their
labour from us. I was not very clear about that latter bit – 'but we may give them work to do'.
Hence why I do not understand why he has answered the question in the way he has, because he
1875 did say that we give them work to do with the labour force, but we do not hire labour from them
as a Government. That was his full reply, but he is now saying he is not providing services or
supplying labour.

Hon. Sir J J Bossano: Mr Speaker, the answer is specific to the question I have got. If the
Member wants to ask different things as supplementaries when he has the opportunity [*inaudible*]
1880 he should not wait for the supplementary in the first place. The question is whether we are
currently, and we are not. We are not currently. The Government is not currently.

CSS is involved in providing a service that is related to the development of all the projects. That
does not mean that tomorrow CSS might not do something else, but as I speak today there is no
service being provided by CSS to the Government and no labour being provided by CSS to the
1885 Government. CSS is only involved in the delivery of the National Economic Plan at the moment. It
is not that it will not do it or it cannot do it; I am saying it is not happening at the moment.

Hon. D J Bossino: Mr Speaker, the question was very simple and it arose from the answer he
gave last time. He said, very simply, we may give them work to do, and the question was what
1890 work is this company doing for the Government. It is very simple. Is the answer nothing? Or is it
that last month it was doing work for the Government and now it is not doing work for the
Government? I am not following what he is saying. It just requires clarification, I think. I do not
think there is anything particularly controversial.

Hon. Sir J J Bossano: I am not trying to be controversial, Mr Speaker. It is just the understanding
of the English language that is at stake here. 'We may' means we may give it or we may not give
it, and I have said we have not given it, but we may give it tomorrow. Since he is asking me the
question today, as at today we have not given them any work that needs to be done for the
Government. They are working on things that are in the National Economic Plan, which is at arm's
1900 length from the Government, and they may enter into providing services at some stage, but at the
moment the service they provide is in connection with the delivery of the National Economic Plan
and nothing else. That does not mean that we see anything wrong in anything different happening,
it is just that it is not happening at present but it may. He can, of course, ask me every month if it
has happened and I will tell him whether it has or it is still in the 'may' area.

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Mr Speaker: Can I suggest that in the future, when you table a question, why don't you refer to something? I think that was the situation which arose in the Minister's mind. He could not make the connection because you had not given him the connection. You gave him the connection as a supplementary but not in the original question. That is what I am saying.

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Hon. D J Bossino: Mr Speaker, yes, it is a recommendation that one can consider, but he has understood it and he knows where I was coming from. One can look back and understand in response to which question I asked he responded in the way he did. The implication was, the way I understood it, that work was being given, but he has clarified the position.

1915

In relation to the final question that I posed, which was in relation to Wonderworks Media Ltd, which is a company that is a subsidiary of CSS Ltd, given that we have to be careful with the use of semantics here to make sure that we get the answer we want, he is saying that there are no employees of this company working ... The question was in Government Departments. The information that I have, and I have said so in this House now on at least two occasions in the past, is that there are employees of this company working within Government Departments. I have heard of 10 in the Town Planning Department, I understand that there are two in the Tourism Department and I understand also that there are some – I do not know how many, or at least I do not recall – in the Social Security Department. If the question was phrased differently, so if we said working *for* Government Departments, as opposed to *in* Government Departments, would that produce a different response?

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Hon. Sir J J Bossano: It is not that I am trying to withhold information from him, so I am not playing semantic games. If I have information, I give it to him, and if I tell him I do not know it is because I do not know. If he has difficulty in believing that I am telling the truth, I do not like it because he has known me long enough to know me.

1930

On 26th October, I am informed, having made inquiries, the Planning Department asked for the assistance of this company and this company sent a trainee for five days and did not charge any money, so whoever told him that the company is working or that workers in the company are doing the work of civil servants in the Planning Department does not know what they are talking about or is deliberately misleading the Member. It is an initiative from the Planning Department because their computers were down and the paperwork was piling up. They had contact with this company because the company is involved in the planning of the projects that we have, and they asked the company, 'Can you help with the backlog we have here?' and the company took one of its employees, sent them for five days to help bring the load down and then brought him back. He was not employed, paid for, hired or anything.

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That is the information that I have obtained – of which I had no knowledge – to find out why he was insistent that there was somebody working in the Planning Department when I was sure that there was not. If he wants to say that that is something that should not happen and that the next time, if they ask for help, even if somebody is being provided free of charge, it should be denied, then he is entitled to have that view.

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The employee was there for five days, did the work, but was all the time employed by the person who provided him and not hired, and no payment changed hands. I do not consider that to be somebody working, but if he wants to see it as somebody working ... That person was not replacing a civil servant and was not doing the work of anybody else; it was just because it was in the interest of the applications that we have in the pile, to help reduce the pile. The people who are employed in Wonderworks Media who may be doing work for CSS were keen to ... When they made enquiries about the delays and they said, 'The delays are for this reason,' they wrote an email and said, 'If you send us somebody to help, we may get through the pile quicker,' and that is what they did. No sinister movement there.

1950

As far as some people working in the Social Security Department, I am the Minister for the Social Security Department and I had two people who were with me in the Ministry for Economic Development and I have sent them over to help in my other Department. Nothing to do with

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Wonderworks or anybody else. I do not know about the Tourism situation, but I will find out and let him know.

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Hon. D J Bossino: I must say that I find it quite remarkable, his answer, but let's leave it at that.

Just so I understand it, what he is saying is that CSSL, which is involved in so many planning applications, enquired as to the delay in relation to the projects in respect of which it is filing planning applications with the Planning Department, and they said, 'We cannot do it because we are short staffed,' (*Interjection*) – if I can just finish the point; he has a good memory and I am sure he will take a note of what I say – and provided, through its subsidiary, an employee to finish the job. I find that somewhat remarkable in terms of due process and the way Government works.

1965

He is saying, whether he was paid or not, presumably paid by the Government ... Presumably that individual would have been paid – if not, he would have been working illegally – by Wonderworks Media Ltd, but it was not charged to the Government. I understand that, because it was a benefit to its parent company, which is CSSL. It was not an expense to the Government, but that is almost by the by.

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In terms of due process and things like that, is he able to confirm that this individual, although he or she was there for five days – or it could have been one day or 10 minutes – was subject to things like the Official Secrets Act and all the rest of it, data protection, to ensure that the information that this individual was seeing was not then distributed, which would have resulted in advantage to CSSL in terms of the planning process?

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Hon. Sir J J Bossano: Mr Speaker, I have made the enquiry in order to be able to reassure the Member that the information that he claimed to have was inaccurate. It is quite obvious that having failed to be able to continue to criticise me for what he was criticising me for before, he has now, while he was listening to my explanation, come up with a new reason for criticising me.

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I am not responsible for any of it. I was trying to be helpful, to put him at ease given the anguish he was suffering from not being able to reconcile what he was hearing from me with the truth. The information I have given him is the information I solicited in order to put the record straight for his advantage.

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As far as his supplementary, I am not going to be his messenger to seek any more information on this or anything else.

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Hon. D J Bossino: It is the typical response I would get from the hon. Member.

Mr Speaker, it is obvious and clear that with a change of one word in my question – and he is saying that he is not playing with semantics – we have had information being provided. It was obvious what information was being sought, so all I had to do was change an 'in' to a 'for' and I have had this information.

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Can he confirm and undertake that he will provide me with information so that we do not have to go through this piecemeal process again? If he wants, I will write to him. If not, I can pose questions in this House. He says he does not know whether there are employees of Wonderworks Media Ltd working for the Tourism Department. That puts me in some doubt as to whether there are other employees of Wonderworks Media Ltd providing services by way of labour to other Government Departments. So can he, next time, if I ask the question, provide me with a full list – I will make sure it says 'for' and not 'in' – of those employees of this company working for Government Departments?

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Hon. Sir J J Bossano: Mr Speaker, I have to provide information as the Minister for Economic Development, as Minister for Social Security and as the person responsible for the National Economic Plan, but I am not here to provide ... whatever question he chooses. And when I try to be helpful and give him more information he then accuses me of playing with semantics.

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The reality is that since the hon. Member is 24 hours a day, seven days a week, 52 weeks a year on a campaign to replace Mr Azopardi, we have to put up with all this nonsense. He wants to make

2010 sure that he is on the front page every day as the most aggressive Member of the Opposition. Well, I am not going to assist him in that task, so the answer is very simple. If I have told him something, I am telling him what I am in the knowledge of. If I say as far as I know there is nobody working in any Government Department, he immediately says that must mean that I know there is somebody, that I am lying and that I am hiding and playing semantics by saying 'as far as I know'.

2015 He has mentioned specifically the Tourism Department, which is not mentioned in the question, because he says 'in any Government Department', and the last time he mentioned Planning and Social Security. As far as I am concerned, there is nobody working in any Department. Has any Department given work to somebody who is using an employee of that company? Maybe, I do not know, but the hon. Member seems to think that I have nothing better to do than to try
2020 and not give him information. Well, I can assure him that he gives me work because I seek to satisfy his interest in a piece of information, and that for all the effort I make the net result is that that, in his eyes, proves I was deliberately misleading him.

I am not going to play his game, so the answer is I will not go around trying to find out if there is anybody anywhere, because it is not my job to do that. I have only done it as a consequence of
2025 the previous time when I told him I did not have information about something and he said he would not believe me. He found it very difficult to believe me. Well, that is his opinion of me. I regret that he should think that of me.

Hon. D J Bossino: Mr Speaker –

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Mr Speaker: No. (*Interjection by Hon. D J Bossino*) Right. One final question, but I want moderation in the tone.

Hon. D J Bossino: Mr Speaker, the moderation in tone is something that I would counsel the
2035 hon. Member to employ. If my aim was to make him irate, I certainly think I have achieved that. The other things he talks about I think are totally and utterly irrelevant to the questions I am posing. The fact is we are getting somewhere. We are getting some information from the initial answer he provided.

I am going to ask a question, Mr Speaker. It is this. We had the same situation yesterday and
2040 we had the same situation last month. The questions are filed. They are not directed. We do not direct and decide who of that lot answers the question. (**A Member:** That lot?) They are the ones who decide and set up –

Mr Speaker: You withdraw that? Okay.

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Hon. D J Bossino: The hon. Members opposite are the ones who decide who answers the questions. This question is posed and made of the Government and the hon. Member has said he does not have that information available. I have said 'if there are individuals employed by this company working in a particular Government Department'. I do not need to identify which
2050 Government Departments. The question is very clearly laid. It talks about 'in Government Departments', which are then amended to 'for', which resulted in the answer he has given.

I mentioned the Tourism Department. Mr Speaker, the Hon. the Minister for Tourism is sitting here in this House today. Can't he answer this question? Can't he say whether his Department has individuals working for it who are employed by this company?

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Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, he is going to have to give notice for that question.

Mr Speaker: I think we need to move on. Hold on. I think the Hon. Marlene Hassan Nahon
2060 wants to ask a question. (*Interjection*) The Hon. Roy Clinton will have an opportunity.

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

2065 I did not actually pose this question myself – it is a supplementary of my colleague on the right here – because I actually knew the answer. Gibraltar is a very small place and we all know the answer. We all know who works where and why, so when the Minister talks about ‘as far as he is concerned’, ‘not relevant here’, ‘we do not know’, going round in circles, we all know the answer. That is why I did not ask it myself, but I want to exercise my right to ask a supplementary and ask is he actually insulting our intelligence, because we all know the answer.

2070 **Hon. D J Bossino:** Mr Speaker, I would like to raise a point of order in relation to the comment that was made before as to whether I had given notice of the question. The question very clearly says, in relation to this company, ‘working in Government Departments’. That includes the Ministry for Tourism. It is a Government Department, therefore notice has been given – the due notice, which was five days.

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Mr Speaker: Does the Hon. Minister have an answer for that? Does he have any information that he may ...? He does not? Fine.

2080 **Hon. V Daryanani:** Mr Speaker, I do not have any information on which company or anything of that sort. That is why I am saying he should give specific notice.

Mr Speaker: You have answered the question. You do not have any information. Fine. Does the Hon. Minister, Sir Joe, wish to –?

2085 **Hon. Sir J J Bossano:** [*Inaudible*] the introductory remarks of the hon. Member. At the end of the day, whether people on that side of the House believe what we tell them from this side of the House is a matter for them, just like it was when we were on that side and we were told lots of things that we thought lacked apparent credibility, and presumably the people who were then in government thought they were giving all the information that should be given. Nothing has changed.

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Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. I will be brief.

2095 If I can ask the Minister, going back to Question 561, just two elements: (1) can he confirm that this particular project is now being undertaken or completed under the auspices of the National Economic Plan using the funding mechanism that we have spent some time exploring; and (2) why was it that GJBS could not complete the project?

2100 **Hon. Sir J J Bossano:** I have no idea, because it goes back quite a long way. We are talking about five years ago, 2017. I know in 2017 they were involved in many other projects and maybe they found that they did not have the resources. They were involved in the big project here in the middle of town and then they went on to do all the work in the Island Games. I can only assume they had a project there which was something they might have started when they did not have a lot of work and then found that at different stages they were not able to go back to doing it. They were taking on a very big workload after 2017, 2018 and 2019 – 2019 was the Island Games and then, after that, of course, during the COVID years there was the practical closure of much of the construction industry. Now I think that to go back to it is something that ... They do not have the resources now that they had then, because the Government is not putting money into the I&D Fund and they are very tight for funding.

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It has been, already, seven years since it was started and when it was brought to my attention I thought it was something that was viable and worth doing and that we should be able to do it through the finance system that we have created for the National Economic Plan, so we

2115 incorporated it as one of our projects. The only thing is that I did not want the complication of the materials that had already been paid for to be creating an anomaly in the system, so I asked that that should be refunded by the ultimate beneficiaries back to GJBS and not through us.

Mr Speaker: No, we are –

2120 **Hon. D J Bossino:** No, Mr Speaker, it is not a question, it is a point of clarification, with the Chair's leave.

2125 The Hon. the Minister for Tourism does not have the information available to him in respect of a question that he had notice of. I just want to make absolutely sure that I will be able to ask the question in the next session, a specific question in respect of his Ministry and in respect of this company, and not be bound by the six-month rule. I am very surprised they did not have this information, because at the end of the day that Department, I do not think, is that big in terms of staff.

Mr Speaker: No, we proceed now to the next question. Next question, please.

Q566/2022

**Child welfare payments –
December delay**

Q567/2022

**£25 million additional borrowing –
Whether used**

Q568-69/2022

**Victoria Stadium –
Premium re site development; room composition of apartments**

2130 **Clerk:** Question 566/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, why have child welfare payments been delayed in December?

2135 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Questions 567 to 569.

2140 **Clerk:** Question 567/2022. The Hon. the Leader of the Opposition.

2145 **Hon. K Azopardi:** Has the Government spent or used any part of the additional £25 million which the Minister for Financial Stability confirmed in answer to Q491-92/2022 had been borrowed this financial year; and, if so how, much and on what?

Clerk: Question 568/2022. The Hon. the Leader of the Opposition.

2150 **Hon. K Azopardi:** Has the Gibraltar Football Association or any other entity paid or agreed to pay a premium for the development of the current site of the Victoria Stadium; if so, which entity and in what amount?

Clerk: Question 569/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many one, two, three and four-bedroom apartments are projected to form part of the new Victoria Stadium development?

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Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Hon. Sir J J Bossano: Mr Speaker, I am informed that child welfare grant payments were delayed as part of an essential annual exercise to reassess the eligibility and current rates of existing claimants to the grant. All individuals who have submitted the required paperwork and documentary evidence should have received their payments by now.

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The £25 million additional drawdown was credited to the Consolidated Fund and not the Improvement and Development Fund, which means it has not been used on any specific project.

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No additional premium is going to be paid for the development site already owned by the Gibraltar Football Association, for which they have already paid £16.5 million.

The detailed configuration of the Victoria Stadium development has not yet been finalised.

Hon. K Azopardi: Mr Speaker, in relation to the child welfare payments, the Minister has clarified that everyone who is eligible has now received the payments, and that is a good thing but the reason for the question is because we were being approached at the time by people who obviously got concerned. Child welfare payments, by their very nature, are targeted relief for families – single mothers a lot of the time – and so any kind of delay, even if it is as a result of a fairly sensible explanation, as the Minister has given, because there needs to be an annual review and so on, causes concern to people who are living with very low means. So can I just urge the Minister, given that this has caused concern to several people, that the Department take on board that if it has to – well, it will – do annual reviews in future, it does so in a way that can ... I am not sure how, but that he talks with his officials so that they do so in a way that factors in that it does not then delay payments, so that there is some kind of assessment that can be done before payments trickle out?

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Hon. Sir J J Bossano: I agree with him, Mr Speaker. I am told that part of the complication this year was that although it is supposed to be an annual review, it had not been done since before the COVID epidemic. That was the last time, and therefore I suppose it was slightly more complicated because of that long interruption. Hopefully it will not occur again in the future.

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Hon. K Azopardi: Mr Speaker, I am sure that will be welcome news for people who will be concerned about those child welfare payments.

Can I ask on the £25 million? His answer was, I think – I took a note – that it went to the Consolidated Fund, not being used for a project. I was not asking whether there was a specific project in mind because he said it is not credited to the I&DF. I get that. My question was more generic. If he looks again at the language of my question, what I am asking really is the £25 million was credited to the Consolidated Fund – has it been used? Has it been spent, and if so, on what?

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Hon. Sir J J Bossano: The problem with that is that the pound notes that make up the £25 million are not different from the notes that were already in the Consolidated Fund, so if the Consolidated Fund is, say, £3 million lower, is it from the £25 million or is it from the money that was there before? Twenty five million was added. I think it is something like £3½ million down compared to the figures that I gave a month ago, but you cannot say the £3½ million came from the £25 million.

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2205 **Hon. K Azopardi:** I see. I understand the explanation. I suppose the answer to the question will be that at the end of the year we will know whether that money has been used, in effect, because the final profit and loss, if I can put it that way – the balance sheet exercise – would be correct wouldn't it?

2210 **Hon. Sir J J Bossano:** [*Inaudible*] to understand, because I have explained it before to the Hon. Mr Clinton that the Government's outlay is more or less steady every month but the revenue sometimes comes with much bigger figures in one month than in others. So although we may be actually running in a deficit situation, there are months when we are in surplus. Unfortunately, the months in surplus are fewer than the ones in deficit, so the reality is that you could actually find that when the money in the kitty went up by £25 million, the next month we might be £5 million down and you would say we must have spent £5 million of the £20 million, but then a month later we might have £25 million coming in because there was a big payment of company tax or something, and the level would be up. It really is a daily thing. This changes every day, so the only real figures are the figures at the end. Throughout every month you estimate the money at the time of the day and it might be one figure at 10 the morning and another figure at closing time. So it does give an indication, I think, when there is a lot of money going out and very little money coming in, but when it is more or less balanced – and at the moment, fortunately, we are more or less balanced since that £25 million, otherwise we would have been down and we would have been having to seek to draw more money. So we drew the money then. The decision was taken that even though we did not really need it at that time, we should draw it, and the balance has not changed more than £3 million or £4 million in one direction or the other since we took the £25 million. That may help to understand the state of play.

2225 **Hon. K Azopardi:** Yes, Mr Speaker, that is helpful, thank you.

2230 Can I ask about the football stadium now? I think his answer in relation to my question has the GFA paid a premium is that the GFA will not pay a development premium, that no development premium will be paid – that is, I think, what he said – not just by the GFA, by any entity. No development premium will be paid. Can I just explore that? That would be different to every time, at least to my knowledge, or at least most of the times the Government negotiates. If someone wants to develop a plot of land and wants to build houses on it, for example, they would negotiate a premium to develop that land from the Government, because that provides the taxpayer the value for money of conferring development rights on the entity – the developer, in this case, who wants to build houses, say.

2235 The GFA bought the land on which the stadium is built for £16.5 million, but at the time never paid development rights because all they were doing was acquiring the football stadium; they were not acquiring development rights. But now, as part of this project – we have seen the images – this project is not just going to be a rebuilt stadium, it is going to include commercial units. It is also going to include residential, and hence the next question that I had on the Order Paper. In the normal way, anyone who wants to build commercial or residential would pay a premium for that, so why is the Government satisfied that the taxpayer, not the savers – because obviously the savers, through the Savings Bank, are investing in the project, and so the savers might be protected through an interest rate return, which we spoke about in relation to the other question – but in relation to the taxpayer, who is conferring the land on which the development will be built and how is the taxpayer obtaining value for money if no premium will be paid for the development?

2250 **Hon. Sir J J Bossano:** I think it is self-evident. The taxpayer is going to benefit from the fact that the project will happen. The taxpayer pays taxes because the Government has to tax people to deliver services. If we create an asset that produces economic activity, that allows the football home matches to be played here, that people come and visit Gibraltar, the effect on Government

revenues and economic activity is to the benefit of the taxpayers, who would otherwise maybe have to pay more taxes for things that the Government provides.

2255 If the taxpayer was rewarded at the beginning of this process by saying there has to be a premium on this, as there would be in any other luxury development, it would not happen, so the taxpayer will have nothing. The taxpayer would be worse off because, on the basis of the figures that we have looked at, a premium at this stage would appear to tip the balance, which would mean that the return on the project would not be enough to satisfy us that this is a project that
2260 needs to be ... We are convinced that it needs to be done, but it needs to be understood that the National Economic Plan will not undertake anything where there is not at least, as a minimum, the money that services the loan and that everything else breaks even.

If we treated this as if it were a plot of land on which people were going to make money and that was it ... but of course it includes a stadium, which has no return. The stadium part of the
2265 project does not produce a profit. The expenditure of the whole/home cannot be the expenditure on the commercial bid alone. If it was the expenditure on the commercial bid alone and there was no stadium there, then you could argue that the people there are going to make a lot of money so they should be taxed for the money, but that is not the case. This is why originally there was no provision for doing anything else, and this is why that has had to be changed. It has not been
2270 changed so as to enable the Government to tax the developer. It has been changed so as to enable the National Economic Plan to be confident that this is worth supporting because it is going to be a viable proposition. We would not be as confident that if they had to pay £x million up front before doing anything else the project would then have the same viability.

It may be something we have to revisit when the whole thing is finished and we see what the
2275 profit levels are, but it is not something that anybody is going to put their money in, and certainly the National Economic Plan is not going to give them a premium to do it, and the GFA does not have the money to give a premium. The answer is that if you look at it realistically, if it is going to go ahead, it will only go ahead on the basis that there is no further premium at this stage, and I do not think, frankly, there will be a further premium in the future either, but we will not know
2280 until that happens. I am confident that it is viable, I am confident it will make a good profit, I am confident that we will recover the money, but I am not confident that if we tax it at the beginning, before it has even got off the ground ... If you do that at the beginning, then you have to change all the other numbers, and if it is not going to happen then the taxpayer is no better off. Gibraltar is worse off because it has not happened.

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Hon. K Azopardi: Mr Speaker, with respect to the hon. Member, there is a difference between economic value and value for money for the taxpayer, which is what I am talking about. I am not engaging necessarily on the issue of economic value. I recognise that if you put, alongside a stadium, residential and commercial, as a project it may have economic value. Of course. I accept that.
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My question is more directed on value for money for the taxpayer. He says, 'If I front load the premium issue, well then it may not happen and we may need to change the numbers,' but the question is ultimately ... Savers are putting in money, on which they are getting a return, but there are going to be valuable economic assets created in the entire project – the residential aspects,
2295 the apartments, the housing and the hotel – and it is a slightly curious answer to say if we did that the project would not happen. If they took that view with every other development, no developer would pay a premium for land.

The core question here is when the stadium project happens, based on the fact that savers have put in money on which they are going to get a return and it produces profits in the
2300 apartments and the commercials, someone is going to keep the profit. Who is that? And if the entity that is keeping the profit is not the Government, that is the reason why you charge a premium. If he is going to say to me we are not charging a premium but the profits of the apartments and the commercials are going to the Government, that may be an argument for it,

2305 but normally when someone is allowed to do a residential development, the Government – the taxpayer – gets its value through the premium.

Hon. Sir J J Bossano: *[Inaudible]* understand it. If somebody was doing the development that is commercial and that somebody was not also doing a stadium, they would make a lot of money on the commercial. The cost of the stadium is going to be part of the cost of the commercial. 2310 Nobody is going to pay separately for the stadium. The complex will have a cost because it is a complex with a stadium that it would not have if it was accomplished without the stadium. If it was accomplished without the stadium, there would be a premium for the land because there would be no extraneous cost encumbering that development.

I do not know if I should take the dangerous step of giving examples, but let's say that the 2315 whole project was £10 and the stadium was £2, so without the stadium it is £8, the guys can make £2 more but they will not be able to pay £2 more because they have to start building a stadium which costs them £2, and that increases the cost of the project by 25%. If we say that the development has to include a stadium, for which the GFA will not pay, and has to pay a premium of the land to the Government, then the effect of that, in my judgement, means that the level of 2320 profitability inevitably is reduced from what it would be if the stadium did not exist, which is what would generate the premium. So the premium on the land would not be there unless we said we were going to do a development but not do a stadium, and then you would value the commercial benefits and the commercial profits and forget about the stadium. You would say, 'You have to pay so much for land,' and the guys doing the development would pay it gladly because they would 2325 be making more than sufficient money to pay the premium and still have a hefty profit. This not what is going to happen.

What is going to happen is that there is something that is being allowed to happen, which previously would not have been allowed, as a way of being able to deliver the stadium. If the GFA 2330 had been able to obtain sources for doing the stadium alone, then the rest would not have existed and no premium would have existed. So either there is a premium for property and no stadium or there is a stadium that somebody from outside comes along and buys, invests in and gives it to us without charging anybody anything; or, as far as I am concerned, the property has been created and allowed to happen not in order to make money for the Government but in order to make the stadium available. The fact that the stadium is made available we think in the long run will mean 2335 there is a benefit to the Government from the activity generated.

Imposing a premium on the land is done because you do not want the property speculator to make more money without the Government, on behalf of the people, taking a share of the cake. There is not a share of the cake. The cake has been increased to make the first thing happen. We are confident that it can do it on the basis that there is no extra funding required to pay the 2340 premium. If tomorrow there was a premium, the only way it would happen would be if the National Economic Plan, out of its profits, paid to the Government the premium, which would be going from one pocket to the other because there is no other party in this.

We have to see how this develops. There are people who are expressing an interest in participating, there are people who are expressing an interest in buying already, but this is at a 2345 stage where you cannot take these things and ... You cannot bank people's interest. This has to be a solid development that works for what it is intended to do. It is only happening because I have been persuaded that it is worth supporting as part of the National Income Plan because it is in the national interest. And because it is in the national interest and it is not a cost to the taxpayer, it is going to happen in the way I have explained it because that is the way I have conceived it and that 2350 is the way I have discussed it with other people.

You cannot say the taxpayer is going to be losing out. The taxpayer not going to be losing out because the premium would never have happened if the stadium had been provided for by UEFA, or whoever it was. If that had happened, there would have been no premium other than what had been paid and there would have been no other developments. I am convinced with the figures I 2355 have seen, which do not include a premium, but I would not want to put the confidence that I

have in those figures at risk by saying, 'Before you start, you have to pay a premium for the land.' That is the reason, as far as I am concerned, why there will be no premium, because either it happens without a premium or it does not happen.

2360 **Hon. K Azopardi:** Hopefully my last question. It is not that I am not trying to understand it ... I am trying to understand it and I hear what the hon. Member says, but in effect what is happening here is ... I do not want to tread into the hon. Lady's questions. I am sure she will have something to say, because there are questions on the Order Paper in her name that will probe the question as to whether it would or would not have happened, because we all know the historic
2365 commitments that there were about UEFA money in the refurbishment of the stadium, but what we have here is the Savings Bank jumping in to make the project happen, in effect subsidising the whole situation.

This not a private developer who comes to the Government and says, 'I want to do this,' and takes the risk of finding the financing, is going to profit from the development and the Government
2370 takes a premium. No one is taking any risk. No private party is taking a risk here. The Savings Bank is investing money, on which it wants a return. All I am saying is that if profits are then going to be created by the project, you would have expected the taxpayer to be compensated in terms of premium or keep the profits of the development. Or is it that the Minister is saying that, in essence, on the financial studies that they have done so far, the profits of the residential and
2375 commercial are going to equate to the investment of the Savings Bank together with the return that the Savings Bank is going to make?

Hon. Sir J J Bossano: What I am saying, Mr Speaker – which is the same as I have said already, but he has put it in a different way – is that the viability of the project to be done on the scale that
2380 is being done ... The scale is being determined precisely in order to be able to ensure that there is no risk to the investment by the Savings Bank. If you had to take bigger profits out, then you might have to try and do a bigger project. That is not impossible, but what I am saying to the hon. Member when he says the Savings Bank has had to dive in and do it is that the reality is that if it had been possible to be done in some other way, it would have been done already.

This has been going on for many years and we have had international football matches here in Gibraltar. Because the people in UEFA have been approached and they have been asked for an extension and they have just said there is no more extension, when it came to the stage where there was no more extension and therefore no more home teams – the last one was the one that was held – and with people having to go to Portugal, I was approached and they said, 'Is there any
2385 way that you can help with what you are doing with the National Economic Plan and all the developments they are doing?' Like anything else, and I have told the hon. Member, whether it comes from the private sector or it comes from investors or anybody who wants to do things that create economic activity, my doors are open, so I looked at it and I thought this looks feasible. It also means that the massing of the project has been looked at on the basis that what will be
2390 allowed to happen will be what is required to produce a viable return for all the elements that are going to be involved in the expenditure and the return on those moneys, and not for either making big profits or paying any premiums.

It is possible to produce a premium by increasing the commercial side and then producing more profit and then producing a premium, but every single home that has been built in the co-ownership system that the first socialist Government invented in Gibraltar has been built on land
2400 that was given away. The taxpayer subsidised people who have made more money on buying a home and reselling it than they would have done if they had won every lottery since 1988. Was that the right thing to do, or should we have charged premiums to people who, after a relatively short period of time, were free to sell their property on the open market?

You take decisions when you need to take them on the basis of the position that exists at the time. The position I see now is that the package we have and the way we have approached it is the way that, as far as I am concerned, will guarantee that this will make money – not a huge
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amount of money but enough money to meet all the necessary criteria – and that it will be a viable proposition. If we were to add a cost, we would have to add to the income. To add to the income, we would have to build more. If we had to build more, it may be more difficult to convince the DPC to allow even more on something that was never intended to be there. This why, as far as I am concerned, as the person who is responsible for endorsing the policy – because I am the policymaker in the National Economic Plan; I am not the guy who lays bricks, I am the policy maker, I take the political responsibility – I will defend this because I am convinced it works. I am not prepared to put more cost on, which reduces the potential success, and I do not think that putting more cost on and then increasing what we need to produce to deliver it will be as successful because I think there will be perhaps more difficulty in convincing people of how much we can put on the land that is there. It is a matter of judgement. That is my judgement.

2420 **Mr Speaker:** The Hon. the Leader of Opposition, could he make that the final ...?

Hon. K Azopardi: I hope to, Mr Speaker.

Given all that and the explanation he has given on the scheme as it is envisaged, can I just ask him to confirm whether as part of the project, in the way that it is envisaged, any private party is going to take a share of the profits of this project?

Hon. Sir J J Bossano: I have said that already. When I was asked originally about whether we were funding everything, I said if there are people who come in and buy off plan, they may be people who get a lot of money in profit, not because they have been involved in the construction, not because of the costings we have and not because there would have been a premium or not been a premium, but because it is something that seems to happen quite frequently in everything else that has happened in private sector property developments. So if tomorrow somebody says, 'Your plan is going to be that these are the properties that are going to be there' ... I have told him we are not at that stage, but we are at the stage where if somebody comes forward and says, 'I want to buy all the flats and I am going to pay you up front,' we might say, 'Okay, the figure we have is the figure that we need to sell at to make the returns that we need.' This is all hypothetical, of course. This is not answering with factual information, this all hypothetical. If that were to happen, as has happened on other developments, the original developer may be –

2440 **Hon. K Azopardi:** Will the hon. Member give way?

Hon. Sir J J Bossano: Yes.

Hon. K Azopardi: That is not really what I am asking. I am not asking are people going to buy the properties off plan in bulk and then sell them off and make a profit; that is not what I am asking. What I am asking is ... The project will have someone doing it. I am not sure how it is going to be organised, whether it is going to be through CSSL or whatever in the end. Are the profits going to be channelled, in effect, to pay for the stadium and the return, or is any private party going to take a share of the profit, any private party that is involved in the development of the project? That is my question.

Hon. Sir J J Bossano: But what I am saying to the hon. Member is that that does not mean the other situation I have described will not happen. It may happen that somebody will come in and buy everything and then sell it for double the price.

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Mr Speaker: Next question.

Q570-72/2022

Victoria Stadium –

GSB loan to GFA; expected cost; UEFA/FIFA involvement in cost

Q573/2022

**Minister for Social Security, Economic Development, Enterprise,
Telecommunications and the GSB –**

Criteria for seeing constituents with grievances

Q574/2022

**Disability allowances –
Decision-making body**

Clerk: Question 570/2022. The Hon. Ms M D Hassan Nahon.

2460 **Hon. Ms M D Hassan Nahon:** How much has the Gibraltar Savings Bank loaned or intend on loaning to the GFA for the purposes of the new stadium development and at what interest rate?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

2465 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question with Questions 571 to 574.

Clerk: Question 571/2022. The Hon. Ms M D Hassan Nahon.

2470 **Hon. Ms M D Hassan Nahon:** What is the overall cost of the new stadium expected to be?

Clerk: Question 572/2022. The Hon. Ms M D Hassan Nahon.

2475 **Hon. Ms M D Hassan Nahon:** Can government tell this House why it has deviated from the original plan to allow UEFA/FIFA to pay for the development of the stadium?

Clerk: Question 573/2022. The Hon. Ms M D Hassan Nahon.

2480 **Hon. Ms M D Hassan Nahon:** Could Minister Bossano explain his criteria for seeing constituents who seek to visit him to address their grievances?

Clerk: Question 574/2022. The Hon. Ms M D Hassan Nahon.

2485 **Hon. Ms M D Hassan Nahon:** Is there a board in place to decide on the granting of disability allowances?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

2490 **Hon. Sir J J Bossano:** Mr Speaker, the GSB is not lending money to the GFA.
The overall cost of the new stadium is not yet available.

I am informed that there has never been a Government plan to allow UEFA/FIFA to pay for the development of the stadium, so the Government has not deviated from any such plan.

2495 I have no knowledge of any constituents seeking to visit me to address their grievances. I do, however, have many constituents who wish to see me to seek my help or advice on problems they

may have. I hold such constituency surgeries, as they are called in the UK, on Saturdays and Sundays as I work a seven-day week, except for the weekends containing 1st May and Boxing Day. The only criteria that is applied to the opportunity I provide for constituents to share their problems with me is the time I have available.

2500 I am informed that there are two panels, one to process applications by children and one for adults. These panels are composed of medical and health professionals, who offer their advice and recommendations to the Director of Social Security.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I could just ask you, do you think it is logical to bunch up questions that have nothing to do with each other?

Mr Speaker: There is nothing against a Minister grouping his answers.

2510 **Hon. Ms M D Hassan Nahon:** Mr Speaker, when they are relevant you would expect that, but to group questions that have nothing to do with one another is only a way to obfuscate the poser of the question, I think, and the material that I can ...

Mr Speaker: But you can still ask the supplementaries.

2515 **Hon. Ms M D Hassan Nahon:** Okay. Mr Speaker, regarding the Minister saying that it has not deviated from the original plan of UEFA, I think we are starting to live in a parallel universe in this House because certain things are said and then they seem to have never been said, and it is hard to even refute at this point because of all the things that come out, which are just a circular mishmash.

2520 I wanted to ask – or say, and then ask – the Victoria Stadium plot was sold at a price that did not account for the potential to build residential and commercial units within it, and now the GSB is loaning money, effectively – I do not understand how he can say now that the GSB is not – to the GFA at below-market cost to enable it to develop what they promise to be a very lucrative project. But why is the Government so intent on directly or indirectly funding lucrative ventures by the GFA? Aren't they capable of running successful businesses? Is it fair on other sporting, cultural or charity organisations for Government to fund, directly or indirectly, a project with these parameters and these perks?

2530 **Hon. Sir J J Bossano:** Mr Speaker, this not charity, this an investment which will produce a return. I am quite happy, if any charity has a project and they cannot raise funds and it can be combined with something profitable, to do the same thing, provided that ...

2535 What we are trying to do is find a formula in the difficult financial circumstances that Gibraltar and the whole world finds itself. The UK has, this month, just borrowed £52 billion for one month. When there is a problem you have to think outside the box and try to deliver what is important for the community in a way that is not at a cost to the taxpayer and in fact produces economic activity and revenue for the Government.

2540 It is not that the Government is being charitable and donating money to the GFA. If we were saying we are going to use taxpayers' money and build a new stadium at our cost and then let them have it, she might have an argument saying, 'Why are you doing that and not building something else?' In fact, the biggest investment to date is something that is going to provide homes for people who are on the waiting list and have been waiting a very long time to be able to go to the residential facilities we have, which have been full for a very long time. There we are doing it and we expect it to be able to be self-financing, not a cost to the taxpayer.

2545 If she has any charity that would like to do something which involves capital spending – because this not recurrent spending, this is capital – and they are able to come up with a proposal that we can combine with a way of joining something that is profitable to it, so at the end of the

day the bit that does not make money can sustain the participation of the cost of that with the cost of something else that cross-subsidises, then ...

2550 I think it is a model that works for both the recipients, and it is one that we are going to be using in every opportunity where we see that we can do something that otherwise would not get done.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker. It definitely works for some people.

2555 A supplementary to Question 573. Sir Joe says that he does see people on Saturdays and Sundays, which is exactly what I wanted to ask about because it is some of these people who have gone to him on Saturdays and Sundays and have been told, 'Vete al' GSD, you are not one of the party, get someone else to help you.' My question is does the Minister not understand that, especially on Government premises, he is paid to work for all of the electorate and not just members and supporters of his party? Does he believe in real democracy or just in the rights of
2560 those who vote for him?

Hon. Sir J J Bossano: [*Inaudible*] that there is one word of truth in what the hon. Member has said and she has been misled by whoever went to her with a story because I never ask people who they vote for or do not vote for when they come to me with a problem. Frankly, nine times out of
2565 10 they come to me with a problem that I am not able to solve because it is not my Ministry and all I can do is say I will make sure that the relevant Ministry is aware. If people come talking about unemployment, then I have to pass on the message to the Employment Service, and if people come because they have a housing problem, I pass it on to Housing. There are very few people who come to say, 'I want to invest money.' Those, I see on weekdays. On the weekends I see the
2570 guys who have not got money and want help, and I try to help them as much ... Even when I know that they vote for anybody here except me, I still do it because I am not doing it to get votes. I do it because I love the work I do and I get satisfaction out of helping people.

I regret that somebody who came to me went to her, lied to her and said that I said, 'I will not help you because you vote for the GSD.' The vote is secret. People do not normally come and tell
2575 me, 'I voted GSLP', and anyway, when they do occasionally say 'I voted GSLP' I do not take it for granted that they are telling me the truth – I assume that even if they did not, they would tell me they had. Nobody that I know of has ever come to me to say, 'I voted GSD, but I want your help.' That has never happened to me. If it had happened, I would have told them, 'I have not asked you who you voted for. You tell me you have a problem. If I think you have a genuine problem and you
2580 should be listened to, and you are telling me that you cannot reach the people who may be able to solve the problem, I am prepared to contact the relevant Minister of the relevant Department, explain what your problem is and ask them to see what they can do to help you.' There are very few cases where I can help, myself, directly, because the work I do does not involve helping people – except perhaps now that I have Social Security, there may be people in that area. For
2585 example, the delay there has been in delivering benefits: if somebody comes along in that area, the fact that somebody may have been given an answer that does not make sense, which sometimes happens, then I investigate it.

Never, ever, now or since I joined this House in 1972, have I discriminated against people because they have exercised their democratic right to vote for whoever they like.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I am sorry to say that I do believe these constituents. In the lifetime of this Parliament it has come to my attention a handful of times and this is why now, towards the end, I thought I would actually ask a question because it has a pattern.

2595 My question is: if any of these people actually had the guts to go back to Sir Joe and remind him of what he told them, how would he deal with them? Is he going to lie to them?

Mr Speaker: You cannot say that. You must withdraw the 'lie'.

Hon. Ms M D Hassan Nahon: I withdraw that he lied.

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Mr Speaker: And apologise.

Hon. Ms M D Hassan Nahon: Is he going to –?

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Mr Speaker: And apologise.

Hon. Ms M D Hassan Nahon: I apologise.

Will he be forthright with these people and talk to them as if they are regular voters who are entitled to his attention?

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Hon. Sir J J Bossano: Mr Speaker, I do not believe they exist. I have never, ever in my life said to anybody ... Other Members of the benches have called me about people with problems in the last week and I have said I will look at it and I will try to help. It would be a natural assumption for me to say if they have gone to the Opposition it must be because they feel more comfortable going to the Opposition than going to the GSLP. That has never stopped me trying to help the individual, ever.

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She does not believe me, she believes the people who have told her ... Well, it is her prerogative to believe whoever she wants. What she is saying to me is the people who claim that I have refused to help them and I have lectured them for not voting for me want to come back to me, but want security that they will not be victimised. You could not invent this. I would have thought that if I am telling her that it is not true ... How else does the hon. Member expect me to react? I would like to meet these people. I am happy to meet them with her and they can say the date and the time and the occasion when I have said to them, 'I will not help you because you did not vote for me.'

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Hon. Ms M D Hassan Nahon: I think it would be amazing if they met him, but I think there is too much fear of repercussion for that.

I have one supplementary on Question 574, about the board on disability allowances. The Minister says it is composed of medical and health professionals. Is it possible to know the names of the people on these panels? And can I also ask how often do these panels meet?

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Hon. Sir J J Bossano: Mr Speaker, my understanding is that it is not possible to name them. *(Interjection by Ms M D Hassan Nahon)* It has never been possible to name them. It is not something that I have introduced because they are GSD or GSLP or anything else; I think it is because ... She may not have noticed it, but in Gibraltar if you are on a panel of anything, everybody will find a way of collaring you and lobbying you, and therefore people are not comfortable to be on panels and have either people lobbying them to get the decision they want or people insulting them for not having delivered the decision they want. It happens not on this panel alone but on almost every panel that there is anonymity to protect the people on the panel, because if there was not it would be very difficult to find people willing to be on the panel. That is the answer. It is not a policy decision introduced by the Government. It is something that, to my knowledge, has always been a problem because we all know – except her – that if you are on a panel, whether it is housing or promotions or recruitment, or whatever it is ... People come to me, sometimes, of different political affiliations, and say, 'Can you try and make sure that they select my son or my grandson in a promotion?' and I say, 'I do not do it for anybody in my family, never mind anybody else's. I do not believe in this, it should not be done, and I do not do it.'

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So the answer is that the anonymity is a requirement which appears to be necessary for the continuity of the system.

2650 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker. I accept that answer. I wanted to just follow up on how often they met – I do not think the Minister answered that – if he has some kind of idea.

Hon. Sir J J Bossano: I do not know how often they meet.

2655 **Mr Speaker:** The Hon. Edwin Reyes.

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

2660 I thank the Hon. the Father of the House. In my opinion, he answered Question 572 correctly in the manner that it was posed because Government had never had any original plan. But because of public interest, perhaps the Hon. Minister, or another Member if that is more appropriate ...

2665 If we go back through exchanges we have had in this House over different question sessions, mainly by the Minister for Sport and myself, it has come to light that the Gibraltar Football Association was interested and eventually purchased the lease over the Victoria Stadium. I do not know how clearly or how ... but it was implied and always understood that the GFA was able to do that thanks to grants it was going to receive from international sporting bodies such as UEFA and FIFA. It may or may not be something of but at least that is the understanding we always had here. The general public had then been led to believe that the Government of Gibraltar had decided to sell that stadium partly because that would then allow the Football Association to develop that facility for football exclusively. I do not think they were making a secret of it. The Government explained that the money received from the premium of that sale was what it was going to use to enhance the facilities. That is why we have ended up with Lathbury Barracks. So all that seems to have been fair and above board.

2675 The part that brings big confusion amongst the local population is everyone thought that UEFA and FIFA were still going to give additional funding to the Football Association now that they had got the lease, now that it was theirs. In fact, I had heard that there were obstacles, that they could not receive further funding because they were not willing to subsidise a landlord who was going to be the Government of Gibraltar, so it was now theirs exclusively. Is the Government aware of the Gibraltar Football Association not having any other financial resources available, hence why – what the Father of the House was explaining – they had to seek other funding methods? Or is FIFA or UEFA one of the parties that, alongside whichever other entities, are also going to be financial contributors?

2685 That is still the big question hanging over people, whether it is directly Government's responsibility to offer those answers or not I understand and appreciate, but perhaps the Government Members are aware of certain facts that can help people put the subject to rest and we can talk about something else over Christmas. Other than the typical family conversation on Christmas Day, is there going to be who has what amount of money in respect of the stadium?

Hon. Sir J J Bossano: They must be very happy with it because it keeps going up, actually.

2690 I am not familiar with the background to this, I am only involved because of the need to make it happen, but my understanding is that there are payments that are provided beyond the £16½ million and that they still continue, but those payments would be for the upkeep of the stadium and, depending on the size of the payments, they might have been enough if it was possible to produce a stadium at a sufficiently low cost and raise the money privately and service the loan with those payments, but the amount of money they receive and will continue to receive for the stadium ... I do not know whether they will stop if there is no stadium. If there is no stadium here, the payments may stop if they cannot be used, but the money was available on the basis that there would be a stadium there. Having looked over a number of years for the most economic stadium that could be built, we are nowhere near enough to say we can use that to raise a loan

2700 and then pay the interest and repay the loan out of that maintenance money and still have money to do maintenance.

This is the information that I have been provided with. I cannot vouch for the accuracy, but it makes sense that they had got to the stage where they were being told, 'You are not going to be allowed to continue there anymore,' and then it would have meant that Gibraltar would have had to go to Portugal or wherever for the home games. On the actual investment that is being made, I am confident that it will work. I am told that the holding of matches here means that you get people coming on charter flights and that it does mean that the economy will benefit, that the private sector will benefit. And then, of course, if there is activity and the private sector is making money because we get lots of people coming to watch football, it will be quite unique to have a situation where the fans who come to Gibraltar on a plane get off the plane, cross the tarmac and there is the hotel and the stadium. That probably does not exist anywhere else.

2710 It is seen as something that would be quite successful by the people who are involved in this, which is not me, and it seems to make sense. I am sure that if they had been able to make the equation work, they would have done it without coming to me to look for help.

2715 **Mr Speaker:** Next question.

Hon. D A Feetham: I hope the Hon. Minister can help. He may recall that I asked a question several sessions ago about the amputee who had applied for disability benefit. In June 2021 that application had not been determined. Given that we are talking about constituents and assisting constituents and also about disability allowance, I have written to the Hon. Minister and I am told by his PA that the letter is on his desk. Could I at least go back to the constituent and say that you will look at it in within a prompt period of time? She is in desperate situation and it would be a phenomenal Christmas gift for her.

2725 **Hon. Sir J J Bossano:** I can tell him I will get it tomorrow at six o'clock in the morning.

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q625/2022

Sewage treatment plant – Announcement re successful bidder and start date

2730 **Clerk:** Question 625/2022. The Hon. Ms M D Hassan Nahon.

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

On the matter of the sewage treatment plant, by when does Government expect to announce a successful bidder and start date for this long-awaited project?

2735 **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, we expect to announce the successful bidder and start date in the first half of 2023.

2740 **Hon. Ms M D Hassan Nahon:** Mr Speaker, as we all know, we have been on the verge of getting on with this project for quite a while. I genuinely, constructively, ask the Minister to give us some

information, or maybe give us some clue that maybe will actually be a long-lasting promise or commitment to the people of Gibraltar in what is an election year and people could be thinking as just one more of these promises from a long time ago.

2745

Thank you.

Hon. Prof. J E Cortes: Mr Speaker, I think the hon. Lady knows that I do not make that kind of promise; nevertheless, I will respond.

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The House is well aware of the difficulties that we have had from the outset: first, in getting the right technology; and second, after an advanced work contract had been given, work had started and the design had been taken to Planning, the joint venture in question went into administration and then we had to look at all sorts of legal complexities to see what the next steps were. We are finally through that hurdle. The call for expressions of interest closed on 28th November. There were a handful – five or six; I am not quite sure how many – of proposals put forward. These have now been sent to our technical assessors, who are the people who have been advising the Government ever since the start of this project. We are told that the technical analysis and recommendations will take between four and six weeks, so in February we should have the technical recommendations of the specialists. Obviously, then we have to look at the financials.

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So my answer, which said we expect to make an announcement in the first half of the year, is accurate as far as all the information I have. We are making progress.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker, and I thank the Hon. Minister.

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Can I just ask, pending these recommendations, is that what they are waiting for – to know exactly, more or less, where they are going with the contractor who will get this project? Do they have any idea where this is going? Do they seem to feel a preference for one entity over another?

Hon. Prof. J E Cortes: Mr Speaker, this is a purely technical assessment by technical experts. We have sent them all the proposals, which have a range of different variables within them, and we will then consider the technical reports to see which is the best option available, of course going hand in hand with the financial assessment, which will be carried out by people with financial expertise.

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Mr Speaker: Are we proceeding to the next question?

Chief Minister (Hon. F R Picardo): Mr Speaker, after your remarkable four and a half hours in the Chair until now, I wonder whether this might be a convenient moment to have a short recess for 15 minutes before we come back and deal with the final questions and one Bill, I believe.

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Mr Speaker: The House will now recess for 15 minutes, to return at quarter to eight.

The House recessed at 7.31p.m. and resumed at 7.46 p.m.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q629-30/2022

**Carrying and use of offensive weapons –
Convictions in past four years**

Clerk: We continue with answers to questions. Question 629/2022. The Hon. D A Feetham.

2785 **Hon. D A Feetham:** Mr Speaker, how many convictions have there been in each of the last four years for crimes associated with carrying, or injuries caused by the carrying of knives, guns or other offensive weapons in Gibraltar?

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, I will answer this question together with Question 630.

2790 **Clerk:** Question 630/2022. The Hon. D A Feetham.

Hon. D A Feetham: How many convictions have there been in the last four years in respect of the (a) importation and (b) supply of cocaine, cannabis and heroin in Gibraltar?

2795 **Clerk:** Answer, the Hon. the Minister for Justice, Equality and Standards.

Hon. Ms S J Sacramento: Mr Speaker, convictions in respect of the importation of cocaine: 2018-19, seven; 2019-20, nine; 2020-21, two; 2021-22, four; and 1st April to date, one.

2800 Convictions in respect of the importation of cannabis: 2018-19, 11; 2019-20, 14; 2020-21, six; 2021-22, eight; and 1st April to date, five.

There have been no convictions in respect of the importation of heroin.

Convictions in respect of the supply of cocaine: 2018-19, 11; 2019-20, four; 2020-21, five; 2021-22, seven; and 1st April to date, one.

2805 Convictions in respect of the supply of cannabis: 2018-19, 14; 2019-20, three; 2020-21, 11; 2021-22, five; and since 1st April, four.

There have been no convictions in respect of the supply of heroin.

Convictions for crimes associated with the carrying of knives: 2018-19, two; 2019-20, one; 2020-21, none; 2021-22, one; and since 1st April, three.

There have been no convictions for crimes associated with the carrying of guns.

2810 Convictions for crimes associated with the carrying of other offensive weapons: 2018-19, four; 2019-20, six; 2020-21, two; 2021-22, seven; and 1st April to date, four.

Mr Speaker: Next question.

Q631/2022
National Disability Strategy –
Expected date of publication

2815 **Clerk:** Question 631/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update as to when the Government expects to publish its National Disability Strategy.

2820 **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, as I mentioned in the previous answer, a lot of work has been done and continues to be done on this. This something that cannot be rushed if we are to do it right. The Disability Strategy will be published when it is ready.

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2830 **Hon. D J Bossino:** Yes, and I agree with the sentiment that this is something that should not be rushed and it should be done right, but is she able to give some indication to the House as to which subject areas are causing the delay? Let me put it this way: which areas are pretty much done and dusted, crystallised and developed to a point where she could publish but she has to develop other areas? In other words, is she able to provide some sort of audit as to where we are by way of a snapshot now?

2835 **Hon. Miss S J Sacramento:** Mr Speaker, I would invite the hon. Gentleman to refer back to the *Hansard* of my Budget speech earlier this year, where I explained it – but I am happy to explain it again, because it is obviously something that is very important.

Our strategy will go hand in hand with the work that we are doing in order to request the extension of the implementation of the UN Convention to Gibraltar, because that is really what provides our roadmap and our pathways in terms of the strategy and what we are doing.

2840 As I have explained in relation to a previous question that the Leader of the Opposition posed on this back in May, and as I did in June as well, the Disability Strategy will deal with different types of disability. It will deal with learning disability, it will deal with physical disabilities, it will deal with both, and there is also an overlap with disability as there is with mental health. Within that, there are different themes and different structures through the Disability Strategy. As I explained on the last occasion, a lot of work has been done in relation to the autism pathway, so there is a document that is almost ready. It is something that I commissioned last year in my capacity as Minister for Health and Care. It is something that originally was started as part of the Mental Health Strategy we did, and it is led by the Gibraltar Health Authority and the Care Agency. I think that is something that is now in its final stages, so that will deal with a big aspect of the strategy, but in addition to that, there are lots of other things.

2850 I am happy to, beyond this House, Mr Speaker, of course, speak to the hon. Gentleman and update him in greater detail.

2855 **Hon. D J Bossino:** I am grateful for that very full reply. I do not think I caught in her answer any reference ... We have had this ... not discussion or debate, but we have had this exchange in this House in relation to the Special Needs Co-ordination and Liaison Office, which I know works under the auspices of the Chief Minister, and that office I think has set up a website and also a Special Needs and Disability Council, in respect of which I think they were inviting people to be members and provide a contribution. What role do they have? I know it falls under her ministerial responsibility as well, so in what way are they assisting in populating this strategy?

2860 **Hon. Miss S J Sacramento:** We all work together, Mr Speaker. This is a Government strategy, so everyone will input into the strategy, and then it is led and co-ordinated by my office. But we all certainly work together because this one Government.

Q632/2022
Bayside School –
GRA investigation re breach of data protection

2865 **Clerk:** Question 632/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm that a full independent investigation is being carried out by the GRA in relation to a serious breach of data protection in relation to a child at Bayside Comprehensive School on 14th December 2022?

2870 **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, the GRA is currently considering the matter.

2875 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer and I appreciate that the GRA would
conduct an investigation in relation to this matter, but what other steps is the Government taking?
We do not want to – of course – delve into some of the details because they are extremely
sensitive and have been disseminated to a wide number of people in this community, who have
been asked to delete this particular email that was sent by the admin of the school. What is the
2880 Government doing to ensure that there is not a repetition of an extremely serious breach of data
protection in our community and one that should be, and I think is probably going to be, rightly
handled by the Minister?

Hon. Miss S J Sacramento: Mr Speaker, the supplementary question is different to the initial
question. The initial question relates to the regulator, and of course the regulator will deal with
2885 the matter independently of the Government because the GRA is the independent regulator in
this respect.

In relation to the additional question, I can advise the hon. Gentleman that of course this a
matter that is been taken very seriously. It was, in fact, the Government that reported the matter
to the GRA, and the Government and the Data Protection Officer of the Government have
2890 undertaken a report and all necessary steps in this regard, so I can assure the hon. Gentleman that
this matter has been taken extremely seriously.

Hon. E J Phillips: I am grateful for the answer. Can the Minister also confirm that the family in
question is being given every support that is necessary, given the extremely sensitive nature of
2895 this particular data breach?

Hon. Miss S J Sacramento: Mr Speaker, I am loath to give any detail in relation to this matter
across the floor of the House. I can speak to the hon. Gentleman in private, but I remind the hon.
Gentleman that the question here relates to the regulator and not to the actual incident, and given
2900 the nature of what we are discussing, I would not like to give any further detailed information in
this House. I do not think it is appropriate to do so.

Q633-34/2022

Fees paid to law firms by Government – Services provided

Clerk: Question 633/2022. The Hon. E J Phillips.

2905 **Hon. E J Phillips:** Mr Speaker, can the Government state what legal services were being
provided by the law firm Hassans for the Government to pay the same £3.09 million-odd in legal
fees over the last three years so far?

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

2910 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 634.

Clerk: Question 634/2022. The Hon. E J Phillips.

2915 **Hon. E J Phillips:** Mr Speaker, can the Government state what legal services were being provided by the law firm Isolas for the Government to pay the same £2.87 million-odd in legal fees over the last three years so far?

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

2920 **Hon. Miss S J Sacramento:** Mr Speaker, those law firms, together with a number of other law firms in the jurisdiction and outside it – including the firms of which the Hon. Mr Azopardi and Mr Bossino are partners – provide legal drafting, advisory and litigation services. The sums the hon. Gentleman quotes are, however, not just for that type of work and can include disbursements paid to third parties, for example leading counsel in London, medical and other
2925 experts etc. It has not, however, been possible to provide a breakdown of the figure further in the time available.

Hon. E J Phillips: Mr Speaker, to assist the hon. Lady, when I delivered those calculations I only focused on the fees that were due to those firms, not the disbursement. So she is incorrect in her
2930 answer because I calculated them myself, unless my fingers were wrong on the calculator. They relate to fees to those law firms and not disbursements to counsel or any other firm from London, so I struggle to understand how, over the three year period, the Minister cannot set out in detail by way of schedule what those fees were for, and I would be grateful if she could clarify on what
2935 basis she cannot quantify them.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Lady has said ‘in the time available’. It is not that in the time available there are, because he is asking about two years, two bills. There are very many bills in the period of a year, and therefore it is not possible to give the breakdown.

I do wonder why it is that he is concentrating on Hassans and Isolas and is not asking about the
2940 other law firms. For example, TSN had £6.5 million paid in the financial year 2019-21, which was the double financial year, £1.2 million paid in the financial year before that, £2.1 million paid in 2016-17 and £6 million paid in just one year, which was 2014-15, when Isolas had £300,000 paid and Hassans £2.3 million paid.

I do wonder whether there is just a political game being played, but the fact is that in the time
2945 available it has not been possible to provide more breakdown. Neither are we going to give hon. Members a breakdown on a case by case basis.

Hon. E J Phillips: I do not agree with the Chief Minister. He is not looking at the specific
2950 schedule that relates to legal services. That is the direction of my questions, not in relation to other schedules that appear on the Government’s website. I have specifically asked in relation to legal services, which amount to over 90% of those legal fees going to the two firms that I have referred to in this House. So the references the Chief Minister is making to other forms of services that are being offered by those firms ...

I have focused on those particular two firms for the following reason, Mr Speaker. He will recall
2955 that in his 2011 manifesto a commitment was made to the people in his so-called – now infamous – New Dawn manifesto, where he said the following:

We believe that the Government’s legal work should primarily be handled by the Counsel employed in HM Attorney General’s Chambers. Here we will increase the number of Senior Crown Counsel. Where the necessary expertise is not available ‘in-house’ it should be outsourced. The process of outsourcing legal work must be done fairly and equitably – and legal work must not be given to one or another set of Chambers who may be close to one Minister or another. We will ensure that all legal services procured from the private sector for Government provide value for money, are provided by practitioners with recognised expertise in their field and are evenly spread throughout the legal community.

Does the Chief Minister agree with me that 90% of legal services provided to two firms in which two Ministers – including himself as a seconded partner of Hassans, and Mr Isola, who is closely related to Isolass the firm – is a breach of that promise to our community in 2011?

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Hon. Chief Minister: No, Mr Speaker, I do not, because that is not what has happened. He might want to say that, for the purposes of trying to persuade anybody who is not seeing this in context that that is the case and to create a scandal around it, but that is not the position.

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In one year we paid Triay & Triay £3.5 million. That was in 2016-17. In that year, Hassans had £1 million and TSN had £600,000. In the year before, TSN had £2 million. It just does not make any sense for the hon. Gentleman to be casting aspersions in the way he is now. In 2014-15, TSN had £6 million of legal fees, Isolass £300,000 and Hassans £2.3 million, so the calculation is the complete opposite that the hon. Gentleman suggests. Indeed, if we look at the fees from 2011 to 2022, Triay Stagnetto Neish have had £21 million of legal fees from this Government and Hassans have had

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£28 million – except, of course, Triay Stagnetto Neish have approximately 20 lawyers, so that is £1.4 million per lawyer, and Hassans have about 80, so that is about £300,000 per lawyer. So we are doing exactly what we said we would do. We are going to people who have the expertise, and if we do not go to some, it is because we do not rate them.

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Hon. E J Phillips: Mr Speaker, I understand the Chief Minister is going to get slightly frustrated by the question. I am asking only about legal services – I know he is getting very hot under the collar about the subject – and the reason why I confined it to legal services was ... represents that particular figure. He has sought to draw this out and look at other areas which are not germane to this question. He is introducing irrelevant ... and not the subject matter of the question. He is doing it for a purpose and he is attempting to mislead the House in this way, Mr Speaker. He should be –

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Mr Speaker: You must not – (*Interjection*) No, hold on –

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Hon. Chief Minister: He should put a motion, Mr Speaker.

Mr Speaker: You have to withdraw the – (*Interjection*) You have to – (*Interjections*)

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Hon. Chief Minister: Mr Speaker, every single word that I have provided to this House is in the schedule that has been provided to me by the Treasury. Therefore, it is entirely true, and if the hon. Gentleman does not like the sound of the truth, then he has no place in this Parliament. This is a place of truth, and truth only.

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Hon. K Azopardi: Will the Chief Minister provide us with a copy of that schedule?

Hon. Chief Minister: Of course, Mr Speaker.

Questions for Written Answer

Clerk: We go on to Written Questions.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W70/2022 to W80/2022.

Order of the Day

GOVERNMENT MOTION

Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2022 – Motion carried

Clerk: (ix) Order of the Day. Government motion. The Hon. the Minister for Social Security, Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank.

3005 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I beg to move:

That this House approve by Resolution, pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2022.

3010 This Order seeks to amend the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order by increasing the rates of old age pension and survivor's benefit by 7.6% with effect from 1st August 2022, which represents the annual increase. Mr Speaker, that, of course, has already happened and what I am seeking is the approval of the House for the last increase in old age pension, which was related to the level of inflation at the time, as is the case with annual reviews.

3015 **Mr Speaker:** I now propose a question in the terms of the motion moved by the Hon. Minister for Social Security, Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank.

Does any hon. Member ...? The Hon. Roy Clinton.

3020 **Hon. R M Clinton:** Thank you, Mr Speaker.

I recognise what the Hon. Minister has said, and I can confirm to the House that this in line with what was announced in the Chief Minister's Budget speech on lines 745 and 746, that the old age and disability benefits would go up by the rate of inflation, which at that time was estimated to be about 8%. I can confirm to the House that I have checked the RPI calculator for 1st April 2022, and that is, as the Hon. Minister has said, 7.6%. I can also confirm to the House that I have, just for sake of clarity, compared, on a test basis, the rates as in his Legal Notice 209/2022 published on 21st July 2022 with the similar Notice 348/2021 published on 26th July 2021, and that the difference in the amounts quoted is in fact, as the Minister has said, 7.6%. I say that just to give assurance to the House that we, on this side of the House, have also looked at what the Minister has said, and I can confirm that what the Minister has said is in line with the calculations.

3030 I believe we obviously will, as stated at the time of the Budget, be supporting the motion.

Mr Speaker: If no other Member wishes to speak, I will call on the mover to reply.

3035 **Hon. Sir J J Bossano:** The support of this measure has always been a unanimous decision of this House.

Thank you.

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. Minister for Social Security, Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank. Those in favour? (**Members:** Aye.) Those against? Carried.

BILLS

FIRST AND SECOND READING

Merchant Shipping (Miscellaneous Amendments) Bill 2021 – First Reading approved

3040 **Clerk:** (ix) Bills – First and Second Reading.

A Bill for an Act to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act 1993. The Hon. the Minister for Business, Tourism and the Port.

3045 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act 1993 be read a first time.

3050 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act 1993 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Merchant Shipping (Miscellaneous Amendments) Act 2021.

Merchant Shipping (Miscellaneous Amendments) Bill 2021 – Second Reading approved

3055 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, I have the honour to move that the Bill for the Merchant Shipping (Miscellaneous Amendments) Act 2021 be read a second time.

I have had a favourable discussion with the Hon. Mr Phillips in respect of this Bill already, but as we know, unfortunately he is not with us at the moment.

Clause 1 contains provisions in relation to the title and entry into force of the Act.

3060 Clause 2 amends section 49 of the Merchant Shipping Act. Section 49(5) of the Merchant Shipping Act provides that any reasonable expenses being incurred by a ship owner in respect of illness and burial of any seafarer shall be deducted from the wages of the seafarer. This is in conflict with regulation 29(1)(a), (b) and (e) of the Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013 and impedes the need to give effect to standard A4.2.1(d) of the Maritime Labour Convention 2006. Regulation 29(1)(e) says that the owner of a Gibraltar ship must meet the burial costs of the death of a seafarer on board the ship or ashore during the seafarer's period of engagement, and regulation 29(1)(a) and (b) obliges the owner to be responsible for medical care and board and lodging whilst the seafarer is ill, in accordance with sub-regulation (2). The Maritime Labour Convention has been extended to Gibraltar as from 7th August 2013. We therefore propose to remove the deduction from wages imposed on the seafarer by section 49(5).

3070 Today, Mr Speaker, I have also given written notice of an amendment to the Bill, which I believe has already been circulated to all Members. The amendment adds a new provision in section 2 of

the Bill, adding at the end of the current sentence after section 49, before the full stop, the following:

and for section 179 page 5 substitute:

(5) Gibraltar has a right to exclude the application of article 2 paragraph (1)(d) of the Convention on Limitation of Maritime Claims 1976 as amended. Gibraltar excludes article 2 paragraph (1)(d) of the Convention on Limitation of Maritime Claims and therefore applies unlimited liability in respect of wrecks. Additionally, sections 179P(5) and (vi) are repealed.

3075 The consequence of this amendment will be to amend the Merchant Shipping Act in order to give effect to the exercise of the right to exclude the application of article 2(1)(d) of the Convention on Limitation of Maritime Claims 1976, as amended, and to equalise the liability with regard to wrecks of non-Gibraltar registered ships with that applicable to Gibraltar registered ships.

3080 I would make the following additional points on this amendment. The new section 179H(5) provides that Gibraltar has exercised its right to exclude the application of article 2(1)(d) of the 1976 Convention as amended. This mirrors paragraph 15 of the 2014 administrative instruction which applies to Gibraltar registered ships. The effect of this new section 179H(5) is to provide unlimited liability for owners with regard to costs relating to the removal of wrecks. The
3085 amendment also removes the reference to insurers being able to rely on the right to limit liability on the removal of wrecks. This does not, however, affect the limits on the wreck removal insurance, which is required for all ships entering or leaving the Port of Gibraltar.

Article 12(1) of the Nairobi Convention provides that owners are required to maintain insurance or other financial security to cover liability under this Convention in an amount equal
3090 to the limits of liability under the applicable national or international limitation regime, but in all cases not exceeding an amount calculated in accordance with Article 6(1)(b) of the Convention on Limitation of Liability for Maritime Claims 1976 as amended.

Section 179J(3) of the Merchant Shipping Act states that a foreign ship with a gross tonnage of 300 or more may not enter or leave the Port of Gibraltar unless that ship has wreck removal
3095 insurance. No reference is made to the amount of wreck removal insurance in the Merchant Shipping Act. However, regulation 4(3), (4) and (5) of the Gibraltar Merchant Shipping Insurance for Maritime Claims Regulations 2012 (the Insurance Regulations) state:

(3) Every shipowner of a ship flying a flag other than the flag of Gibraltar must, if in conformity with international law, have insurance in place when that ship is operating in BGTW.

(4) The insurance referred to in subregulations (1) to (3) must cover maritime claims subject to limitation under the 1996 Convention.

(5) The amount of the insurance for each and every ship per incident must be equal to the relevant maximum amount for the limitation of liability as laid down in the 1996 Convention.

It follows from these provisions that ships must have wreck removal insurance and that it must cover the maximum amount for the limitation of liability as laid down in the 1976 Convention.

3100 In addition, article 12(10) of the Nairobi Convention states that even if the registered ship is not entitled to limit liability, the insurance may limit liability to an amount equal to the amount of the insurance required to be maintained in accordance with paragraph (1), i.e. subject to the limits in the 1976 Convention.

In the circumstances, notwithstanding unlimited liability by the owner on wreck removals, the
3105 insurer may seek to argue that his liability is limited to what is provided for in the insurance.

We have also considered and sought advice on whether, where Gibraltar exercises the right to exclude the limitation of liability for wrecks and this liability is unlimited, regulation 4 of the insurance regulations should be amended to reflect this. In the Government's view, based on
advice, it would be neither prudent nor practicable to do this. It is extremely unlikely, if not
3110 impossible, for an insurance company to be willing to provide unlimited wreck removal insurance.

This is particularly so having regard to article 12 of the Nairobi Convention, which only requires insurance not exceeding the limits of liability in the 1976 Convention. This is, therefore, what all ships will have. Imposing an insurance requirement for ships entering or leaving Gibraltar which ships are not able to comply with would lead to the collapse of all commercial shipping operations – including cruise liners – in Gibraltar. The upshot of all this is that the proposed amendment to the Act as set out in the amendment, written notice of which I have this morning ... created unlimited liability for owners.

3115 The Gibraltar Merchant Shipping, Maritime and Labour Convention Regulations 2013 are made partly under section 118 of the Gibraltar Merchant Shipping Safety Act 1993.

3120 Clause 3(1)(a) of the Bill introduces a new section 3A into the Gibraltar Merchant Shipping Safety Act 1993. This clause 3A will allow the Maritime Administrator, with the approval of the Minister, to issue Maritime Labour Notices for certain purposes under clause 3A(1)(a) to (e). All these purposes are centred around compliance with any requirements under the Maritime Labour Convention and/or providing any relevant guidance in relation to any requirement.

3125 I will now explain clause 3 of the Bill. Taking clause 3A(1) as a whole, Maritime Labour Notices should be used to (1) implement any requirement under the Maritime Labour Convention, (2) provide guidance on how to achieve compliance if the requirement under the Maritime Labour Convention does not provide for this; (3) provide guidance on compliance with any requirement under the Maritime Labour Convention; (4) provide explanations and other information to ship owners and seafarers on how to comply with any requirement under the Maritime Labour Convention, including the recommendations of any international bodies who monitor the standards under the Maritime Labour Convention; and (5) prescribe forms for different purposes under the Maritime Labour Convention.

3130 Clause 3A(2) would make the Maritime Labour Notice have the force of law and therefore there is a requirement to publish in the Gibraltar Gazette, as happens in the case of administrative instructions issued under section 3(5) of the Gibraltar Merchant Shipping Safety Act 1993.

3135 Clause 3A(3) contains enforcement provisions to ensure compliance with Maritime Labour Notices. If a master or owner of a ship does not comply with a Maritime Labour Notice, this would constitute a summary offence and the ship is then liable to be inspected and detained in accordance with amendments and regulations 44 and 45 of the Gibraltar Merchant Shipping (Labour Convention Regulations) 2013, which should be brought into force by the enactment of this Bill and are now contained in the Gibraltar Merchant Shipping (Maritime Labour Convention) (Amendment) Regulations 2021.

3140 A defence is available as provided in clause 3A(4). The Gibraltar Merchant Shipping (Maritime Labour Convention) (Amendment) Regulations 2021 include a definition of ‘Maritime Labour Notice’ under regulation 2(1) and reflect the enforcement provision under clause 3A(3).

3145 Clause 3A(5) contains various definitions which are relevant for the purposes of understanding and interpreting clause 3A.

3150 Clause 3(1)(b) of the Bill contains an amendment to section 21 of the Gibraltar Merchant Shipping (Safety, etc.) Act 1993. The aim is to repeal section (2) of section 21. This provides that in the case of shipwreck or loss of a ship, proof that a seafarer has not exerted himself to the utmost to save the ship, cargo or store bars has claimed for wages. Due to changes to the Maritime Labour Convention and the fact that section 21(2) conflicts with regulation 21 of the Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, section 21(2) should be omitted. Regulation 21 obliges the ship owner to pay wages to the seafarer on a ship which is lost or found if certain permissions are fulfilled.

3155 Clause 3(1)(c) of the Bill contains an amendment to section 118(1)(c) of the Gibraltar Merchant Shipping (Safety, etc.) Act 1993. Section 118 is a regulation-making power, and the purpose of section 118(1)(c) is to inter alia give effect to Gibraltar to international conventions or agreements by regulation. We are adding to the words of section 118(1)(c) to provide expressly that implementation by regulation is also possible where a relevant international agreement or convention is revised, modified or amended.

Mr Speaker, I commend this Bill to the House.

3165 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I rise because at one point I used to have responsibility for the Port. I do not have the benefit of the discussions he says he has had with my friend Mr Phillips, who was dealing with the matter in detail.

3170 This is a Bill which, in discussions on this side of the House, we were going to support in any event, but I would ask him to clarify just a few points. If he goes to the explanatory memorandum, it basically says that these amendments are being done. I would say that the substantive amendments are set out in clause 3 of the Bill by imperative of the Convention, which is the Maritime Labour Convention 2006, but is he able to clarify and confirm that there are other provisions that are being introduced as a result, which are outside the requirements set out in the Convention I have just referred to? It is clear that it sets out in his letter introducing the amendment to section 179H(5) of the Act, where he wishes, in effect, to disapply article 2 to another convention, which is the Convention on Limitation of Maritime Claims 1976. In relation to that one, can he give us an insight as to what the rationale is behind this application?

3180 I may have missed this, but he was referring to the Nairobi Convention and I think that impacted on issues in relation to maritime insurance. I think what he was looking at there was the removal of the limitation. Can he just give an explanation, as well, as to what the rationale is in relation to that?

3185 If I can split them into two, basically these amendments are as a result of the 2006 Convention, which have to be done, and I understand that, but these other amendments seem to suggest that it is as a result of Gibraltar-focused thinking and I wanted to understand what the rationale was behind that thinking.

3190 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I just rise and address both of those points in the context of my own address, to say that the first point that arises, in relation to maritime labour, as the hon. Gentleman has identified, is a change that we have to make and it is a change that does not go beyond what we are required to make.

3195 The second point, which relates to issues relating to the Nairobi Convention and the insurance related thereto, is a choice that nations are entitled to make under the Nairobi Convention. It is not a choice that we had been alerted to. The ability to make that choice in Gibraltar we have now been alerted to, and as a result we have been advised that most nations have uncapped liability in that way, but that they uncap it in relation to owners of vessels, not in relation to insurers. Otherwise, insurers might take the view that if there is uncapped liability for insurers, they would not insure vessels transiting the territorial sea of a state that has made such a choice. So, for that reason, the limitation of the choice that we are making is to make unlimited the liability of owners, but to keep limited the liability of insurers.

I hope that is helpful.

3205 **Hon. D J Bossino:** Sorry, Mr Speaker, in relation –

Mr Speaker: I think you cannot speak. If you had asked for leave –

3210 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill?

I will now put the question, which is that a Bill for an Act to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act 1993 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

3215 **Clerk:** The Merchant Shipping (Miscellaneous Amendments) Act 2021.

**Merchant Shipping (Miscellaneous Amendments) Bill 2021 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Business, Tourism and the Port (Hon. V Daryanani): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

3220 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

**Merchant Shipping (Miscellaneous Amendments) Bill 2021 –
Clauses considered and approved with amendment**

Clerk: Committee Stage and Third Reading.

3225 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the Merchant Shipping (Miscellaneous Amendments) Bill 2021.

In Committee of the whole House

Clerk: A Bill for an Act to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act 1993.
Clause 1.

3230 **Mr Chairman:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

3235 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** I move the amendment in the terms of the letter that I have circulated.

Mr Chairman: Are Members of the Opposition content with the amendment?

3240 **Hon. E J Reyes:** Mr Chairman, just for the record, the title, I think –

Mr Chairman: Is 2021, yes.
Clause 2, as amended, stands part of the Bill.

Clerk: Clause 3.

3245 **Mr Chairman:** Clause 3 stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Merchant Shipping (Miscellaneous Amendments) Bill 2021 –
Third Reading approved: Bill passed**

3250 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Merchant Shipping (Miscellaneous Amendments) Bill has been considered in Committee and agreed to with an amendment, and I now move that it be read a third time and passed.

3255 **Mr Speaker:** I now put the question, which is that the Merchant Shipping (Miscellaneous Amendments) Bill 2021 as amended be read a third time and passed. Those in favour of the Merchant Shipping (Miscellaneous Amendments) Bill 2021? (**Members:** Aye.) Those against? Carried.

Adjournment

Mr Speaker: The Hon. the Chief Minister.

3260 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it has been a long year, and as we come to move the adjournment *sine die*, today I received a letter which I thought I should refer to the House. I am not going to name the individuals who sign it, but it says this:

Dear Mr Picardo

I would just like to take this opportunity, along with my wife, to express the deep gratitude for all the valuable work you and your Ministers do on behalf of all of us living in Gibraltar, especially over the last year or two, having to deal with many frustrating situations with great diplomacy.

We have lived here happily for the last eight years and have seen Gibraltar go from strength to strength. From day one, we were made to feel part of the family, and the friendliness and help that we have experienced from every person in every walk of life has been truly exceptional. If possible, please pass on our grateful thanks to everyone for the excellent service at the GHA, the Civil Status staff, MoT and Licensing staff who have made our life just that little bit easier and enjoyable.

In closing, it is truly an honour to live amongst people who come together as one, respect one another and still retain, in a modern world, the core family values.

Wishing you every success for the future.

3265 Mr Speaker, I include this Parliament in the institutions of Gibraltar that do us proud on many occasions. Even when we might be at our most rancorous and cantankerous, we are all seeking to ensure the best for our people, and given the year we have had, I thought that was a quite lovely way to end it.

3270 Mr Speaker, I have a message tonight for our children before we adjourn. The Commander of British Forces has been in touch with NATS, who are responsible for air traffic control. They have confirmed that air traffic control will be available without any difficulties from the early hours of 25th December to ensure that flight SANTAWIZZ1 is able to land at Gibraltar. MeteoGib have confirmed that we expect easterly winds, so the sleigh will land from the west runway with no

3275 crosswinds. The tunnel will be available for the reindeer to remain in, if they wish, whilst Father
Christmas is in Gibraltar. The Minister for Equality has provided that the same services will be
provided to all of the reindeer, regardless of the colour of their noses. The GHA have lifted all
3280 COVID restrictions, except in the Hospital and ERS, and the Borders and Coastguard Agency have
confirmed that all Gibraltar border requirements have been agreed for arrivals from Finland and
Lapland. Returns, in keeping with the Schengen Border Code requirements, have been agreed
with both Brussels and Madrid. All necessary arrangements have therefore been made by the
public sector to ensure that one Father Christmas will be able to visit each and every home in
Gibraltar this year. So, despite the very difficult prevailing economic circumstances and with the
support of our charities and in the spirit of community that characterises the best of Gibraltar at
difficult times, I am sure that every home in Gibraltar will be visited by Father Christmas this year.

Mr Speaker, I thank you and all your members of staff for all your help this calendar year.

3285 I thank all hon. Members for their work collectively with us in this Parliament this calendar
year.

I wish all of Gibraltar a very Merry Christmas and a happy New Year and Happy Hanukkah.

Mr Speaker, I move that the House should now adjourn *sine die*.

Mr Speaker: I now propose the question.

3290

Hon. Member: Am I allowed to reply?

Mr Speaker: No. *(Interjection)* No, I must say – *(Interjection)* I have to say I glanced and there
was no light, so I said, 'Well, it's ...' *(Interjections)* **(A Member:** Hear, hear.) I do this with utmost
3295 respect, no ... *(Laughter)*

I now propose the question, which is that this House do now adjourn *sine die*.

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

This House will now adjourn *sine die*.

The House adjourned at 8.24 p.m.